

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 26th FEBRUARY 2019

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

1. Annual General Meeting of the Commonwealth Parliamentary Association

I would like to remind Members that the annual general meeting of the Commonwealth Parliamentary Association, Jersey Branch, will be held in this Chamber at 5.45 p.m. and will be followed by a reception in the old library. I hope obviously that all Members will be able to attend.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of Deputy K.F. Morel of St. Lawrence as a member of the Planning Committee

The Deputy Bailiff:

We come now to Appointment of Ministers, Committees and Panels and the nomination for a member of the Planning Committee. The nomination of Deputy Morel.

2.1 Deputy R. Labey of St. Helier (Chairman, Planning Committee):

We have a vacancy on the Planning Committee due to the sad loss of the late Deputy Rondel. Deputy Morel of St. Lawrence has expressed an interest. He has a keen interest in the built environment and the environment as a whole, and I am sure would be a most valuable asset to the committee, so I would like to propose his membership.

The Deputy Bailiff:

Is the nomination seconded? [**Seconded**] Are there any other nominations? I declare Deputy Morel has been appointed as a member of the Planning Committee. [**Approbation**]

QUESTIONS

3. Written Questions

3.1 THE DEPUTY OF ST. PETER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE VILLE DU MANOIR HOUSING PROJECT: [WQ.104/2019]

Question

Further to the response to Written Question 74/2019, will the Minister, as shareholder representative, provide the following information from Andium Homes in respect of the Ville du Manoir housing project –

- (a) whether any land is to be acquired as part of the project and, if so, what the cost of any such acquisition is anticipated to be;
- (b) whether any provision will be made for infrastructure and services to support the development and, if so, what the estimated costs of such provision are; and
- (c) whether any contractual relationship exists between Andium Homes and the owners of the land to be developed and, if so, what is the nature of that relationship?

Answer

Andium Homes have provided the following response:-

- a. Yes the land is to be acquired by Andium Homes subject to planning approval for the development of the homes. The cost to be paid for the land is dependant on the timing of the project and cannot be disclosed both for reasons of commercial confidentiality and that the financial arrangements between Andium Homes and the land owner are the subject of a formal pre-sale agreement which requires the price to remain confidential. That is sensible given that Andium Homes is actively seeking out other sites and disclosing the price paid for any land at this stage could potentially hamper future negotiations and slow down the delivery of much needed homes.
- b. A full Planning Obligation Agreement (POA) was negotiated prior to the planning application being submitted. The draft POA included requirements to improve, street lighting, a new bus shelter, a new JEC Sub-Station, percentage for art contribution, a £10,000 payment to the then Department for Infrastructure for Travel Plan Reviews, along with a range of improvements to the existing road network. Given that the application was refused, these works were never fully quantified, however, Andium Homes has estimated that all in, these works might total around £400,000 equating to more than £6,500 per home;
- c. Yes, as mentioned in part 'a' of this question, there is a formal pre-sale agreement between the parties dealing with all matters relating to the land, its purchase and subsequent development by Andium Homes. This is a Parish led scheme and the Parish approached Andium Homes to pursue the development for the benefit of Parishioners. Andium Homes has elected to do so on a not for profit basis using the receipts from the proposed sales to fund the entire cost of the development, including land, works, professional fees and infrastructure contributions.

3.2 THE DEPUTY OF ST. PETER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INCOME TAX PAID BY HIGH VALUE RESIDENTS: [WQ.105/2019]

Question

Further to her responses to Written Question 39/2019 and 65/2019, will the Minister –

- (a) state the total amount of Income Tax paid by High Value Residents in respect of the tax year 2017; and
- (b) commit to undertake a review in order to show the amount of Income Tax paid by High Value Residents compared with the amount that would be paid by such High Value Residents if they were taxed on the same basis as other Islanders?

Answer

Taxpayer data relating to the 2017 tax year will not be available until after the first quarter of 2019. This response has been prepared based on the latest completed tax year for which audited figures are available (i.e. the 2016 tax year).

It is assumed the reference to 'High Value Residents' ("HVRs") relates to those individuals who come to Jersey by obtaining "entitled status" under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 and those who have access to preferential tax rates.

- (a) The personal income tax paid by HVRs for the 2016 tax year was about £12.3m.
- (b) Please see the updated response to WQ39/2019. This provides an indication of the amount of tax that would have been paid if those HVRs had paid 20% on all of their taxable income. Attention is drawn to the notes accompanying part (e) of the response to WQ39/2019. For the avoidance of doubt, the Treasury does not intend to undertake any further work in relation to this issue; Members

attention is drawn to the most recent review of the HVR tax regime which reported in December 2016 (see: <https://statesassembly.gov.je/assemblyreports/2016/r.130-2016.pdf>).

3.3 THE DEPUTY OF ST. PETER OF THE MINISTER FOR INFRASTRUCTURE REGARDING LEGAL REPRESENTATION USED BY THE FUTURE HOSPITAL TEAM: [WQ.107/2019]

Question

Will the Minister advise whether the Future Hospital team were represented by 39 Essex Chambers during the planning applications submitted for the new General Hospital; and, if so, will he state on how many occasions their services were used and what fees were paid on each such occasion?

Answer

Christiaan Zwart, a barrister at 39 Essex Chambers, assisted the Future Hospital Team on two occasions in connection with planning applications PP/2017/0990 and planning application PP/2018/0507.

The costs, including disbursements, on each occasion were:

PP/2017/0990 £11,991.60

PP/2018/0507 £26,332.70

3.4 THE CONNÉTABLE OF ST. LAWRENCE OF H.M. ATTORNEY GENERAL REGARDING THE IMPACT OF THE PROPOSED JUSTICE AND HOME AFFAIRS TARGET OPERATING MODEL: [WQ.108/2019]

Question:

Will H.M. Attorney General explain –

- (a) whether there is potential for the proposed Justice and Home Affairs Target Operating Model, which was published on 4th February 2019, to impact in any way on the operational independence of the States of Jersey Police when compared to the current structure; and
- (b) whether the implementation of the proposed Target Operating Model will require any amendments to legislation and, if so, what those legislative changes could be?

Answer

- a) The Connétable raises the important principle of operational independence of the States of Jersey Police. As Members will be aware this was the subject of a Report by the Comptroller and Auditor General in March 2018, which recommended, amongst other things, measures:-
 - (i) *“to reinforce further the operational independence of the States of Jersey Police”*; and
 - (ii) *“enhancing the role of the Police Authority.”*

The consultation on the proposed Justice and Home Affairs Target Operating Model contains proposals that brings the recommendations of the Comptroller into focus. Adequate safeguards will need to be put in place to ensure that States of Jersey Police operational independence is not compromised, both structurally and in practice.

- b) In the event of the proposals being implemented in their current form, it is likely to be necessary to make legislative changes to reflect the status of the new office of Head of Law and Border Enforcement, and the potential future absence of a Deputy Chief Officer of the States of Jersey

Police. This may involve amendments to the States of Jersey Police Force Law 2012 and the Customs and Excise (Jersey) Law 1999. The extent to which legislative changes might be required will depend on the outcome of the consultation and the nature of the model that is ultimately adopted.

3.5 THE CONNÉTABLE OF ST. LAWRENCE OF THE MINISTER FOR HOME AFFAIRS REGARDING CONSULTATION WITH THE JERSEY POLICE AUTHORITY DURING DEVELOPMENT OF THE PROPOSED JUSTICE AND HOME AFFAIRS TARGET OPERATING MODEL: [WQ.109/2019]

Question

Will the Minister obtain the views of the Jersey Police Authority, ensuring the Authority's response is made available to States Members, regarding the potential impact on the States of Jersey Police of the proposed Justice and Home Affairs Target Operating Model (T.O.M.), to include the extent to which the Authority was consulted during the development of the T.O.M. and whether it is supportive of it as it is currently constructed?

Answer

I will seek the views of the Jersey Police Authority as requested and ensure their response is made available to States Members.

3.6. THE CONNÉTABLE OF ST. LAWRENCE OF THE MINISTER FOR HOME AFFAIRS REGARDING THE DEVELOPMENT OF THE PROPOSED JUSTICE AND HOME AFFAIRS TARGET OPERATING MODEL: [WQ.110/2019]

Question

Further to the publication of the proposed Justice and Home Affairs Target Operating Model on 4th February 2019, will the Minister explain –

- (a) what involvement he had in developing the final new structure as outlined in the consultation document and if any changes were made as a result of his input;
- (b) how the reduction in the number of officers at tiers 3 and 4 in the Customs and Immigration Service, Fire and Rescue Service, and Ambulance Service is consistent with his comments, made in the Assembly on 3rd December 2018, that "*we are not looking to reduce numbers any further*" and "*I am not looking for any further budget cuts*";
- (c) what action he will be taking to ensure that the proposed reduction of officers at tiers 3 and 4 in these services is reversed;
- (d) what further action he will be taking to ensure that he meets the public commitments he has made to this Assembly and to guarantee that no further reductions in any of the other tiers are made; and
- (e) how current service levels and public safety would be either maintained or enhanced through the proposed reductions in numbers at tiers 3 and 4?

Answer

I have been clear that the final new structure for the Justice and Home Affairs Department must at least maintain the current level of service and, in due course, lead to an enhanced level of service for

the public. The Assistant Minister and I are providing political oversight of the development of the new structure and, for the avoidance of doubt, it will only proceed in its final form with our consent.

With that in mind, it is important to emphasise that the Target Operating Model published on 4th February 2019 forms part of a consultation with all staff in Justice and Home Affairs on the tier 3 and 4 roles within the Department, and is not the final new structure for the Department. The final structure for tiers 3 and 4 will take account of all views expressed during the consultation period. Accordingly, I encourage staff and other relevant bodies to continue sending in their responses to this consultation.

The numbers of officers at tiers 3 and 4 will be reviewed once the consultation has closed in order to ensure that any efficiencies initially identified within the management level of our services are consistent with the requirement to maintain, and preferably enhance, the current level of service to the public.

A further consultation will then take place later in 2019 on the remaining roles in the Department (tiers 5 and 6). I cannot envisage a situation where I would support any reductions in the number of officers at these tiers in any of our services.

I remain supportive of the principles on which the proposed new structure is based. I am also pleased that Scrutiny intend to review all the Target Operating Models for Departments, and look forward to working them in respect of my portfolio.

3.7 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE PROSPECT OF A COMMITMENT THAT JERSEY SHOULD BECOME A CARBON-NEUTRAL, OR CARBON-NEGATIVE, ISLAND: [WQ.111/2019]

Question

Further to recent action, including strikes, taken by young people in the U.K. to highlight climate change, will the Minister propose that the Government of Jersey commit in the next Government Plan to the target that Jersey should become a carbon-neutral or carbon-negative Island with an economy to match?

Answer

I thank Deputy Ward for his ongoing interest in this very important subject of climate change and how to reduce our carbon emissions.

Jersey's policies and suite of actions to reduce Jersey's carbon emissions by 80% on 1990 baseline levels by 2050 are set out in [Pathway 2050: An Energy Plan for Jersey](#), agreed by the States Assembly in May 2014. Jersey reports annually on its carbon emissions¹ and publishes an annual Energy Plan update report on www.gov.je.

In approving the plan, the States decided the Ministerial Energy Executive would be responsible for reviewing the plan and monitoring the actions in the plan. The Energy Executive group members are the Minister for the Environment, Minister for Infrastructure, Minister for Social Security, and Minister for Economic Development, Tourism, Sport and Culture.

The five year review of the energy plan will take place in 2020, and the Energy Executive, comprising the four Ministers will need to review the progress we have made to meet the targets which were set in 2014. The Energy Executive will develop new policy areas and actions to achieve and update our targets. Although I personally support his longer term objective, the Deputy's proposal has very

¹ <http://www.aether-uk.com/Resources/Jersey-Infographic>

significant wider implications for Jersey. I consider it would be premature for me as Environment Minister, in advance of the work referred to earlier, to pre-determine now that Jersey should become a carbon-neutral or carbon-negative Island with an economy to match in the current planning horizons.

I would welcome input from Deputy Ward, and to discuss the current energy plan for Jersey and try and find opportunities for the Deputy to get more involved in supporting the policies and actions within the plan.

I have asked officers to set up a meeting.

3.8 THE MINISTER FOR TREASURY AND RESOURCES WILL TABLE AN ANSWER TO A QUESTION ASKED BY DEPUTY R.J. WARD OF ST. HELIER REGARDING PROPERTY SALES IN RESPECT OF THE WATERFRONT DEVELOPMENT: [WQ.112/2019]

Question

Will the Minister, as shareholder representative, request from the States of Jersey Development Company updated answers to parts (a) and (b) of Written Question 109/2018, regarding sales in respect of the Waterfront development, including within the scope of those updated answers any further phases of the development?

Answer

Information provided by the States of Jersey Development Company (SoJDC) in respect of parts (a) and (b) is as follows:-

- a) 145 units have now been pre-sold in the Horizon development of which 82 units have been sold to buy-to-let investors.
- b) 4 units have been pre-sold to off-island individuals to date, all of which have a connection to the Island. There have been 11 purchases made by Company structures, however the owners of these companies are all locally qualified.

3.9 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING EXPENDITURE ON CONSULTANTS AND EXTERNAL ADVISORS. [WQ.113/2019]

Question

With reference to the answer to Written Question 107/2018, will the Minister provide an update on the expenditure in 2018 on consultants and external advisors across all education establishments and the planned expenditure for 2019 in this area?

Answer

In agreement with Deputy R.J. Ward the response refers to Written Question 128/2018 which previously provided the figures from January to August 2018.

The totals for September to December have been added and there are no specific budgets for these areas in 2019.

Delivery Type	Jan – Aug 2018	Sep - Dec 2018	Total 2018
Training	£78,688	£63,920	£142,608

Professional Partner	£1,930	£0	£1,930
Advisers	£133,292	£65,972	£199,624

3.10 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COST OF REBRANDING THE EXECUTIVE BRANCH OF THE MACHINERY OF GOVERNMENT AS THE GOVERNMENT OF JERSEY: [WQ.114/2019]

Question

Will the Minister provide a breakdown of the costs which have occurred, or been attributed, to the change in describing the executive branch of the machinery of government from the ‘States of Jersey’ to the ‘Government of Jersey’; and will she also provide a breakdown of predicted future costs in this area?

Answer

To date, there have been no additional costs attributed to the adoption of the ‘Government of Jersey’ identity. The Government of Jersey logo was designed in 2014, and this identity has been adopted, with some small design tweaks, by an in-house designer, for use on business cards, letter heads, email signatures, presentations, advertising and signage.

Additional future costs associated with the ‘Government of Jersey’ identity will be very limited, although these cannot be predicted at the present time.

The “Government of Jersey” logo will replace the “States of Jersey” logo on any government materials that are produced, once stocks of current materials (business cards and letterheads) are exhausted, so there should be no additional replacement costs.

In addition, the majority of letterheads are electronic and are printed onto plain paper. Letters and forms that require updating on systems will have this work done, wherever possible, at no extra cost, as part of routine system updates. Signs will generally only be replaced when they are life-expired, and any new signs will use the new logo, instead of the “States of Jersey” logo, with no additional costs.

However, where there is an identified need to implement the new identity in order to avoid customer confusion (for example on government websites and eforms), this will be done, on a case-by-case basis, at the lowest possible cost.

3.11 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE MAINTENANCE COSTS OF MEDICAL FACILITIES, EXCLUDING THE JERSEY GENERAL HOSPITAL: [WQ.115/2019]

Question

Further to the response to Written Question 87/2019, will the Minister provide a breakdown of the anticipated cost of maintenance works (whether essential, cosmetic or general upkeep) of all medical facilities (excluding the Jersey General Hospital), such as Orchard House and La Chasse?

Answer

Following on from the General Hospital 6 Facet Building Condition Survey referred to in the response to Written Question 87/2019, Health and Community Services is in the process of implementing a similar exercise that will provide a breakdown of the anticipated costs for general maintenance for the community sites, including Orchard House and La Chasse.

Maintenance staff supported by clinical staff have compiled a Priority 1 list of properties including inpatient, outpatient and accommodation facilities, which totals 65 premises across 24 specific buildings. The Priority 1 list of buildings has been drawn up, based upon their condition and the client group they serve.

The exercise is intended to take around 12 weeks and is funded from the annual Community Backlog Maintenance fund of £1.15m that Jersey Property Holdings regulates. This process will also consider improvement requirements that will need to be addressed for the new Regulation of Care Law for our community care homes and day services that came into effect on 1st January 2019.

Once the authorising department has obtained and processed the raw data, we will be in a better position to answer the question in the detail required.

As with the General Hospital 6 Facet Survey, the community report will not include the capital costs of other vital building works particularly those associated with providing additional clinic or bed capacity that will be needed to meet the demand created by the increasingly ageing demographic on the Island. Nor will it include any additional costs such as service decant costs associated with enabling backlog maintenance projects to proceed. The costs will be current costs excluding the impact of inflation on any programmed works.

3.12 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING THE SEXUAL OFFENCES (JERSEY) LAW 2018: [WQ.116/2019]

Question

Will H.M. Attorney General advise how many cases have been brought to trial under Part 5, Article 15, of the Sexual Offences (Jersey) Law 2018; and will he state whether the Law differs from equivalent legislation in the U.K. and, if so, how?

Answer

The Sexual Offences (Jersey) Law 2018 came in to force on 23 November 2018. Offences committed before this date cannot be prosecuted under this law as it is not retrospective.

Article 15 of the Sexual Offences (Jersey) Law 2018 (sexual grooming of a child) updated and replaced Article 2 of the Sexual Offences (Jersey) Law 2007. Accordingly, any offences committed prior to 23 November 2018 are (and were) prosecuted under the 2007 Law. The main differences between Article 15 of the 2018 Law and Article 2 of the 2007 Law are that:

- i. under the 2018 Law the adult only needs to have met or communicated with the child on one earlier occasion (instead of at least two occasions under the 2007 Law); and,
- ii. the offence of grooming can now be committed without the adult and the child ever meeting, by an adult simply communicating sexually (as defined), with a child (who may be located anywhere in the world) for the purpose of obtaining sexual gratification.

To date one case has been prosecuted under Article 15 of the 2018 Law. Since 2015 a total of 18 cases have been prosecuted under Article 2 of the 2007 Law.

Out of the 19 cases brought to court since 2015 (under both the 2007 and 2018 Laws) there have been 15 convictions, one acquittal and there are three cases yet to be determined by the Courts.

Article 15 of the Sexual Offences (Jersey) Law 2018 provides:

15 Sexual grooming of a child

- (1) An adult commits an offence, and is liable to imprisonment for a term of 10 years and to a fine, if –
 - (a) having met or communicated with another person on at least one earlier occasion, the adult –
 - (i) intentionally meets the other person, or
 - (ii) travels with the intention of meeting the other person in any part of the world;
 - (b) at the time, the adult intends to do anything to or in respect of the other person, during or after the meeting and in any part of the world, which if done will involve the commission by the adult of a relevant offence; and
 - (c) the other person is aged 15 or younger.
- (2) In paragraph (1), the reference to the adult having met or communicated with the other person is a reference to the adult –
 - (a) having met the other person in any part of the world; or
 - (b) having communicated with the other person by any means from, to or in any part of the world.
- (3) For the purpose of paragraph (1)(b) a relevant offence is any of the following –
 - (a) an offence under this Law;
 - (b) a customary law offence of indecent assault or indecent exposure;
 - (c) an offence under –
 - (i) Article 38(2)(a) or (b) (having or procuring unlawful sexual intercourse with a mental patient) of the Mental Health (Jersey) Law 1969^[3], or
 - (ii) any of Articles 74 to 76 (sexual offences: prohibited acts, relationship of care, coercion) of the Mental Health (Jersey) Law 2016^[4];
 - (d) an offence under Article 2 (taking, possessing or distributing indecent photographs, etc. of children) of the Protection of Children (Jersey) Law 1994^[5];
 - (e) an offence under Article 61 of the Customs and Excise (Jersey) Law 1999^[6] in so far as the offence relates to goods prohibited to be imported under Article 2 of the Customs and Excise (Import and Export Control) (Jersey) Order 2006^[7] that are indecent photographs of persons who are or appear to be aged under 16 years;
 - (f) an offence under Article 11(14) (breach of child protection order, interim child protection order or prescribed order) of the Sex Offenders (Jersey) Law 2010^[8]; and
 - (g) an offence, whether under customary law or under Article 1 of the Criminal Offences (Jersey) Law 2009^[9], of aiding, abetting, counselling or procuring an offence falling within any of the preceding sub-paragraphs, or of conspiring or attempting to commit, or of inciting another to commit, such an offence.
- (4) The States may by Regulations amend paragraph (2).
- (5) An adult commits an offence, and is liable to imprisonment for a term of 5 years and to a fine, if –
 - (a) the adult intentionally communicates, by any means, with another person (irrespective of whether the other person is in Jersey or elsewhere);
 - (b) the adult does so for the purpose of obtaining sexual gratification;

- (c) the communication –
 - (i) is sexual, or
 - (ii) is intended to encourage the other person to make a communication (whether or not to the adult) that is sexual; and
- (d) the other person is aged 15 or younger.
- (6) It is a defence, in relation to each of the offences under this Article, for the defendant to show that –
 - (a) the other person was aged 13 or older; and
 - (b) the defendant reasonably believed that the other person was aged 16 or older.

Article 15 of the Sexual Offences (Jersey) Law 2018 is broadly similar to:

Sections 15 & 15A of the Sexual Offences Act 2003 which applies to England and Wales;

Articles 22 & 22A of the Sexual Offences (Northern Ireland) Order 2008; and,

Section 1 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 and Sections 24 and 34 of Sexual Offences (Scotland) Act 2009.

3.13 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE POLICING COSTS IN RELATION TO JERSEY'S 'HIGH-DEMAND FAMILIES': [WQ.117/2019]

Question

Will the Minister confirm that an analysis of local 'high-demand families' commissioned by the States of Jersey Police found that the cost of policing Jersey's 'top five' such families over a three-year period had been approximately £775,000 and, if so, will he provide a full breakdown, and explanation, of this figure?

Answer

This figure relates to some analysis conducted by the States of Jersey Police (SoJP) in 2014, covering a 3 year period in respect of 5 assessed high demand families.

The cost was calculated based on officer time whilst responding to, and interacting with, each family unit ranging from:

- Responding to reported incidents;
- Custody and criminal justice;
- Crime investigation;
- Safeguarding & public protection;
- Responding to intelligence reports.

The range of cost per family unit was £100,000 to £265,000.

With an increased focus on 'One Government', it is anticipated that closer and more integrated working across all Government Departments, including with other key partners and stakeholders, will ensure that SoJP provide the most efficient & effective service to all communities and families.

3.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE USE OF FIXED-TERM CONTRACTS, ZERO-HOURS AGREEMENTS AND AGENCY WORKERS IN THE PUBLIC SECTOR: [WQ.118/2019]

Question

Further to the response given to Written Question 239/2018, will the Chairman –

- (a) detail for members what policies or measures are in place, if any, to restrict the growth of headcount and to make use of the three mechanisms (fixed-term contracts, zero-hours agreements, agency workers) which were illustrated; and
- (b) provide members with a breakdown, by profession, of the figures supplied in relation to the delivery of health and social services to the public?

Answer

- a) As the organisation is actively engaged in consultation across the Directorates about the implementation of the target operating model, we are following a redeployment and organisation change policy to ensure we can provide alternative roles for permanent staff.

The Government of Jersey will continue to use different employment frameworks as part of the need to ensure effective headcount management and to protect permanent employees in this period of change.

All vacancies are reviewed internally within the Directorates, either by the Director General or their direct reports, within their agreed headcount budget.

Non-frontline roles are reviewed by an internal panel, led by a Director General. If approval is granted, it will determine on what basis a job offer is made.

b)

Role Type	Fixed Term Contract	Zero Hours	Agency	Total
Administrators / Administration Assistants / Secretaries / Receptionists	11	63	30	104
Allied Health Professionals	<10	16	<10	22
Civil Servants - Various Roles	15	34	<10	54
Doctors & Consultants	49	11		60
Manual Workers	<10	<10		9
Nurses and Midwives	14	337		351
Other Health Pay Groups (Ambulance, Family Support Workers, RCCOs)	<10	29		30
Total	100	494	36	630

3.15 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FUNDING BIDS SUBMITTED BY THE JERSEY ARTS CENTRE AND THE JERSEY OPERA HOUSE: [WQ.119/2019]

Question

Will the Minister explain how the success of bids submitted as part of the Investment Appraisal Board process by the Jersey Arts Centre and the Jersey Opera House will be determined; and will she state when a definitive answer to those bids will be provided by the Treasury?

Answer

Requests for additional funding are submitted to the Investment Appraisal Board by States Departments, not arm's length bodies. The primary relationship with those bodies is with the relevant department – which is Growth, Housing and Environment in the case of the Jersey Arts Centre and the Jersey Opera House.

The Investment Appraisal Board considers business cases from departments with reference to the HM Treasury “Green Book” guidance on business cases, specifically the 5 case model:

- Strategic case
- Economic case
- Commercial case
- Financial case
- Management case

It will also consider other factors, including:

- The level of Contingency funding available to allocate;
- Whether the investment is needed to support recognised legal and compliance matters. e.g. Brexit-related;
- Whether the investment supports the delivery of previously recognised agreed priorities with short term funding requirements;
- Whether the investment supports new and emerging agreed policy. e.g. as outlined in the CSP;
- Whether the investment supports the delivery of future cost efficiencies and income generation to create additional headroom from investment and/or savings.

The Board then makes a recommendation to the Chief Executive Officer and Treasurer. They, in turn, make a recommendation to the Minister for Treasury and Resources. The final decision rests with the Minister. Following discussions at the Council of Ministers it is likely that the process will be revised to include additional political oversight.

The Minister can confirm that business cases have been received by the Board from Growth, Housing and Environment on behalf of the Jersey Arts Centre and the Jersey Opera House. She is informed that Board members have been in discussion with senior officers in the Department to discuss progress, and suggests that the Deputy discusses the matter with those officers.

3.16 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR SOCIAL SECURITY REGARDING CONSULTATION UNDERTAKEN BY THE EMPLOYMENT FORUM ON LEGISLATION RELATING TO PARENTAL LEAVE: [WQ.120/2019]

Question

In undertaking the consultation process for the new parental leave regulations, as described in the report accompanying the ‘Draft Employment (Amendment No. 11) (Jersey) Law 201- (P.17/2019), how many individual businesses did the Employment Forum consult on behalf of the Minister and, of these, how many contained –

- (a) between 1 and 5 employees;
- (b) between 6 and 10 employees;
- (c) between 11 and 20 employees; and
- (d) 21 or more employees?

Answer

The Employment Forum has been consulting and making recommendations on employment legislation for 20 years. The Forum is an independent body that was established under the Employment Law for the purpose of consulting on issues relating to that Law. The Employment Law requires the Forum to consult –

- “(a) such organisations representative of employers as they think fit;
- (b) such organisations representative of employees as they think fit; and
- (c) if they think fit, any other body or person.”

The Minister is responsible for referring matters to the Forum, but once the Forum has been directed to make a recommendation to the Minister, any consultation is conducted on the Forum’s own behalf, not on behalf of the Minister.

The Forum’s review of family friendly employment rights in 2017 attracted significant publicity during the course of the consultation period, giving every opportunity for employers, employees and other stakeholders to engage.

As well as sending details of the review to those individuals and businesses included on the Forum’s own database - which includes bodies representing both employers and employees - the consultation was promoted via traditional media and social media platforms, including LinkedIn which is aimed at the business community, encouraging members of the public to provide their views. This contributed to an excellent response across the range of respondent types, both in writing and at the well-attended public meetings. For example, responses were received from a number of employer associations, which together represent around 1,700 local employers.

It is not possible to provide the requested break-down for the following reasons –

- a. The Forum’s database contains contact details for those who have requested to be consulted by the Forum. The information contained in that database cannot be presented by business size. The Forum’s consultations are not designed to consult representative samples of employers and employees from which we would draw statistics. The Forum is guided by the reasons that people give for their responses, the qualitative data.
- b. Any information provided by respondents is processed by the Forum for the purposes of a specific consultation and recommendation in compliance with data protection legislation. The Forum is a separate data controller under that legislation. Respondents are not required to provide specific information about themselves but many do, sometimes anonymously.

The Minister is satisfied that the Forum's consultation, conducted in 2017, took a balanced view of all the evidence. Further information can be found in the Forum's recommendation² which provides the public statement of the consultation outcomes, including respondents' details where permission was given. In all of its recommendations, the Forum strives to provide a balanced view of the evidence provided by stakeholders, including employers of all sizes and sectors. This consultation was no different.

3.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING A PRICE COMPARISON BETWEEN THE SERVICES OFFERED BY JERSEY POST AND ITS COUNTERPARTS IN OTHER JURISDICTIONS: [WQ.121/2019]

Question

Will the Minister, as shareholder representative, seek from Jersey Post the publication of a price comparison for each of its services (such as mail and parcel rates and 'signed for' delivery) with its United Kingdom, Guernsey and Isle of Man counterparts?

Answer

Jersey Post has provided the following response:-

Jersey Post, along with the other postal authorities, publish our full set of prices on our respective websites which are available to all to review and compare. A spreadsheet showing the various price points for Jersey Post, Royal Mail, Guernsey Post and Isle of Man Post Office is set out below. We have compared standard, signed for and tracked & signed for services for local (i.e. within the territory of the postal office authority), national (i.e. UK and the three crown dependencies), Europe and Rest of World. The results from across all services are:

- Local: we are first or second cheapest for 99% of price points (42% of the time we are the cheapest);
- Local to National: we are first or second cheapest for 56% of price points (32% of the time we are the cheapest);
- Local to Europe: we are first or second cheapest for 67% of price points (40% of the time we are the cheapest);
- Local to the rest of the world: we are first or second cheapest for 44% of price points (27% of the time we are the cheapest).

We offer discounts on postage under the following categories:

- Pre-Christmas for a three week period available on stamps;
- British Forces;
- Business customers;
- Online Premium Services;
- Blind and partially sighted.

²www.gov.je/SiteCollectionDocuments/Benefits%20and%20financial%20support/R%20Review%20of%20Family%20Friendly%20Employment%20Rights%2020171218%20AC.pdf

The States' Statistics Unit's Jersey Household Spending report for 2014/15 stated that the average household spend on postal services was £0.90 per week, or £46.80 per year.

In understanding price differences between postal authorities it is also important to understand the different cost drivers. For example Jersey receives three times as much mail as it sends. As we pay for half of the flight cost even though we only use a fraction of the space our unit conveyance cost is higher from the island than Royal Mail's is to the island. Guernsey Post who has two large online card companies sends more than it receives and therefore has different cost dynamics.

If further information is required Jersey Post is more than happy to meet with interested members.

		Jersey			United Kingdom			Guernsey			Isle of Man					
		Standard	Signed-For	T&S	Standard	Signed-For	T&S	Standard	Signed-For	T&S	Standard	Signed-For	T&S			
Letter	100g	£0.50	£1.75	£5.00	£0.67	£1.77	£6.50	£0.46	£1.56	£3.88	£0.52	£1.62	£6.50	LOCAL		
	100g	£0.82	£2.07	£5.32	£1.01	£2.11	£6.50	£0.63	£1.73	£3.88	£1.01	£2.11	£6.50			
	Large Letter	250g	£1.19	£2.44	£5.69	£1.40	£2.50	N/A	£1.10	£2.20	N/A	£1.40	£2.50		N/A	
		500g	£1.66	£2.91	£6.16	£1.87	£2.97	£7.30	£1.55	£2.65	£5.56	£1.87	£2.97		£7.30	
750g		£2.08	£3.33	£6.58	£2.60	£3.70	N/A	£1.95	£3.05	N/A	£2.60	£3.70	N/A			
Parcel	100g	£1.07	£2.32	£5.57	N/A	N/A	£6.50	£1.01	£2.11	£3.88	N/A	N/A	£6.50			
	500g	£1.64	£2.89	£6.14	N/A	N/A	£7.30	£1.96	£3.06	£5.56	£3.10	£4.10	£7.30			
	1kg	£2.66	£3.91	£7.16	£3.45	£4.45	£8.60	£3.14	£4.24	£6.84	£4.10	£5.10	£8.60			
	1.5kg	£3.98	£5.23	£8.48	N/A	N/A	N/A	£4.34	£5.44	N/A	£5.50	£6.50	N/A			
	2kg	£5.31	£6.56	£9.81	£5.50	£6.50	£11.00	£5.54	£6.64	£8.62	£6.65	£7.65	£11.00			
Large Parcel	5kg	£7.54	N/A	£12.04	£15.85	£16.85	N/A	£9.00	N/A	£11.07	£7.25	£17.48	£16.34			
	10kg	£7.70	N/A	£12.20	£21.90	£22.90	£26.60	£12.00	N/A	£13.11	£12.30	N/A	£26.60			
	20kg	£7.87	N/A	£12.37	£33.40	£34.40	£41.20	£15.00	N/A	£17.34	£12.30	N/A	£41.20			
	30kg	£8.03	N/A	£12.53	N/A	N/A	£39.15	£18.00	N/A	N/A	£12.30	N/A	N/A			
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		Standard	Signed-For	T&S	Standard	Signed-For	T&S	Standard	Signed-For	T&S	Standard	Signed-For	T&S			
Letter	100g	£0.65	£2.90	£6.15	£0.67	£1.77	£6.50	£0.62	£1.72	£8.50	£0.52	£1.62	£6.50	NATIONAL		
	100g	£1.12	£3.37	£6.62	£1.01	£2.11	£6.50	£0.94	£2.04	£8.50	£1.01	£2.11	£6.50			
	Large Letter	250g	£1.57	£3.82	£7.07	£1.40	£2.50	N/A	£1.64	£2.74	N/A	£1.40	£2.50		N/A	
		500g	£2.09	£4.34	£7.59	£1.87	£2.97	£7.30	£2.64	£3.74	£10.30	£1.87	£2.97		£7.30	
750g		£2.91	£5.16	£8.41	£2.60	£3.70	N/A	£3.50	£4.60	N/A	£2.60	£3.70	N/A			
Parcel	100g	£2.26	£4.51	£7.76	N/A	N/A	£6.50	N/A	N/A	£8.50	N/A	N/A	£6.50			
	500g	£3.43	£5.68	£8.93	N/A	N/A	£7.30	£3.75	£4.85	£10.30	£3.10	£4.10	£7.30			
	1kg	£5.51	£7.76	£11.01	£3.45	£4.45	£8.60	£5.50	£6.60	£12.75	£4.10	£5.10	£8.60			
	1.5kg	£7.70	£9.95	£13.20	N/A	N/A	N/A	£8.00	£9.10	N/A	£5.50	£6.50	N/A			
	2kg	£8.40	£10.65	£13.90	£5.50	£6.50	£11.00	£10.50	£11.60	£16.50	£6.65	£7.65	£11.00			
Large Parcel	5kg	£12.05	N/A	£17.55	£15.85	£16.85	N/A	£12.40	£27.35	£29.95	£15.29	£17.48	£16.34			
	10kg	£12.38	N/A	£17.88	£21.90	£22.90	£26.60	£16.00	N/A	£35.00	£17.47	N/A	£26.60			
	20kg	£12.71	N/A	£18.21	£33.40	£34.40	£41.20	£25.00	N/A	£52.95	£24.03	N/A	£41.20			
	30kg	£13.48	N/A	£18.98	N/A	N/A	£39.15	£35.00	N/A	N/A	£46.97	N/A	N/A			
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		Standard	Signed-For	T&S	Standard	Signed-For	T&S	Standard	Signed-For	T&S	Standard	Signed-For	T&S			
Letter	100g	£0.76	£4.01	£7.26	£1.55	£6.50	£6.50	£1.54	£7.59	£8.49	£1.93	£7.42	£7.42	EUROPE		
	100g	£1.38	£4.63	£7.88	£2.65	£7.85	£7.85	£1.81	£7.86	£8.76	£2.15	£7.36	£7.85			
	Large Letter	250g	£2.67	£5.92	£9.17	£3.85	£8.30	£8.30	£3.49	£9.54	£10.44	£4.19	£9.17		£9.17	
		500g	£4.62	£7.87	£11.12	£4.90	£9.10	£9.10	£5.61	£11.66	£12.56	£7.03	£10.71		£10.71	
750g		£6.93	£10.18	£13.43	£5.95	£9.60	£9.60	£8.46	£14.51	£15.41	£9.96	£11.73	£11.73			
Parcel	100g	£2.87	£6.12	£9.37	£4.15	£8.95	£8.95	£2.27	£8.32	£9.22	£3.20	£8.33	£8.33			
	500g	£5.73	£8.98	£12.23	£6.20	£10.55	£10.55	£6.50	£12.55	£13.45	£6.61	£10.82	£10.82			
	1kg	£9.24	£12.49	£15.74	£8.65	£12.55	£12.55	£12.26	£18.31	£19.21	£12.32	£13.33	£13.33			
	1.5kg	£13.86	£17.11	£20.36	£10.90	£14.45	£14.45	£17.90	£23.95	£24.85	£14.65	£16.21	£16.21			
	2kg	£18.48	£21.73	£24.98	£12.10	£15.25	£15.25	£23.54	£29.59	£30.49	£16.52	£18.08	£18.08			
<hr/>																
		Standard	Signed-For	T&S	Standard	Signed-For	T&S	Standard	Signed-For	T&S	Standard	Signed-For	T&S			
Letter	100g	£0.94	£5.19	£8.44	£2.25	£7.25	£7.25	£2.31	£8.36	£9.26	£3.56	£9.17	£9.17		ROW	
	100g	£2.64	£6.89	£10.14	£3.30	£8.50	£8.50	£2.75	£8.80	£9.70	£3.83	£9.08	£9.08			
	Large Letter	250g	£4.41	£8.66	£11.91	£4.85	£9.35	£9.35	£5.57	£11.62	£12.52	£8.06	£10.29			£10.29
		500g	£7.56	£11.81	£15.06	£7.10	£11.15	£11.15	£9.45	£15.50	£16.40	£11.47	£13.17			£13.17
750g		£11.34	£15.59	£18.84	£9.15	£12.45	£12.45	£11.25	£17.30	£18.20	£13.71	£15.40	£15.40			
Parcel	100g	£3.68	£7.93	£11.18	£4.85	£9.65	£9.65	£3.79	£9.84	£10.74	£4.10	£9.17	£9.17			
	500g	£9.20	£13.45	£16.70	£8.50	£12.95	£12.95	£10.00	£16.05	£16.95	£10.96	£13.27	£13.27			
	1kg	£14.72	£18.97	£22.22	£13.35	£17.35	£17.35	£15.70	£21.75	£22.65	£17.18	£18.34	£18.34			
	1.5kg	£22.08	£26.33	£29.58	£16.30	£19.70	£19.70	£21.20	£27.25	£28.15	£20.14	£21.96	£21.96			
	2kg	£29.44	£33.69	£36.94	£18.30	£21.10	£21.10	£26.70	£32.75	£33.65	£22.96	£24.78	£24.78			

3.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING POLICY IN RESPECT OF PATIENTS DIAGNOSED WITH DEMENTIA: [WQ.122/2019]

Question

Further to the response to Written Question 93/2019, which revealed that there are currently 650 people on G.P. records with a diagnosis of dementia and that it is estimated rates will double by 2039, will the Minister explain –

- (a) what the current policy is to assist those suffering from this disease and their families who have to look after them; and
- (b) why, in light of the estimated increase, there are “*no plans to extend government-provided nursing homes for dementia patients*” and does he not consider that this will lead to an over-reliance on the private sector and relatives to care for those afflicted with the disease?

Answer

- a) The current mental health strategy includes a number of services for dementia:
 - provision of assessment and support for people with dementia by the Department has increased over the last two years with the introduction of the primary care-facing Mental Health team, and the enhancement of the Memory Assessment Service to include pathways for younger people experiencing the condition, and their carers
 - in turn, this has led to timely diagnosis and assessment, and coordination of the provision of packages of support that enable people experiencing dementia to live in their chosen environment wherever feasible. This supports a person-focused approach centred on the individual, which is regarded as best practice within dementia care, and is delivered via an increase in the availability of domiciliary care to support packages of care at home.
- b) As stated above, best practice is to support people in their own homes and we are working with local providers to offer this support. The States currently provides assessment, intermediate and ongoing care beds to people with dementia who have associated behaviours that challenge those around them, as there are no independent nursing home providers currently accommodating higher thresholds of complex need. The number of these beds comfortably meets the demand from people meeting this criteria.

The refresh of the mental health strategy will either include dementia or recommend a dementia strategy. Much of this is likely to focus on dementia-friendly communities, which is best practice elsewhere, rather than bed-based services.

3.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE DEPARTMENT’S POLICY IN RELATION TO LONG-TERM HEALTH CONDITIONS: [WQ.123/2019]

Question

Further to his response to Written Question 34/2019, will the Minister identify the “*long-term conditions*” to which he referred; and will he publish his Department’s projections of how many people will be living with these conditions in the future, as well as an explanation of how it intends to deal with them?

Answer

The King's Fund [an independent charity working to improve health and care in England www.kingsfund.org.uk] defines long-term conditions as "chronic diseases or conditions for which there is currently no cure, and which are managed with drugs and other treatment." There are a wide range of different conditions, or morbidities, such as diabetes, chronic obstructive pulmonary disease and hypertension.

Due to advances in medicines and technology, more people are living to older age with more long-term conditions, and therefore the management of their health becomes more complex.

General practices maintain disease registers for a number of long-term conditions through the Jersey Quality Improvement Framework. An analysis of these registers can be found in the Statistics Jersey *Health conditions and multi-morbidity report*, published in December 2018:

<https://www.gov.je/News/2018/pages/healthconditionsandmultimorbidity2018.aspx>

Extrapolated projections of these disease registers estimate how many individuals will be living with long-term conditions and can be found in the Public Health Statistics Unit *Disease projections 2016-2036 report*:

<https://www.gov.je/news/2017/pages/diseaseprojections2016to2036.aspx>

It must be noted that this report describes the potential level of occurrence of disease in Jersey, based on the current prevalence of disease combined with the projected future population, assuming the recent level of net inward migration continues. The results of this analysis demonstrate what may potentially happen if the current disease prevalence continues while the population increases and ages. It does not take into account health and care interventions that may affect that current prevalence. In other words, encouraging healthy lifestyles by supporting people to be more active, eat well, stop smoking, drink responsibly and generally manage their health better can reduce the likelihood of long-term conditions developing.

When I referred to long-term conditions in Written Question 34/2019, I referred to developing skills of practitioners and patients in the community to avoid serious illness, as described above, but also to delay illness getting worse. As an island, we will need to put more effort into screening for those with certain risk factors, and when disease is diagnosed, do more to help people to self-manage their conditions. From a clinical perspective, we will also need to do more to proactively manage long-term conditions, through regular checks and monitoring. I am working closely with officers and primary care partners to explore potential service delivery models, which are in the process of being developed.

3.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PAYMENT OF FEES UNDER REGULATION OF CARE LEGISLATION: [WQ.124/2019]

Question

Further to the Minister's response to Written Question 35/2019, will she explain –

- (a) what fees are currently paid by the care sector;
- (b) what she meant by "*a widening of the fee regime*" in relation to new regulation of care legislation; and
- (c) whether it is intended to increase fees or introduce new ones and, if so, what the proposed timescale is for such measures?

Answer

The fees currently paid by care providers regulated under the Regulation of Care (Jersey) Law 2014 (the “2014 Law”) are set out in Regulation of Care (Fees) (Jersey) Order 2018. These fees currently apply to providers of care home, home care and adults’ day care centre services.

It is not intended to increase the fees set out in Regulation of Care (Fees) (Jersey) Order. However, at the point at which others services (for example, social work, mental health services and hospital) are regulated under the 2014 Law, those services will also be required to pay the relevant fee as prescribed by Order. All services will be notified in advance.

As set out in P126/2018, it is intended to review the registration, regulation and inspections functions set in other laws that relate to care providers (see Table 1 below). This review may result in amendments to those laws and/or changes in the fees currently charged. As it stands at the moment, the fees charged under each of those pieces of legislation varies in an inconsistent manner, for example, medication practitioners are only charged an initial application fee, whereas piercing and tattooing practitioners are charged an annual fee.

With this in mind, the reference to “*a widening of the fee regime*” in Question 35/2019 referred to the review of the fees set out in Table 1 in order to ensure consistency across the board, and any review and its outcomes will involve engagement with providers.

Table 1

Legislation	Current fee
Piercing and Tattooing (Jersey) Law 2002	An annual fee of: <ul style="list-style-type: none">• £55 for each individual practitioner• £100 in respect of a premises
Medical Practitioners (Registration)(Jersey) Law 1960	A one-off £150 registration fee
Health care (Registration) (Jersey) Law 1995	Registration is free
Dentistry (Jersey) Law 2015	An annual fee of £55 for each dental care practitioner

3.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING DIAGNOSES OF AUTISM: [WQ.125/2019]

Question

Will the Minister provide details of how many children and adults have been diagnosed with autism in its various forms in the last 5 years; and of any respite care provided by his Department for them and their carers?

Answer

There are two main pathways through which a **child** in Jersey would receive a diagnosis of Autism. These are the Autism and Social Communication (ASC) Clinic for children aged 5 to 18 and the Early Years Social Communication (EYSC) pathway for pre-school children.

The total number of children receiving a diagnosis of Autism over the last 5 years (2014-2019) via ASC and EYSC is 118.

The breakdown of this across each calendar year is as follows:

2018 = 30

2017 = 32

2016 = 25

2015 = 21

2014 = 10

Total = 118

Of this total, 21 children and their carers either receive or have received short break (respite) support provided by Health and Community Services. Support is bespoke to the individual and will depend on where the individual is on the spectrum and their assessed care needs.

A new diagnostic service for **adults** commenced half way through 2014. The number of adults (18+) that have had a diagnosis of Autism following diagnostic assessment from mid-2014 to December 2018 is 81 people.

The adult service does not provide respite, but offers post-diagnostic support that comprises:

1. A six-week course for anyone that receives a diagnosis (focus on what the diagnosis means for them; exploring the disorder further; meeting others with the diagnosis etc.)
2. A drop-in advice service every Tuesday afternoon (an organised schedule of groups targeted at common challenges for individuals with Autism – a drop-in for any professional/carer/parent)
3. Advice and support for any of our providers that maybe facilitating support for an individual on the Autism spectrum.

3.22 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING DIAGNOSES OF PATIENTS WITH BRAIN TUMOURS: [WQ.126/2019]

Question

Will the Minister advise how many patients were treated for a diagnosis of brain tumour (indicating the number of benign and malignant diagnoses) by a consultant, G.P., or at the General Hospital –

- (a) last year;
- (b) 5 years ago; and
- (c) 10 years ago?

Answer

It is only possible to count the number of times that people with such a diagnosis have been admitted to the hospital as an inpatient or day case, including admissions for chemotherapy. There may be patients who are under the care of the Oncology and Neurology teams who are not admitted, but are seen in clinics. Many patients with brain tumours will receive their treatment off-island. These are not included in the following analysis.

The presence of a brain tumour – whether benign or malignant – is always coded. The only way of being certain that the patient was being **treated** for this in a stay is to limit the analysis to primary diagnosis. It is noted that this excludes most cases where people have secondary tumours from another primary one (either where the primary is still present, or alongside other cancers). There will be patients with malignant brain tumours who are therefore excluded from the data below as these are secondary tumours.

As TrakCare was introduced in mid-2011, the earliest comparable analysis is therefore from 2012. Private patients have only been clinically coded since 2018 – they have therefore been excluded to maintain comparability.

All admissions to Jersey General Hospital are under the care of a consultant.

Year	Number of public admissions	% of those admissions treating malignant tumour	Number of unique patients
2012	63	92%	31
2013	68	90%	24
2014	38	76%	26
2015	31	77%	22
2016	47	60%	25
2017	61	82%	31
2018	65	83%	35

4. Oral Questions

4.1 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the investigation of the Council of Ministers into end-of-life choices in Jersey [OQ.52/2019]

Following the report that the Council of Ministers will investigate end-of-life choices in Jersey, will the Minister provide a timeline of the research and work to be undertaken, including the public consultation which has been announced?

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

Last week it was announced that the Council of Ministers had agreed to commission detailed research into end-of-life choices in Jersey, including issues associated with assisted dying. Reflecting the complexity, the sensitivity and the gravity of that issue, Ministers agreed they wanted to understand the legal and practical implications of end-of-life choices. Work will therefore be undertaken that will draw on the extensive work carried out elsewhere, particularly in other parts of the British Isles, before proceeding to a public consultation on the options and implications. It is true that resources will need to be found for this work, given that it does not form part of the Common Strategic Policy priorities that are shortly to be addressed. The issue is a novel one of which we in Jersey have no experience and so we must adopt a diligent and thorough approach. In the first instance, officers have commenced initial inquiries to support further exploration of key issues relating to both the regulation of care and our medical professional registration and regulation. We will need to consider the risks and benefits of applying different approaches and frameworks for end-of-life care, including assisted dying, but above all, we do need to investigate what is appropriate and achievable for Jersey before gauging Islanders' views. Today I am not yet in a position to provide the Deputy with a formal timeline but I wish to assure him that we will progress this issue with all due diligence.

4.1.1 Deputy K.G. Pamplin:

I thank the Minister for his answer. Further to what he has just provided to us, and I do thank him for it, will he reassure those listening who are campaigning or seeking to be involved with the process will be brought in?

The Deputy of St. Ouen:

Yes, we will seek to draw in all those with an interest in this topic.

4.1.2 Deputy R. Labey:

Would it be helpful if the Assembly made an in-principle decision on whether it would support assisted dying or not sooner rather than later? Obviously, Members will want lots of reassurances but do we have to wait until Health have been through their process?

The Deputy of St. Ouen:

First, it is not Health that is undergoing a process. It is the policy unit of the government that will be undertaking this work. Is it helpful to have an in-principle decision? Very often such a decision might be based on 'would we want to support those who are suffering at the end of their lives', and of course we would. The question is exactly how. That is where the difficulty lies.

[9:45]

It is a question of great complexity because while we would want to achieve that best support, we must also recognise that there are risks in changing the present way society has done things for a long time. We must remember that people are vulnerable at that stage of their life. I feel it is right that the research is undertaken and presented to States Members.

4.1.3 Deputy R. Labey:

Would it not be a good idea to test the mood of the Assembly on their feelings on this because it is obviously ethical and it is a matter of conscience for Members? Would it be a good idea to do that as early as possible so that if it has no chance of going through the Assembly time is not wasted working on it?

The Deputy of St. Ouen:

I am quite willing to hear from States Members on how they might wish to proceed but my feeling is that before we take any decision we need to be fully appraised of the risks and benefits and the various ways that this different regime has been implemented in other parts of the world.

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

I am concerned by the Minister's answers and of course the attitude towards things like this is: kick it in the long grass. Will the Minister come back to the Assembly in 3 months' time and tell us the progress that has been made so we can see whether sufficient progress is being made fast enough and if not, we can bring it into our own hands?

The Deputy of St. Ouen:

I do not feel at all that this matter is being kicked into the long grass. The Government has agreed that it will undertake research into this complex issue with a view to proceeding to a public consultation. We are taking a bold step, which has not been followed in other jurisdictions in the British Isles. So far from kicking this issue into the long grass. I am not in a position to commit to any strict timetable, partly because I know the resources that are now being devoted to producing the Government Plan, and of course Government has limited resources to start a detailed investigation into other areas not yet covered by the Common Strategic Policy. But this will be covered with all due diligence and in a thorough way and of course Members are free to question me at any time about it.

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

The Minister just mentioned the limited resources in this area. Would he agree to consult with the Channel Islands Humanists whose parent organisation, Humanist U.K. (United Kingdom), has been campaigning on this issue for several years and has a great deal in the way of research and resources that they could assist the Minister in this issue?

The Deputy of St. Ouen:

Certainly. As I have said, we would wish to involve all groups who have an interest and a background in this topic.

4.1.6 Deputy M. Tadier of St. Brelade:

This is essentially a question of who one's life belongs to. I think it is important to understand that. Does the Minister agree that last September we were told by the Attorney General that, unlike the U.K. and Guernsey, in Jersey it is still illegal for somebody to attempt suicide in Jersey, even though prosecutions have not been pursued in that regard, in particular for attempted suicides of course? Does the Minister agree that the first thing that this States should do is change that otiose law, to remove it so we can have a proper debate about end-of-life choices without criminalising people?

The Deputy of St. Ouen:

I am sure this would be a subject of the consultation that is planned. I am not sure about the statement of law that the Deputy has just given. I think that it is possible that the offence may have fallen into disuse and no longer be treated as an offence, but again I cannot comment on points of law. But I see this whole issue is encompassing the work that needs to be done and consulted upon.

4.1.7 Deputy M. Tadier:

Does the Minister accept that assisted dying, as is the preferred terminology, is about a third party helping somebody else to die whereas suicide is about somebody ending their own life and we, in Jersey, seem to be at odds with other modern jurisdictions very close to us when it comes to that fundamental human right about being able to end one's own life without third party assistance?

The Deputy of St. Ouen:

I am not going to comment on exactly what our law is and whether we are at odds with the laws of other jurisdictions. That will come out, I am sure, as a result of research.

4.1.8 Senator S.C. Ferguson:

Given that jurisdictions that have an assisted dying law that has operated for some time, such as Oregon, where there is a move to rescind it; Belgium, where they allow children to decide on it; and problems they are having in the Netherlands, will the Minister assure us that the research and consultation will cover application of this law in other jurisdictions where it has been operating for some time and where there are negative views on it; it will not just be areas where everybody supports it?

The Deputy of St. Ouen:

That would be my intention, to draw from a wide range of jurisdictions and to understand people's views and if views are changing in other jurisdictions as a result of experience, we would want the consultation to reflect that.

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

Does the Minister not accept that all the protestations about due diligence and thorough research are meaningless without the key element of a date by which this topic will return to the House? Will the Minister assure Members that he will give us a date for a Green Paper, White Paper or paper of other hue, on which we can base our opinions? When will he do that?

The Deputy of St. Ouen:

I would remind the Deputy, it was only last week that it was announced that this work was going forward, and being such a novel issue for a small jurisdiction, without yet being able to scope the amount of work involved, I do not feel it is possible for me, at this early stage, to give a firm date. I trust the Deputy and the Assembly would understand that.

4.1.10 Deputy G.P. Southern:

The Minister in his previous experience as Scrutiny knows it is a matter of days or even hours to draw up a decent scoping document on which to base some papers. Will the Minister imitate the effects of Scrutiny and do the same in his department?

The Deputy of St. Ouen:

When I spoke about the scope of the work, perhaps I could reflect back on Senator Ferguson's issue that she raised, learning from the experience of other jurisdictions, and the differing views in those jurisdictions as to how their systems may be working. No one within government has begun that yet and clearly it is so difficult to say exactly where that route would lead us once having started to investigate. I can understand Members' wish to have a firm date but I hope also Members would understand the novel and complex nature of this work we are undertaking.

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

The quality of research depends upon the criteria set at the very beginning of any piece of research, particularly in a topic that is so sensitive and difficult with so many people with interests and beliefs beforehand. Will the Minister publish very clearly the criteria, which groups are being consulted, which jurisdictions will be looked at, and which interest groups are being spoken to so that it is very clear as to the underlying concrete foundations of the research that is being undertaken?

The Deputy of St. Ouen:

Yes, I believe we must be totally transparent in the work we are undertaking so I will seek to publish as soon as possible an outline of the research we will be undertaking. Perhaps I could ask Members to feed-in with any issues they particularly want us to look into or groups they want us to consult with.

4.1.12 Deputy K.G. Pamplin:

I thank Members for engaging with this question. End-of-life choices of course also means the quality of care, palliative care. During the Scrutiny report into the Future Hospital we came across some startling evidence, which was highlighted in a recent Channel Television debate on the subject, where listening to nurses talking about the lack of privacy for those in those final stages of their life in our current hospital. We of course have an incredible local Jersey Hospice and I am sure Members would agree that if we lost them tomorrow this Island would be a very poorer place for it.

The Deputy Bailiff:

Deputy, this has to be a question.

Deputy K.G. Pamplin:

Of course, I am getting to it.

The Deputy Bailiff:

Could you get to it straightaway please?

Deputy K.G. Pamplin:

Will the Minister ensure that the palliative care that is being sought in the Island already is protected in these choices?

The Deputy of St. Ouen:

Absolutely. Palliative care is a vital and essential service and is delivered in a compassionate, excellent way by Jersey Hospice. The 2 concepts are not exclusive. Palliative care will always be part of the service of Health and Community Services but one can also see how there is a call for end-of-life choices without impinging on palliative care.

Senator I.J. Gorst:

There was a question, during those questions, from Deputy Tadier about suicide being a criminal offence. I am not sure if now is the right point to raise it or I should wait until questions are complete. But I wonder if the Solicitor General could advise Members perhaps in written form that that is no longer the case.

The Deputy Bailiff:

The position is obviously we cannot ask questions of the Solicitor General during question time. This is the time specifically for questions and not questions other than those given notice of to the law officers. If, having heard your invitation, Senator, the Solicitor General wishes to circulate an opinion and view to Members in order to assist going forward, then it is certainly open to the Law Officers to do so.

Deputy M. Tadier:

May I also circulate a link based on the information, which might assist Members, because it is on record?

The Deputy Bailiff:

Deputy, as you know, everyone is on email and people circulate information outside the meetings of the Assembly all the time, so I do not see any difficulty with that.

4.2. Deputy K.F. Morel of St. Lawrence of the Minister for Economic Development, Tourism, Sport and Culture regarding the rate of inflation in the Island and its impact on Jersey's economy: [OQ.46/2019]

With house prices rising 7 per cent in 2018, private sector rents increasing by 9 per cent and with R.P.I. (retail price index) effectively at 4 per cent, but all-sector average earnings increasing by just above 3 per cent, what economic forces does the Minister consider are driving such high rates of housing price increases; and does he consider it is a sign Jersey's economy is in danger of overheating?

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

Rising housing costs have been a key driver of the recent high rates of inflation in Jersey. There are challenges for Jersey in ensuring that there is a sufficient supply of housing to meet demand. That is our biggest challenge, I believe. Improving the quality and affordability of housing is nevertheless a key commitment of our Common Strategic Policy, which this Assembly adopted last year. I will work with the Minister for Children and Housing, the Minister for the Environment and the wider Council of Ministers, and indeed all States Members, where necessary, to deliver on that commitment. While the latest economic data indicate we have a strong economy, the earnings figures to which the Deputy refers do not indicate overheating at this stage. But I do believe that the economy is in danger of overheating, which is why we must work closely with our Fiscal Policy Panel and listen to their advice. Our Fiscal Policy Panel does advise that running countercyclical fiscal policy to help ensure that public finances do not contribute to the risk of overheating. That said, the Government maintains a watching brief and stands ready to support the economy, if necessary, during the current period of uncertainty. I have recently set up a new ministerial group to consider new appropriate policies, which will help to achieve low and stable inflation.

4.2.1 Deputy K.F. Morel:

Talking about the new ministerial group; I was wondering if you might be able to let the Assembly know when that ministerial group will first report its findings with regard to ... not price rises but cost of living in Jersey?

[10:00]

Senator L.J. Farnham:

I would like the new ministerial group not to be a one-off group to stage one piece of work and then leave it at that. I think this Assembly needs to have, in perpetuity, a group to deal with policy on cost of living because that is something I think we have lacked in the past. The group has met briefly on one occasion and we would be planning to meet again in March but I would expect it would be a number of months before we report for the first time.

4.2.2 Deputy G.P. Southern:

It is interesting to note that the Minister states that clearly house prices and household rents, costs, form part of the inflation figures in the Island, which are worryingly high. The question is: his new group, has he yet to focus on what areas his new group can investigate in order to get a handle on inflation or does he admit that our inflation is largely imported?

Senator L.J. Farnham:

It is both. We have discussed with our economic advisers just what aspects of our inflation rate we can control. There are certainly some differences we can make. But Members will know, and Deputy Southern will know because this has been a project of his for many years, that the majority of our inflation is beyond our control. A lot of it is imported, for example. As an example, the oil price does have a greater impact on our society's cost of living than it would on a larger country, and that is just one example of the challenges we face.

4.2.3 Deputy G.P. Southern:

To what extent does the Minister have house prices in mind when he is considering what areas? Will he consider, for example, the possibility of rent capping in order to keep rents down and maintain some control of inflation?

Senator L.J. Farnham:

Our new group will consider absolutely everything. I am not ruling anything in and I am not ruling everything out. On the direct question on rent capping. I would struggle with that because I think it can do more harm to a housing market than it can do good. This Assembly and the Council of Ministers and the Minister for Children and Housing, we simply have to get to grips with the supply of housing. I know it is an easy line to state but, in my opinion, it is the biggest single problem that Islanders face and it is of course of major concern and, in some cases, depression for many Islanders that the cost of living is so extremely high. We do not have any fast answers but it cannot be beyond the scope and the ability of this new Assembly, with very promising new and forward-thinking Members, to finally start to get to grips with this problem. I know this is also at the top of the Minister for Children and Housing's agenda.

4.2.4 Deputy M.R. Higgins:

I am pleased to hear that the Minister is going to make it one of their priorities to get to grips with inflation. Does that mean that every price rise, every stealth tax that will be planned by the Council of Ministers, will be scrutinised first because they directly impact inflation? In fact, they are the main cause of local inflation, i.e. inflation from sources other than from outside our own economy.

Senator L.J. Farnham:

The indirect taxation, if we look at the R.P.I.Y (retail price index excluding mortgage interest payment and indirect taxes) figures, which are the cost of living increases, excluding taxation such as G.S.T. (goods and services tax) and impôts. Those are levers we can pull to help with our inflation rate. I am not proposing that we do that but we certainly can. As Deputy Ash has highlighted recently in his crusade for cheaper beer, the direct impact of increasing impôts duty will have an impact on our overlying rate of inflation. Those are some of the levers we can use.

4.2.5 Deputy M.R. Higgins:

Just following through: will the Minister ensure that things like proposed M.O.T. (Ministry of Transport) charges, and other charges that are going to come in, will also be scrutinised and also kept to the absolute minimum?

Senator L.J. Farnham:

The aim of this new group will be to make sure that politicians understand the impact of imposing new charges and new taxation on the cost of living. We have tended to in the past, this Assembly, I believe, introduce new taxation without considering the impact on inflation. Like the previously agreed retail tax as one example, where that could have an impact on our inflation and we did not make that consideration before introducing the new tax. But those sorts of things will have a very minimal impact. The main drivers for high inflation at the moment are housing costs, household services, school fees, postage, telephone, leisure service, holidays and recreation and of course motoring, due to oil prices.

4.2.6 Deputy S.M. Ahier of St. Helier:

I was reading through the retail price index for Jersey in December and we have a chart on page 2 for the last 18 years for the retail price index figures, and I have drawn up one from the U.K. for the last 20 years, which is virtually identical in the peaks and troughs. There is only one minor difference, the Jersey retail information figure is exactly 2 per cent higher for the last 18 years. So this is a problem that we have had for many, many Assemblies before this one ...

The Deputy Bailiff:

Deputy, this really does have to be a question.

Deputy S.M. Ahier:

No progress has been made. High inflation is threatening the very fabric of our society. Will the Minister ensure that it is not another 20 years before our retail price index and that of the U.K.'s converge?

Senator L.J. Farnham:

I would like to give that promise but I simply cannot. Nobody in this Assembly can, but I can give the Member reassurance that we are going to try very hard. Jersey's inflation rate has always run ahead of the U.K. rate on a comparable basis and analysis indicates that Jersey's inflation rate largely tracks the U.K., as the Deputy pointed out. We have always run ahead because we are strongly influenced by global pressures, which have a far greater weight on Jersey's economy because it is much smaller than the U.K.'s economy. I am with the Deputy in thinking. We cannot make any guarantees other than that we have to make a commitment now to fully understanding the impact of increases that we apply through public finances and the impact on inflation.

4.2.7 Deputy R.J. Ward:

Given the answer to Written Question 112 today, which states that of the 145 units presold by Horizon Developments 82 have been sold to buy-to-let investors, are we not fuelling the rise in rental prices in the private sector by the actions of our States-owned arm's length companies?

Senator L.J. Farnham:

I would imagine that the buy-to-let investors are local investors. I agree that we should not allow, with the current state of our housing market, investors from outside of the Island to invest in property given the current demands faced to us. But I am not sure what we can do in our community to stop local people buying property for investment. On one hand, the fact that local investors are buying it might not be perfect because it could deny some first-time buyers because the Horizon project is, I

think, a very good scheme for first-time buyers because it allows buyers for a period of time to pay their deposit. I must declare an interest because my daughter is a purchaser of one of these properties. Having said that, although these properties, many of them have been bought by investors, they are still available for local housing, albeit it to rent.

4.2.8 Deputy R.J. Ward:

Is it not the fact that developments like this are simply, to a large extent, more than 50 per cent of investors are becoming a cash cow for those who are wealthy enough to buy up homes; and I use the word “homes” on purpose? Because they are homes, not properties to be bought and sold like a bag of crisps. But they are homes that people need to live in. Are we not fuelling inequity, which goes directly against one of the main aims of the Common Strategic Policy by allowing this to happen?

Senator L.J. Farnham:

I do understand the Deputy’s concerns and I am not passing the buck but that is probably a matter for the Minister for Children and Housing to address. I am sure he will have the understanding of the Council of Ministers and the Assembly when he comes to address these sorts of issues. While I do understand, I want a free market economy to prevail. I want to allow opportunities for local investors to invest in business and property in their Island but we do have to, going back to the very basis of the original question, ensure that we get to grips with the supply and demand in housing and produce more affordable homes for Islanders to buy.

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

In response to the Horizon building, 82 units out of 145 are being sold to investors. Very simply, does the Minister agree with me that if it was not for the private investors this project would not have got off the ground yet and would not be started and the spade would not have gone in the ground. In order to provide the other 63 units of accommodation, it has been necessary to have private investors. Further, could I ask the Minister what incentives he might give to the private sector to invest in housing in order to shorten the waiting list and to provide more homes?

Senator L.J. Farnham:

I think having private investment in any part of our economy is absolutely essential. I refer the Constable to my previous answer. The second part of his question, again I am not the Minister for Children and Housing, but I just again refer to an earlier answer that I gave and I would appreciate if the Constable would direct that to Senator Mézec in due course.

4.2.10 Senator K.L. Moore:

Given the Minister’s answer in relation to the issue of being that of supply, would the Minister confirm whether he will be supporting the rezoning of land for first-time buyer homes in St. Peter and encouraging other Ministers to do the same?

The Deputy Bailiff:

Yes, I think you can answer that.

Senator L.J. Farnham:

Can I answer that, Sir? Are you sure? Absolutely sure? I am quite happy not to.

The Deputy Bailiff:

I suppose if you consider this relates to economic forces driving high rates.

Senator L.J. Farnham:

While I support the provision of new housing, I do not support a policy that will destroy the environment, and I am not saying that this development will. It falls into that category. But I will

be looking very closely at the circumstances around that particular development prior to making my decision.

4.2.11 Deputy K.F. Morel:

We have heard about the number of flats Horizon have sold to buy-to-let investors and it is little wonder, given the 8 per cent or 9 per cent return you can get from that compared to what you will get in the bank. With that in mind, would the Minister share the description of Jersey's housing market given by the mysterious States spokesman who certainly was not the Minister for Children and Housing, who described Jersey's housing market as mature and confident? Is that something that the Minister shares?

Senator L.J. Farnham:

I understand that comment was attributed to the Minister for Children and Housing but I understand it was not authorised or said by him. I think we have a very strong housing market. We are a privileged society in many aspects, and many hard-working Islanders have worked hard to afford and buy and pay for their own homes. We need to aim to protect the equity and the value of their homes for future generations. That is part of the conundrum we have. To introduce cheaper and more affordable housing without having an impact on the value of existing people's homes. I think this whole Assembly is probably in agreement and we have to put our shoulder to the wheel now and support the Minister for Children and Housing and we have to simply find ways of addressing the issue.

[10:15]

Deputy K.F. Morel:

Sorry, I asked whether he agreed whether it was a mature and confident housing market, as described by the States spokesperson.

The Deputy Bailiff:

I think the Minister has expressed his view on what he thinks the market is and that is, I think, as far as we can go, Deputy, with this one because we need to press on.

4.3 Deputy G.P. Southern of the Chairman of the States Employment Board regarding the use of zero-hours contracts in the public sector: [OQ.50/2019]

Further to the chairman's response to written question 239/2018 that all zero-hours contracts issued by the States of Jersey are aligned to good practice, will he detail what such alignment entails and will he assure Members that such contracts, whether issued by the States of Jersey or by an agency on its behalf, contain no mutuality of obligation as advised by the Jersey Advisory and Conciliation Service?

Senator J.A.N. Le Fondré (Chairman, States Employment Board):

It is a slightly complicated question so I will deal with the main point and obviously pick up others in the supplementary. So, mutuality of obligation is a key element to a zero-hours contract of employment. The term refers to the obligation of an employer to provide work together with the obligation of an employee to accept work that is offered. No zero-hours contract issued by the States of Jersey contains mutuality of obligation. I hope that gives the assurance he wanted.

4.3.1 Deputy G.P. Southern:

Just to clarify, then, of the 150 employees on zero-hours contracts in the health service who are not nurses or midwives, wherein their zero-hours contracts refer to overtime performed as outlined in written question 14 today, of those 150 can the chairman assure us that none of these contain

mutuality of obligation, i.e. if the employees do not turn up it does not matter and if there is no work for them and they do turn up and they are sent home, that does not matter either? Is that the type of contract we are talking about?

Senator J.A.N. Le Fondré:

Sorry, I did lose track somewhere in the middle of the question. In terms of the health workers' position, I am informed that on any zero-hours contracts that the States have issued there are no mutuality of obligation clauses in those contracts.

The Deputy Bailiff:

You can have a final supplementary, Deputy Southern, if you wish. No one else has indicated a desire to ask a question.

4.3.2 Deputy G.P. Southern:

Will the chairman inform Members to whom and under what circumstances these 150 zero hours-contracted workers in the health service refer?

The Deputy Bailiff:

Do you mean the kind of ... I am sorry, Deputy, I did not understand the question. Do you mean the kind of people employed under them?

Deputy G.P. Southern:

Yes, Sir.

The Deputy Bailiff:

The job categories, as it were, yes.

Senator J.A.N. Le Fondré:

I do not have that detail with me today but I will ensure it is circulated. So, just to be clear, in terms of question 14, the breakdown of the health workers and the other health professionals and the health workers, other healthcare groups, is how those are breaking down in terms of types of contracts? Perhaps the Deputy could put it in an email and I will sort it out.

Deputy G.P. Southern:

I am referring to the jobs that those people do.

Senator J.A.N. Le Fondré:

Yes, I am happy to sort that out and get it to the Deputy.

4.4 Deputy R.J. Ward of the Chairman of the States Employment Board regarding the pay dispute with public sector workers: [OQ.47/2019]

May I ask the Minister what solutions will the chairman be offering to end the pay dispute with all public service workers and to prevent further strike action?

Senator J.A.N. Le Fondré (Chairman, States Employment Board):

Yes, the States Employment Board has agreed with unions that while discussions and mediation with unions are under way neither side will make any public statements and the States Employment Board is holding to that agreement. What I can confirm is that meetings have continued and have been taking place since my last update to the Assembly and that includes last week and even yesterday. The States Employment Board met both yesterday and last Friday and authorised the continuation of

those talks. When a result or a resolution is finalised, I will ensure all States Members are updated accordingly.

4.4.1 Deputy R.J. Ward:

Can the Minister confirm whether more money has been made available?

Senator J.A.N. Le Fondré:

We continue to operate within the financial constraints that I have outlined previously. However, negotiations are very productive within the constraints that we are operating under and what I do not want to do is jeopardise negotiations at what is a delicate stage. So we are sticking to the agreement with the unions that we are not making any public comments while negotiations are in hand, but discussions have been productive to date and discussions have been continuing both last week and yesterday.

4.4.2 Deputy G.P. Southern:

Within the financial restraints that we have, does the new offer refer to 2018, 2019 or 2020 or any of those 3?

Senator J.A.N. Le Fondré:

I think I had better stick to the position that I do not want to jeopardise negotiations at this stage. All unions are fully appraised of what our position is, but we said we will not make public comments until offers have been resolved and finalised.

4.4.3 Deputy M.R. Higgins:

Can the chairman advise whether the S.E.B. (States Employment Board) is still operating at arm's length from the union negotiators or, when I say that, are politicians getting involved in the talks or is it still remaining with officers?

Senator J.A.N. Le Fondré:

In terms of formal negotiations it is still done ... it is the officers who negotiate and they report back very regularly and very frequently to the board. In terms of informal, face-to-face meetings, there have been informal, face-to-face meetings with politicians, including myself, but that is not for negotiation. That is mainly to allow some communication to have taken place. I would say I believe that is a change to previous positions.

4.4.4 Deputy R.J. Ward:

It is really just to confirm that the officers that are involved in talks do have the ability to offer something concrete during those talks.

Senator J.A.N. Le Fondré:

The usual process of negotiation is that the officers are authorised to a certain point. As negotiations continue, if things get outside their mandate, they come back to the States Employment Board for a further discussion and negotiation and that is why the States Employment Board are very actively involved in matters at the moment and are meeting very regularly to consider matters.

4.5 Connétable A.S. Crowcroft of St. Helier of the Minister for Treasury and Resources regarding the delivery of purpose-built youth facilities in the north of St. Helier: [OQ.54/2019]

Further to the Assembly's adoption of Deputy R.J. Ward's amendment to the Common Strategic Policy that a purpose-built youth facility should be created in the north of St. Helier, will the Minister advise whether she has had any discussions with ministerial colleagues, Andium Homes or within

her own department about the allocation of funds to this project and what timescale does she envisage from design to completion of such a facility?

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

The Assistant Minister will take this question.

Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - rapporteur):

There have been various meetings currently being undertaken between Treasury, Andium and other departments to produce an updated capital programme for the Government Plan. It is expected this work will be completed in order to meet the Government Plan deadlines. I, along with the Minister for Children and Housing, met with Andium last Friday. We were presented with their strategic business plan and during these discussions I asked whether any consideration had been made to the provision of youth facilities within their build programme. I am pleased to say that they are eager to assist in whatever way they can and they are looking at these plans. Indeed, I think I speak for the Minister for Children and Housing as well in saying that it was obvious that they placed their social obligations very high on the agenda. Both the Treasurer and myself will endeavour to ensure funds are available when required, but as for a timescale, until we know which site is to be used and that planning approval has been given, it would be very wrong of me to speculate.

4.5.1 The Connétable of St. Helier:

A fortnight ago we learnt that the funds we voted in the Budget for the Liberation Square refurbishment project might not be made available after all and that another pot would have to be raided. Is it going to be the same here or is the £5 million voted set aside safe for the development of youth facilities?

Deputy L.B.E. Ash:

As I said, the Treasurer and I will endeavour to make sure that that £5 million is available. I respect what Deputy Ward put through the other day, but I cannot really make any comments on how much would be needed until we see the planning permission. The Connétable is aware of the problems of achieving planning permission in St. Helier where often the best sites are made unavailable due to political issues.

4.5.2 Deputy R.J. Ward:

I just want to confirm given it was a very specific commitment in the Common Strategic Policy both in terms of its vicinity and its costing. Can you confirm that you will stick to those promises that we have made and that it is a purpose-built facility, not just a tagged-on facility into a small area of an Andium development?

Deputy L.B.E. Ash:

As I say, the actual plans are very much ongoing so I cannot really confirm as to what nature they will take. I know that Andium have looked at the possibility of using Le Bas Centre there, but it is still very early and until we know which building will be available for them and where we can get planning permission, I will then be able to give further details as to the exact spec involved.

4.5.3 Deputy K.F. Morel:

In deciding what youth facilities to put in the north of town, will the Minister ensure that young people and young leaders are consulted as to the needs that they need to have met rather than leaving it just to a bunch of grey-suited gents in a boardroom?

Deputy L.B.E. Ash:

As a grey-suited gent I rather take exception to that comment, but I will be making sure that we consult with every single person. We will consult with the youth authorities. We will consult with Deputy Ward, who brought this, and there will be full consultations along with the Minister for Children and Housing, who obviously takes a great interest in it.

4.5.4 Deputy G.P. Southern:

Has Andium given any indication of the timescale under which it will return to talk to the Minister and, if not, will the Minister ask Andium to inform us of any timeline this decision made ... oh, that was incoherent.

Deputy L.B.E. Ash:

As I said, we cannot really have any timelines until we find the site and when we get planning permission for a site. There are a number that are ongoing, so probably the question would be better asked of the planning officers than myself. But we will definitely - and I know again the Minister for Children and Housing will join me in this - monitor the situation and it will be at the top of our agenda.

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

Will the Assistant Minister instruct his officers to keep informed the Constable of St. Helier, Deputy Ward and the Minister for Education about any developments in this area so that questions in this Assembly do not necessarily need to be lodged?

Deputy L.B.E. Ash:

As I say, and I think I have answered this already, we will be keeping everybody in touch and will consult with everybody, including the steering committee that I believe is already in place.

4.5.6 The Connétable of St. Helier:

Given the size and population of the area we are discussing, possibly the most densely populated part of the Island, is there a case in the Assistant Minister's view for more than one facility of this sort being delivered when you have areas as far apart as La Pouquelaye, Rouge Bouillon, perhaps the site of the former police headquarters, and so on?

Deputy L.B.E. Ash:

I think there is a case for very many of these things being delivered but as always it comes down to the finance that is available, so I think we will start with one at a time.

4.6 The Connétable of St. Helier of the Minister for Infrastructure regarding the proposed merging of Liberation Square with Weighbridge Place: [OQ.55/2019]

Will the Minister advise how much has been spent thus far on the proposed merging of the Weighbridge with Liberation Square and what, if any, contingency plan for funding exists in the event that the Regeneration Steering Group decides that the project is not of sufficient priority to merit funding from the Urban Regeneration Fund arising out of profits from the States of Jersey Development Company?

[10:30]

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

£100,000 has been spent to date in developing the scheme for joining Liberation Square and Weighbridge Place. The project is in engagement phase at present and as part of that process the project was presented to the Regeneration Steering Group on 11th January 2019. Funding of capital projects is the responsibility of the Minister for Treasury and Resources and not myself. G.H.E.

(Growth, Housing and Environment) will deliver the project once the Minister for Treasury and Resources has determined a funding source.

4.6.1 The Connétable of St. Helier:

I agree with the Minister that it is, in a way, not his responsibility to secure the funding for this, but given that his officers are working on what he calls an engagement phase - I am not sure if that means consultation because I do not believe that there has been any public consultation - is he not concerned that this may be abortive work if there is no money to pay for the project?

Deputy K.C. Lewis:

The Constable raises an interesting point. The joining of the squares has been discussed for many years and the most recent proposal was included in the Future St. Helier Project Board list of prioritised projects, which confirmed the joining of the squares as a priority project, recommending funding be made available in the M.T.F.P. (Medium Term Financial Plan) 3, and I believe the Constable sat on that project board. I am at the mercy of the Assembly. I am merely the facilitator.

4.6.2 Deputy R. Labey:

What do the traffic surveys reveal as to the impact of this scheme on traffic in town?

Deputy K.C. Lewis:

There will need to be adjustments made to the traffic flow, namely buses and taxis will need to take alternate routes. The cut-through, through to round by the Pomme d'Or, will be altered, obviously, and it will take possibly a few minutes extra if wanting to go east by cab or bus to circumvent the new Island route around.

4.6.3 Deputy R. Labey:

Has a traffic survey been conducted? What are the results and what consultation has taken place?

Deputy K.C. Lewis:

That is a work in progress. As I say, the Traffic Department is well aware that there will be problems with this scheme which they are trying to mitigate.

4.6.4 Deputy M.R. Higgins:

The Minister said he is at the mercy of the Minister for Treasury and Resources. Will he tell us in detail then **[Interruption]** ... the Assembly. Have you had any discussions with Treasury on such a particular matter and, if so ...

The Deputy Bailiff:

Through the Chair, please.

Deputy M.R. Higgins:

Yes, Sir. Will the Minister advise the Assembly, please, what discussions he has with the Treasury on funding this particular thing and when those discussions took place?

Deputy K.C. Lewis:

There have been preliminary discussions but Treasury have not signed it off and Treasury are seeking a funding route as to whether funding may be coming from S.o.J.D.C. (States of Jersey Development Company) as part of returns to Treasury or it may come from another route.

4.6.5 Deputy M.R. Higgins:

I did ask when. Would the Minister tell us exactly when these meetings or discussions have taken place?

Deputy K.C. Lewis:

Discussions are ongoing.

4.6.6 Deputy K.F. Morel:

Referring to the engagement phase that the Minister just mentioned, could he confirm whether that is indeed consultation and, in fact, whether because of the rushed nature of this programme, trying to get it finished in time for Liberation 2020, the consultation phase has, in fact, been if not entirely cut, reduced by a large amount?

Deputy K.C. Lewis:

The Deputy is quite correct, we do have a target to meet, but there has been quite a bit of consultation with the surrounding businesses, surrounding hotels and obviously LibertyBus with the possibility of modifying some of the routes. As I say, talks are ongoing.

4.6.7 Deputy M. Tadier:

Will the Minister confirm that the project itself and the principle of the project is a very laudable one and that in Jersey we have a lack of large open spaces, particularly in the urban areas, where public events and the like can be put on and that this will ultimately be an asset to St. Helier and to Jersey and we should all be supporting it?

Deputy K.C. Lewis:

Absolutely. It will present itself as a suitable area for various events. Small marquees will be able to be set up there, orchestras, bands, *et cetera*. So I am looking forward to that but, as I say, we have a way to go yet.

4.6.8 The Connétable of St. Helier:

It is outrageous in a way for the Minister to imply in his reply to me, my last question, that this project is in some way a priority of the Future St. Helier Group. It certainly was not a top priority and he will know because the previous Minister abandoned Midvale Road improvements, which were the top priority. So for him to imply that this has somehow jumped up the priority list is completely misleading. Will the Minister undertake to be more transparent in publishing what is going on with Liberation Square because I do not believe the public know? The public certainly have not been consulted and my key concern is: where is the money coming from? At the moment, we do not know where the money is coming from. Will he agree to be more transparent about this?

Deputy K.C. Lewis:

I cannot be any more transparent than I am. I believe the Constable sat on the Future St. Helier Group so obviously he would know more about that group than I and how far up the list this was. But if it is not a priority then would he kindly state exactly where on the list this project comes? Because I have not seen many people that are against the project. As I say, obviously there will be problems with rerouting buses and taxis, *et cetera*, but I am more than happy to discuss that with the Constable, and I am 100 per cent transparent with this project.

4.7 Deputy K.G. Pamplin of the Chief Minister regarding the Government's response to reviews which had been commissioned by the Jersey Safeguarding Partnership Board: [OQ.53/2019]

Following the news that 2 reviews of services commissioned by the Jersey Safeguarding Partnership Board found that Jersey urgently needs to improve protection for vulnerable adults and people with learning disabilities, will the Chief Minister explain the Government's response to those findings?

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

So responding as the Deputy has requested from a high-level Government position as Chief Minister, we welcome the 2 reviews and their recommendations, which explored how we safeguard vulnerable adults and what we can do to improve our practices. The reviews have identified some examples of good practice and multi-agency working but also, as the Deputy I am sure is aware, areas which definitely do need to be improved and ways in which practitioners should be supported better by the systems that surround them and work is under way in the relevant areas to basically adopt the recommendations and facilitate those improvements.

4.7.1 Deputy K.G. Pamplin:

I thank the Chief Minister for his answer. One of the recommendations of the 40 that were put forward was the formulation of a panel, which will hopefully come into place in April. Following the panel's work and going forward from the other recommendations, who will be the chain of command - as I try to grapple with the language - for reporting for the air of transparency? What will be the chains of how the panel responds? Will it be the Chief Minister or the Minister for Health and Social Services? Will he add some clarity on the reporting lines?

Senator J.A.N. Le Fondré:

I think that is in the process of being finalised at the moment. That is why I emphasised this was high level because the responsibility for implementation falls to the individual Ministers but the overall reporting lines fall to me. That is something we need to clarify and we will do that in time for the formation of the panel.

The Deputy Bailiff:

Do you have a final supplementary, Deputy?

Deputy K.G. Pamplin:

No.

4.8 Deputy R.J. Ward of the Minister for Education regarding the Minister's policy position in respect of industrial action taken by members of the teaching profession over pay: [OQ49/2019]

Has the Minister, with her Assistant Ministers, agreed a policy position to support the teaching profession in its industrial action over pay? Is it her assessment that morale in the profession has been damaged and, if so, what solutions, if any, has she identified to ensure that such damage is repaired in the long term?

Senator T.A. Vallois (The Minister for Education):

No, I have not agreed a policy position with my Assistant Ministers to support the teaching profession in any industrial action over pay. I acknowledge the right of any staff member, of course, to take industrial action and I respect their choice to do so in accordance with the law. I am, as the Deputy knows, passionate about the education of our children and young people and the impact on their education, and inconvenience and financial impact on their families caused by industrial action is, of course, a concern to me as well. I am pleased that the action planned for today has been suspended and hope a resolution can now be found to avert any further action. I am sure that morale in the profession has been affected by the pay dispute. This is evidenced by the strong support shown for industrial action in recent union ballots. Teachers and all other school staff are committed employees who want to do their best for education in Jersey and I value all that they do and will work with my Assistant Ministers and officers of the department to improve morale wherever possible. I regularly meet with the union leaders as part of the Education Consultative Council and I am about to start a

series of school visits so I can meet more staff face to face to see first-hand the success their hard work achieves but also to hear their concerns so I can support them moving forward.

4.8.1 Deputy R.J. Ward:

May I say I agree and am pleased that hopefully a resolution to the industrial dispute may be reached quickly with proper consultation for the first time for a long time. May I ask the Minister whether she will commit to addressing - which has been somewhat ignored in the past, I believe - the issues of workload and work-life balance for teachers and issues such as bullying and harassment in the workplace, which have been so evident from both surveys and from input from individuals as this is one of the biggest issues around morale, not just pay?

Senator T.A. Vallois:

Yes, I completely understand. Workload and bullying and harassment has been going on, particularly during last term, even more so with regards to ... the Education Consultative Council that I referred to have been working really well with union leaders about bringing in appropriate policies to try to support teachers in terms of workload, but also a recognition as a department in terms of the type of school funding that needs to be appropriately put in place to support teachers in terms of resources. Also the fact that the Assembly agree regularly different types of legislation that have an impact on the administration of these schools as well, so there needs to be extra support in terms of the head teacher and the senior leaders within schools to ensure that they can do their job as teachers, as leaders, to support our children. In terms of bullying and harassment, of course, the States Employment Board have earlier this year released a phone line that all members of staff can access and a new bullying and harassment and grievance policy is circulated. I am assuming that that training will be ongoing and it is not just a piece of paper that will be handed out, that appropriate support and training will be provided to all staff as necessary.

4.8.2 Deputy M. Tadier:

Is the Minister aware that teachers and educational staff generally often do work that they are not contracted to do and that they do not get paid for? So when they are not even given the correct pay resolution for the work that they do do, that results in a lack of morale. Does the Minister understand that to be the case and one of the aggravating factors in the current dispute?

Senator T.A. Vallois:

I believe it is not just teachers or any staff in the Education Department that work beyond the hours that they are contracted to. There are many staff within our public sector that work more, go above and beyond the call of duty in terms of their contracts as stated. I think it has come to a pinch point. I think the goodwill that has been seen is ... it is not that it is no longer there, it is just that it gets to the point where there is frustration and it feels like nobody is listening. They do not feel valued. They do not feel supported. So I can recognise that feeling that if they are going above and beyond why is it not the leaders or the people above them that are recognising and supporting that value that they add consistently to our public and our Island as a whole.

4.8.3 Deputy M. Tadier:

Does she also understand that if they are being told that there is no money left now and that there may be reduced money in the future that they may not be able to carry on doing the work that they are not paid for but also they may not be able to continue doing the amount of work that they currently or have been paid for in the past? So with that in mind, would the Minister look at a scheme to perhaps reduce their workload and is she also considering, for example, a 4-day week for the public sector in order to avert this crisis of a lack of funding to sustain the current public services?

Senator T.A. Vallois:

I am not personally looking at a 4-day week. That would be up to the States Employment Board to consider that. However, it would have a huge impact on our education and our schooling and our children in terms of the hours that are required under our curriculum to support the children moving forward. So, of course, that is of significant concern. In terms of money left, of course, we know the current situation, the financial constraints, as the Chief Minister set out to answer at question 4 to Deputy Southern earlier.

[10:45]

Recognising there may be a need to change working hours for the public sector as a whole is, of course, a decision for the States Employment Board to consider around policies supporting the workforce and how that moves forward, but flexible working and those types of things, of course, moving forward over the next 20 years, it is going to look a very different world. So, if there is no money left, that consideration has to be made by the States Employment Board and the Council of Ministers as a whole.

4.8.4 Deputy R.J. Ward:

May I ask the Minister if she would, as a suggestion for improving morale, ensure that both the policy that was developed with unions and the Education Department over workload and marking, in particular, is properly implemented across all schools and also the situation where informal warnings are both given by the head teacher and judged upon by the head teacher, which seems to me intrinsically unfair, is addressed as a matter of urgency, which can lead to bullying in the workplace?

Senator T.A. Vallois:

This was raised at the last meeting of the Education Consultative Council by members of the National Education Union, who raised concerns about the inconsistencies of applying policies across schools. My officers have agreed to take that on board and follow that up and look into that. So I can only give that guarantee, but I am happy to report back once I hear back from my officers.

4.9 Deputy K.F. Morel of the Minister for Social Security regarding the consultation undertaken in preparation of the Draft Employment (Amendment No. 11) (Jersey) Law 201- (P.172019): [OQ.48/2019]

When the consultation for the Draft Employment (Amendment No. 11) (Jersey) Law was undertaken, were businesses and organisations specifically asked whether they agreed with the idea of allowing 4 separate periods of parental leave within the 3-year entitlement period?

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

The forum has recommended a system that would give parents more options and choices, improve gender balance in parenting and ensure the rights are suitable for a range of different family circumstances. The forum's written survey did not include a specific question about a 3-year period in which up to 4 separate blocks of parental leave may be taken. At the time of preparing the survey, the forum had no preconceptions about what they might hear from stakeholders. Having consulted, the forum discovered that there was a strong theme and a key factor for parents was to have more choice and flexibility. The survey revealed that 78 per cent of employees responding said that there was too little flexibility in the current parental leave system. The forum recommended that the 4 blocks of leave should be available to ensure that parents can use extended period of leave to suit the needs of their family. In September last year, the period of parental leave for fathers and partners was extended to 26 weeks and already can be taken up to 52 weeks in 3 separate blocks.

4.9.1 Deputy K.F. Morel:

It is interesting to hear that 78 per cent of employees responded because I have been trying to get answers from the Minister's department to find out how many employers have been spoken to. Unfortunately, as you can see from the answer to written question 120, I am not getting answers on that front. Does the Minister agree that this outsourced approach to consultation using the Employment Forum is deeply unsatisfactory precisely because I am not receiving clear answers to the questions that I am asking with regard to the numbers of employers that have been consulted?

Deputy J.A. Martin:

No, I am absolutely confident in the way that all employment legislation for the last 20 years has been, in the Deputy's words, outsourced to the Employment Forum. This is nothing new. The Employment Forum has a load of stakeholders and it represents about 1,700 small employers on their database. This has been out there. This will give parents a meaningful choice to sit down and discuss who takes the leave, when they take the leave. This has had front page news in the *J.E.P. (Jersey Evening Post)*, a massive article in the *J.E.P.* I have had 2 different employers write to me as Minister and none of them are concerned about the extended leave for fathers or the other parent.

4.9.2 Deputy K.F. Morel:

I believe, first of all, that the Minister inadvertently just misled the Assembly by claiming that the Employment Forum has 1,700 employers on its database. They have said to me they have 300 employers on their database, or 300 people on their database, and in the answer to written question 120 it said that the Employment Forum has received responses from a number of employer associations which together represent around 1,700 local employers. So before I ask the question, please could I ask the Minister to correct her inadvertent mistake?

The Deputy Bailiff:

Well, I think if you ask your question as well, then the Minister can deal with it all in one, because it is only a ...

Deputy K.F. Morel:

Yes. In which case unfortunately I have yet to speak to particularly a small employer who believes they will be able to find cover for 4 13-week periods. Every employer I have spoken to is extremely concerned about this. So, given that the Minister is so confident in the consultation process, will she commit to publishing the findings of this consultation or will I, as a fellow Member of this Assembly, be forced to use a Freedom of Information request in order to get this information?

Deputy J.A. Martin:

Firstly, it is the Chamber, I.o.D. (Institute of Directors), Farmers Union, Jersey Hospitality, *et cetera*, together represent around 1,700 local employers. It is not employees. The Deputy is right, the Deputy can ask for a Freedom of Information request. The Employment Forum go out to consult. They did not go out purposely to say: "This is what we think people need." In fact, they went out talking about shared leave and they found out there are so many unhappy employees out there, and employers even said: "We do not really want 52 weeks in one block. We think we could work it better." When the Deputy talks about 4 blocks of 13 weeks, they can only take it 4 times. They have to give 4 months' notice. Employers have to deal with people becoming sick for a lot longer than that with no notice. This is something that the Deputy, I would have thought, with the gender balance that we all want, would be fantastic for people to decide who takes the leave, who is in that absolutely pivotal point in their career when they need to take the leave or the father takes the leave, and they can change this over a 1, 2 and 3-year period. I am confident that this will work and I have not heard... and if the Deputy is hearing all these things, I wish the people who are concerned would come to me and they absolutely have not.

4.10 Deputy G.P. Southern of the Minister for Education regarding the prospect of vacancies for specialist secondary school teachers remaining unfilled in the new academic year: [OQ.51/2019]

In the light of the ongoing dispute over public sector pay and the claims of real-term loss in public sector earnings of between 10 and 15 per cent over the last decade, what consideration and planning has the Minister undertaken, if any, for the possibility of vacancies for specialist secondary school teachers remaining unfilled in the new academic year?

Senator T.A. Vallois (The Minister for Education):

Specialist secondary school teacher recruitment is always challenging, but I am pleased to report on some positive steps taken by the department to mitigate issues here in Jersey. We train local graduates to be teachers, a successful scheme that has produced more than 60 teachers for our secondary schools. We also recruit direct from universities; at least 11 specialists have come to Jersey from Newcastle University. While it is proven that public sector earnings have not kept pace with inflation recently, the overall package for specialist secondary school teachers remains competitive with the U.K. Pay is one factor of a multi-factor decision to apply for a role with an employer and specialist teachers will consider a wide range of employment and lifestyle before making their choice. We are investing in our school infrastructure, reducing teacher workload and taking positive steps to put children first.

4.10.1 Deputy G.P. Southern:

The Minister mentioned I think it was 60 posts filled locally in secondary specialist education. Could she publish a list of those positions?

Senator T.A. Vallois:

I stated that we produced 60 teachers for our secondary schools through a successful scheme of local graduates, but I am happy to publish that list if the Deputy so wishes.

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

Just following on from the Deputy, would the Minister be able to inform Members of how many of those 60 have since left the profession and perhaps provide an average of how long they stayed in the profession since completing the J.G.T.T.P. (Jersey Graduate Teaching Training Programme)?

Senator T.A. Vallois:

I do not have that precise information but I am happy to get my officers to accumulate all that information and provide it to Members as and when they have the information.

The Deputy Bailiff:

Final supplementary, Deputy Southern.

Deputy M. Tadier:

Deputy Ward had his light on but it may have been missed.

The Deputy Bailiff:

Well, it did not come up, but if you had your light on, Deputy, there is certainly time, so yes.

Deputy R.J. Ward:

If possible.

The Deputy Bailiff:

Yes.

4.10.3 Deputy R.J. Ward:

Just following on from Deputy Perchard's question as well, one of the issues in the U.K. is the numbers who are leaving the profession after about 5 years of being newly qualified. It is an attritional rate at times and can I ask the Minister if she would keep a track and a record so that we are not falling into those same issues, particularly when we recruit from the U.K. from N.Q.T.s (newly qualified teachers) from a particular university. If they are not staying, it is not good to have a transient staff in our schools.

Senator T.A. Vallois:

Yes, I recognise what the Deputy is stating. I am happy for my officers to put together an ongoing formula to make sure that we recognise the reasons for people leaving or the expectations that are needed, but I think what is also important is that this just goes to show how important it is for us to recognise that we need to change the way we do things in terms of education and that there is not necessarily one way to follow and that there are best practices that we can take from elsewhere. That will also help encourage specialist teachers to stay in terms of retention and recruitment ongoing but, of course, that is a long-term aim. But we are planning and putting the foundations in place appropriate for that.

4.10.4 Deputy G.P. Southern:

It is a minor point but when the Minister refers to 60 posts filled, what timescale was that over?

Senator T.A. Vallois:

I do not have exactly when that timescale was over, but again the information that I have been asked I am happy to send out to all States Members so that you get the accurate information in a legible format.

5. Questions to Ministers without notice - The Minister for External Relations

5.1 Deputy G.P. Southern:

When the last referendum on membership for the U.K. of the E.U. (European Union) was held, the then postholder in foreign relations was very blasé about the process and we were not involved in that referendum. Does the current postholder think that we should be involved in any referendum for U.K. membership of the E.U. because of our close links with them and, if so, will he seek to persuade the U.K. Government that we should be included?

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

I well remember former Senator Bailhache making the points. I supported absolutely what he said at that time. He was right from a democratic mandate point of view. We are not members of the European Union, unlike our colleagues in Gibraltar where they are. Therefore, they had a vote in the referendum. It would be constitutionally and democratically inappropriate for us to seek to have a vote in any future referendum.

5.2 Deputy R.J. Ward:

Given that reputation is so key for this Island and the Minister for External Relations' work on that, can he comment on the somewhat draconian charges being made by Flybe for hand baggage and, in particular, the treatment of young children travelling on their own?

Senator I.J. Gorst:

I would have great pleasure in doing so.

The Deputy Bailiff:

Well, no, Minister, I do not think that can fall within the remit of the Minister for External Relations. Tying it loosely to reputation, I think you could ask that Minister to answer questions about absolutely everything if we tied it loosely to that.

Deputy R.J. Ward:

It is because it does affect the way that people travel to Jersey and the impression they get. I wonder if the Minister for External Relations can answer that or whether he could consult the appropriate Minister.

The Deputy Bailiff:

Well, if it is a matter of people travelling to Jersey, it would be Economic Development, I think, rather than External Relations. I do not think it is within that Minister's remit.

5.3 Deputy S.M. Ahier:

Will the Minister assure the Assembly that Jersey residents will not require visas to visit E.U. countries after 29th March?

Senator I.J. Gorst:

It is a question that falls within my remit but it is not within my power.

[11:00]

This falls under immigration. It falls under preparation for day one of no deal. The Deputy will be aware of the ongoing negotiations and conversations between the United Kingdom Government and the European Union, and the current proposal on the table about free movement up to 90 days, but there is a lot more work being undertaken to deliver certainty and a future scheme. All of this really falls under the future relationship, which the Deputy is aware that what the U.K. Government or the U.K. Parliament will be asked to vote on again before 12th March, is about the withdrawal agreement, which does not cover the future relationship and then a high-level political declaration which basically, within a certain framework allows the United Kingdom to negotiate at a future date once they have left, perhaps on 29th March, what those terms will be.

5.4 Deputy M. Tadier:

Does the Minister agree that the stability and the reliability of our air and sea links are an integral part of the policy area for external relations?

The Deputy Bailiff:

Well, I think you can say whether you think it is within the policy area of external relations, Minister. I know what I would say if I were asked.

Senator I.J. Gorst:

I do appreciate that they are enjoying themselves and I should enjoy answering the questions that they are endeavouring to ask me, but perhaps I will not give in to that. Of course, our connectedness to the outside of our shores, which is developed not only of course via direct transport links, is critically important to our international reputation, it is part of the reason why we are so attractive as a place to live, work and invest and it is something that Economic Development and all of those departments involved in it have a good record on.

5.4.1 Deputy M. Tadier:

Thousands of business people, diplomats and government officials from Jersey, *et cetera*, will be travelling to and from the Island. When we have an airline which is seemingly putting in arbitrary and punitive measures with regard to their cabin baggage, does he not agree that business people travelling to the Island and from the Island are ...

The Deputy Bailiff:

I am sorry, Deputy, I am not going to let this get into questions about the operation of an airline which clearly would be within the remit of an entirely different Minister. I am not going to allow that question.

Deputy M. Tadier:

May I say, Sir, as a point of order we have established that airlines and sea links are an integral part of the Minister for External Relations remit insofar as they affect business in the Island and this is a...

The Deputy Bailiff:

No, I am sorry, Deputy. I understand what the Minister has said but I do not think that is within the remit of this Minister.

Deputy M. Tadier:

That is fine, but I cannot ask questions to Minister for Economic Development, I am the Assistant Minister. [Laughter]

The Deputy Bailiff:

Well, unless you are Assistant Chief Minister as well, the Chief Minister is up next.

5.5 Deputy K.F. Morel:

In recent days we have seen local media coverage of some of the work that Jersey may need to do to mitigate the effects of climate change. I wanted to know whether the Minister has raised the issue of climate change with the representatives of nations overseas, particularly outside the British-Irish Council, and whether he sees a role for the Jersey Government in working with other small Islands that are similarly based by the threat of climate change or rising sea levels.

Senator I.J. Gorst:

The Deputy asks an excellent question. I well remember on a previous visit to the U.A.E (United Arab Emirates) my visit happened to coincide with a World Climate Change Conference and on that occasion offered opportunity to talk to some Ministers from around the globe who were visiting for that purpose. I think the main way in which we can, in the future, support this particular agenda, as alluded to in the Deputy's question, and that is supporting other small Island communities for whom climate change is a much more pressing matter. Of course, yes, it is for us and we have seen recent publicity about the Environment Department's 100-year plan and I support that. But for other Island communities it is a much more pressing matter and it is something that we talk about particularly with our overseas territory colleagues. I think that the Deputy is asking a question that we could do more work on.

5.6 Deputy J.M. Maçon:

I understand that with Brexit the policy is to mirror what we have in the way of Protocol 3 as closely as possible, but within that, regarding immigration of course, certain groups of Jersey people face discrimination in that they are not treated the same by the stamp in their passport. Therefore I wonder if the Minister for External Relations will confirm that in looking forward to whatever is organised after Brexit that that discrimination will cease and whatever you are from Jersey you will be treated the same regardless of your lineage?

Senator I.J. Gorst:

The Assistant Minister is correct, we are seeking as much as possible to maintain our existing relationship with the European Union. There is a lot of latitude, of course, in that phrase and in that policy aim. I envisage that once the U.K. has left the European Union, once the future relationship

is decided and in place, that all British citizens will be treated the same and there should be no reason for either Islander status stamping one's passport or as our colleagues in Crown Dependencies, Manxmen stamps in their passport so all British citizens will be treated in a non-discriminatory manner. Of course, what that might mean in practice is that all Brexit systems have a stamp limiting their access, right to work and abode in the European Union. That would be appropriate and that would be a fair outcome. It is one that we have been endeavouring to work towards throughout the last 2 years.

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

It would be a very brave man or woman who tries to predict the outcome of the Brexit negotiations on 29th March, however, I believe the Labour Party are now supporting a referendum. So may I ask the Minister, in his wisdom and vast experience of the subject, what would be the best outcome of an in or out referendum for the Island of Jersey?

Senator I.J. Gorst:

That is a matter for the United Kingdom, for the United Kingdom citizens, and more immediately for the United Kingdom Parliament. The Deputy is indicating that he has a vote. Perhaps I should recommend him not to use it. His interests now are absolutely, as I know he does, in putting Jersey first and not being involved in United Kingdom politics. Firstly, I would say, do not believe everything he reads in the media about whether the Labour Party is straightforwardly supporting a second referendum. There are a large of number of caveats in that support, and there are a large number of hoops to be jumped through before they do so. We have been absolutely clear, it is in our interests to strengthen our relationships with the United Kingdom. It is also in our interests, as largely as possible, to maintain our existing relationship with the E.U. The Deputy will read into those policies aims what he will.

5.8 Deputy G.P. Southern:

Will the Minister explain to Members in the event of a no-deal Brexit, what the impact might be on our financial services industry?

Senator I.J. Gorst:

The Deputy knows that our relationship with the European Union currently under Protocol 3 does not cover services and therefore there will be no change in that regard. I think perhaps he is wondering about by extension what the effect on United Kingdom financial services will be, bearing in mind that the framework in the political declaration does not cover services. That means, of course, that the United Kingdom needs to, as part of that future economic relationship and as part of those future negotiations, understand what type of relationship it wishes to have with the European Union for services but, let us be clear, one of the reasons that we are right now seeing a continuing buoyant financial services sector and buoyant economy is because we do offer that continuity and that is stability throughout the U.K. leaving the E.U. when it comes to financial services.

5.9 Senator S.C. Ferguson:

With reference to the comments about climate change earlier, is the Minister aware that most of the climate change forecasts are based on incomplete computer models and that the forecast ...

The Deputy Bailiff:

No, no, Senator, this cannot be a set of questions asked of the Minister for External Relations about the evidence in support of climate change. If it is something within the remit of External Relations of the Island then please do ask the question, but it cannot be based upon his understanding of the evidence about climate change. That cannot be allowed.

Senator S.C. Ferguson:

No, but on the other hand if he understands that the arguments that are being put forward are fallacious and that he is busy saying that he is going to support the proposals that are being made in an international context, perhaps he should think that some more informed research is required before he starts supporting it wholeheartedly.

The Deputy Bailiff:

I do not want to, in any sense, criticise Members for questions unnecessarily but surely the question would be: would his answer be different in the event the evidence relating to climate change was different? It is not asking him to agree evidence or not. He is not in a position to do so.

Deputy M. Tadier:

A point of order. That would be a hypothetical question, I think, would it not?

The Deputy Bailiff:

Yes, it probably would, Deputy, thank you. Anyway, I do not allow that question.

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

Getting back to external relations, given the uncertainty with the E.U. exit negotiations, could the Minister confirm that he is confident that Jersey is getting sufficient support from the U.K. Government to respect our particular Island situation?

Senator I.J. Gorst:

Sir, you really are spoiling my enjoyment this Tuesday morning.

The Deputy Bailiff:

Not my intention, Minister.

Senator I.J. Gorst:

I am sure it is not, Sir. I did not wish to suggest it was. The reality is this. That of course the United Kingdom Government are supporting us. The difficulty which I outlined right at the start of this Brexit negotiation process was that we have taken E.U. directives, we have put them into domestic legislation where it was to our advantage. We have maintained a large level of flexibility in our relationship with the E.U. and the United Kingdom. We do not have a written constitution; our loyalty is to the British Crown and has been so for centuries. What Brexit is doing is forcing the United Kingdom, and therefore by extension ourselves, to think about what that flexibility, what that evolving relationship means today and what it means when you try and encapsulate it in black and white, as it were. That, it is fair to say, is causing friction, is causing difficulty because we are seeking at all times to maintain and enhance our constitutional position, as Members would expect us to do so, and yet you can imagine the United Kingdom Civil Service and the great apparatus that is in Brussels is seeking all the time to narrowly define issues to deliver uniformity, which is something that we, here, being proud Islanders, need to guard against, and we are guarding against, but it is fair to say that it is causing some level of friction.

The Deputy Bailiff:

That brings the time available to questions for the Minister for External Relations to an end. The next question period is for the Chief Minister.

6. Questions to Ministers without notice - The Chief Minister

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

Our current Chief Minister inherited a group of U.K. experts to show us how the Island should be run. Is he happy to have been given this and is he also happy with the changes that have been made so far in this Island?

[11:15]

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

There will always be times at a micro level when one might disagree on certain issues being done but at a macro level, yes, I am. The reason I say that is I think it is very clear over the last few years that there has been a need to change what we do. If you are going to change what we do there is no point in having the same people and trying to change their attitudes. Basically it is doing the same thing, the same way and expecting change. If you are going to achieve change, I fully support bringing people in to achieve those changes and essentially bring the organisation into a modern, fit-for-purpose organisation, fit for the 21st century. I am now going to labour the point slightly. The point being if we use examples such as - I know it is not exciting - things like G.D.P.R (General Data Protection Regulation) where in November, I think it was, 2017 the organisation was not ready and it had to be in place by May. In terms of the fines that could have been levied under the law on the organisation was massive. Those type of failures to do those things, the failures we are seeing to address the bullying and harassment stuff, the failures in the structural, whether it is pay scales or workforce structures, all those types of things, we really need to do a massive change and it is long overdue. So from that point of view at the macro level, absolutely. There will always be individuals who do not quite fully understand the Island and it is our job as politicians to make sure they do, but a macro level in terms of achieving the organisational change that needs to happen, I absolutely support it.

6.1.2 The Connétable of St. Saviour:

Could I just say that the Chief Minister has mentioned that there will always be individuals that do not understand ... no, I do not think you said “understand”, who know about the Island and the Island’s inheritance. We seem to be letting that go. Could I ask the Minister if he could - and I have used this term before - take the bull by horns or grab the neck and say: “This is wonderful, you are doing a good job, but there are still things that the Island has an inheritance of and they have to stay.” I am not asking him to spoil what is going on with the English influence but I would like some of the Island’s inheritance, heritage and history to stay and not be just swept aside, because that is what has happened in the U.K. This is my personal thing.

The Deputy Bailiff:

Connétable, yes, I know, but this really does have to be a question.

The Connétable of St. Saviour:

I would like him to hang on to things that we have in Jersey which the English seem to have ...

The Deputy Bailiff:

You still have a question, Connétable, this is ...

The Connétable of St. Saviour:

As a Minister, do you agree that we should hang on to some of our heritage and not do what the English people have done and disposed of theirs?

Senator J.A.N. Le Fondré:

I am a Jerseyman so, of course, I will absolutely ensure that we are not losing our Jersey heritage. What I will say, and if it is in relation to ... I will use the specific which I am assuming is around the terminology of the Government of Jersey or Gouvèrnément d’Jèrri as has been also implemented by

Deputy Maçon and the Deputy of Grouville. That started back in 2005. That is what people have not realised. We have not got rid of the States of Jersey, the States of Jersey is here because that is l's Etats d'Jèrri, that is the Assembly. But ministerial government started making this distinction between the Executive side and the Parliament side and in 2014 the then Minister for External Relations was fully behind, as a Jerseyman, this distinction between those 2 identities and as a branding, if one likes, the terms the Government of Jersey has been in use since 2014 externally. All that has happened very recently is to say: "Look, one either has to carry on forward and finish implementing that, which is what we have done, or effectively one goes back to the committee system." That is what the logical extension is. I know, in terms of communication, it depends, some comments have been: "We are Anglicising the Island." I am definitely not in favour of that. But other people have said ... comments have been: "About time." We want to be very, very careful, absolutely making sure we do not damage, in my view the Parish system, we do not damage the honorary system, things like that, absolutely. But in terms of the kind of split that has gone through, this is a continuation of something that happened literally the day before a number of us became elected in 2005. That is the difficult bit that we all have to communicate.

The Deputy Bailiff:

Chief Minister, I have to ask you to bring this answer to a close.

6.2 Deputy R. Labey:

Can I return to the subject of people in Moscow, Macaw, Singapore, or St. Brelade being able to gobble up our housing supply as a way of enhancing their property investment portfolios? I am confused by the noises I am hearing from the Senatorial benches because at the last election the hustings I saw, when tackled on the subject, not one single successful candidate mounted a robust defence of it or championed it. The electorate was left with the impression that this practice would be looked at with a view to stopping it. Is that not what we should be doing?

Senator J.A.N. Le Fondré:

In terms of what I call external buy-to-let is the ... I do not think the Council of Ministers is unanimous but I am pretty confident in saying the majority are absolutely in favour of stopping that practice. I believe that message had gone through and certainly the Minister for Children and Housing is agreeing with me. How long it will take us to get to the legislative change in place is another matter, but certainly there is a will to do it.

6.3 Deputy L.M.C. Doublet:

The 4-day working week idea is one that is gaining traction in jurisdictions worldwide and has been mentioned this morning. Further to my question to the Chief Minister on 6th November in which he said he would consider the idea, and my 2 follow-up emails of the same day on 4th December, could the Minister please give his view on this idea and would he agree to discuss it further, please?

Senator J.A.N. Le Fondré:

I am always happy to discuss matters with the Deputy, and I hope we had a productive discussion last time we met just before half term, which I believe is achieving certain things. I am always happy to discuss other matters. I have to say I cannot recall my exact response on the November emails - no doubt she will remind me - and we will make sure we have another discussion. I will urge an element of caution around a 4-day week because I suspect there are unintended consequences there.

6.4 Deputy S.M. Ahier:

Will the Chief Minister advise the Assembly whether he believes the new Migration Policy Board represents a sufficiently wide range of political views?

Senator J.A.N. Le Fondré:

There are a couple of extra members who are being added in to widen the views and also I am looking to bring in some external lay members essentially to widen that as well. In terms of where we are, as I alluded to previously, there was a piece of work I set going back in August, which is around migration and the Council of Ministers had a very good presentation on that yesterday and hopefully I will be able to extend it further to relevant Members in due course.

6.5 The Connétable of St. Helier:

I am sure the Chief Minister will agree with me that we are very lucky in having such a range of low-cost airlines serving our community and bringing in tourists from all kinds of places. But is he satisfied that our sea routes are sufficiently robust for the years ahead? Particularly in terms of reliability and price, and also the uncertainty of the current operator being sold. What assurances can he give us that he is working on a strategy to maintain the Island's sea routes and to increase price competitiveness?

Senator J.A.N. Le Fondré:

Obviously, the detail of that matter lies very firmly with Senator Farnham in terms of the policy side. I believe Senator Farnham welcomes the sale, as it were, that is in the process of taking place in relation to the main operator on the Island and it is regarded as almost business as usual effectively. I am also aware that there are steps in play over the next year to 2 years in relation to working with Guernsey to make sure that the long-term routes continue to be secured. But we have to remember both at the sea level and - the Connétable is correct in saying - the airline level, we are very well served for a very small jurisdiction. We obviously have to maintain the sea link.

6.6 Deputy K.F. Morel:

There were concerns ... in fact we have just seen a proposition lodged by the Deputy of St. John which is aimed at dealing with the problem of workplace modernisation and structural changes to the Government of Jersey that have been put in place ahead of the necessary legislative changes that should be put in place first to enable them. Does the Chief Minister agree that this is an outrageous position for the Government of Jersey to put itself in and can he give this Assembly his assurance that from now on no restructure or organisational change will be enacted by the Executive until the appropriate legislative changes are first made?

Senator J.A.N. Le Fondré:

I am aware of one particular issue where we are just making sure or determining firstly whether this is a conflict between the legislation and the proposed changed. I am not aware of that being as a general problem because organisational change is something that this organisation has to do and we have a general duty to provide an organisation that is fit for purpose, operates sufficiently and provides value for money. But I will have a look at the Deputy of St. John's proposition, I have not had a chance to consider it, and no doubt we will issue our comments in due course.

6.7 Senator S.C. Ferguson:

Reverting to Deputy Labey's original question, last year it was announced that restrictions on 2(1)(e) residents buying property locally would be relaxed. Will the Chief Minister indicate whether this decision will be reconsidered?

Senator J.A.N. Le Fondré:

The Migration Population Board is in place, we did agree to look at the issue around 2(1)(e)s as a result of Deputy Perchard's question, I am sure that will include the issue that the Senator raises.

6.8 Deputy G.J. Truscott:

A well-respected local businessman recently mooted the idea of building a bridge to France. I was just wondering if the Chief Minister has a view on that subject?

Senator J.A.N. Le Fondré:

I am sure it is one of those days where we all enjoy these types of questions. I am minded of the response of one of my predecessors when I was the Deputy of St. Lawrence. The previous Deputy of St. Lawrence made an off-the-cuff remark in a meeting about a bridge to France and hit the headlines of the *J.E.P.* and never lived it down ever again, I do not believe. I am going to be very careful about making any comments about the merits or otherwise of a bridge to France. What I will say is obviously the main antagonist at the moment is generally regarded as a sensible individual, so I would be very happy to have a discussion and understand what precisely he considers might work, particularly from a money point of view bearing in mind he is an accountant.

PUBLIC BUSINESS

7. Draft Revenue Administration (Jersey) Law 201- (P.122/2018)

The Deputy Bailiff:

I am afraid that brings the time allocated for questions to the Chief Minister to an end. There is nothing under J so we then come on to Public Business. The first items is the Draft Revenue Administration (Jersey) Law, P112/2018, lodged by the Minister for Treasury and Resources. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Revenue Administration (Jersey) Law 201-. A Law to make provision for the administration of taxes and other charges under various enactments which raise revenue for the States of Jersey and to rename the Comptroller of Taxes as the Comptroller of Revenue. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

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

As everyone will be aware, Jersey's tax legislation is in need of modernisation. The Income Tax (Jersey) Law, the law that creates the office of the Comptroller of Taxes and raises and collects income tax for the States, dates from 1961. Some sections of the 1961 even bear a resemblance to its predecessor from 1928. Our income tax law has not kept pace with worldwide developments and possibly good tax compliance. It was written for a time when both the population and the demographic make-up of the Island was unlike it is today. The operation of the 1961 law relies on a heavily manual process. The Comptroller's staff effectively input the data contained in each individual tax return regardless of the risk it poses. This, along with an ageing I.T. (information technology) system, results in a labour-intensive process, meaning a large proportion of tax officers are engaged in a low-value routine processing work that is insufficient and does not necessarily focus on achieving a better yield for the people of Jersey. For the last 58 years new sections have been bolted on to the 1961 law. It has just about withstood in the introduction of I.T.I.S. (Income Tax Instalment System) in 2006 and long-term care contributions in 2015.

[11:30]

But it is increasingly clear we cannot continue to ask the Comptroller to operate under such antiquated legislation. Revenue Jersey is continuing its transformation journey with the introduction of a new I.T. system, the Revenue Management System, which is in the process of being installed and tested. Officers from Revenue Jersey will be using the new I.T. system to process tax returns that are submitted this year while extended system testing will continue throughout 2019 to allow online filing and assessment of personal tax returns, which are scheduled to start in 2020. Parallel work is also underway on some of the technical and tax policy work, which includes a personal tax review launched last month. So as part of this wider modernisation programme, it is only right that the laws that underpin the work of Revenue Jersey are also transformed into legislation fit for the 21st century.

That is why, following the work undertaken by my predecessor, I have tabled the Draft Revenue Administration (Jersey) Law. As its name suggests this law is not concerned with the technical side of the Island's tax regime. For example, it is not about how much tax is charged on a person or how an assessment is calculated, rather it centres on the administrative elements, many of which are being transferred over from income tax law and brought up to date, if required. The Comptroller currently administers the assessment and collection of tax under at least 3 different laws, as well as a number of other pieces of secondary legislation. Administrative elements are contained in each of these separate laws. As a result this can lead to an inconsistent approach in matters such as how long someone is required to keep records or how the Comptroller is able to deal with an inaccurate declaration. These inconsistent requirements and treatments for taxpayers can be confusing so it makes sense to start bringing the requirements together. One of the primary purposes of creating a revenue administration law is to provide consistent rules that apply for now across income tax and G.S.T. Members will note the specific use of the word "revenue" rather than tax in the law's title. The Comptroller already collects long-term care contributions on behalf of the Minister for Social Security. As the transformation journey continues, Revenue Jersey will assess and collect social security contributions so that businesses will only have to submit one monthly return to government. In the future, I expect Revenue Jersey to take on some of the revenue work currently being undertaken by Customs so that further savings can be made by conducting joint inquiries and investigations. The introduction of a revenue administration law is not unique to Jersey. A number of countries have had tax management laws in place for years. My predecessor in his last 3 Budgets alluded to these changes. Between March and June 2017 a public consultation was run on the topic of the tax compliance framework, which included sections about 2 of the most notable measures included in this law. Civil penalties for inaccurate declarations and the charging of interest on tax debts. Respondents to the consultation, who were mainly representatives of the tax agent community, broadly supported the majority of the proposals indicating their desire for a more joined-up approach across the different taxes, some even suggested a management administration law as a way of bringing in the proposals. In preparation for the new civil penalties for inaccurate declarations, a disclosure opportunity was offered from spring until the end of 2017 with a clear warning to all taxpayers, especially the minority who choose not to comply, that new penalties for inaccurate declarations would duly follow. With regard to the charging of interest, the Comptroller tells me that the tax system is dogged by persistent debtors. This is certainly due in part because it is cheaper to borrow from the people of Jersey through the tax system than from a financial institution. This cannot be acceptable. Tax debt has been in the region of £40 million to £50 million for the years 2015 to 2017, but because interest is not charged the real time value of this amount is diminishing over time. It is therefore commonplace for tax administrations to charge interest on tax debts where payments are not made on or before the due date. The charging of interest will go hand in hand with the ongoing modernisation of debt collection techniques, which also sit alongside the centralisation of a debt unit within the Treasury. The ultimate aim is to work proactively to ensure that people do not fall into debt in the first place. In the interests of balance, credit interest will also be paid where repayments of overpaid tax are made. The Corporate Services Scrutiny Panel has completed a review of the draft law and recommended that the applicable interest rates are set by regulation rather than Ministerial Order. I have accepted their amendment and will bring forward the regulations in due course. The C.S.S.P. (Corporate Services Scrutiny Panel) has also recommended the introduction of a right of appeal against notices to produce records. For the record, the law as originally proposed gave taxpayers the ability to appeal any penalty levied in respect of a failure to produce records. I am worried about the potential impact of inserting another appeal mechanism, which may allow taxpayers to frustrate the production of documents. The Comptroller assures me that such production powers are used as a last resort where taxpayers are not responding to informal requests for information. However, the Comptroller is already looking at all the powers to obtain tax information and I intend to bring forward proposals later this year, therefore I have decided that I will not propose Article 26 of the draft law in the debate. States Members will have the opportunity to debate what

the appropriate information powers and safeguards are on a holistic level when the next tranche of the Revenue Administration (Jersey) Law is brought before the Assembly. The proposals contained in the Draft Revenue Administration (Jersey) Law are the first in a number of stages. Officers have already started work on the next stage and I intend to bring legislation to the States next year, and it is likely that this law will continue to be developed for years to come. I move the principles.

The Deputy Bailiff:

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

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

The Draft Revenue Administration (Jersey) Law, I realise that this particular proposition may not have excited you as much as many other propositions, however I would suggest that this law is vitally important to the continued prosperity of our Island. The building blocks the tax law form and fund are the cornerstone of our way of life and impact every Islander regardless of background or circumstance. This proposition is one-sided and our Scrutiny report has sought to address this. But what is the point if a draft law is scrutinised, found to be wanting and then the Minister says: “Oh well, pass it anyway and I will get around to fixing it later.” The Revenue Administration (Jersey) Law is one-sided in favour of the Comptroller. The Revenue Administration (Jersey) Law by its very nature is looking at the powers of the Comptroller and not at the taxpayer. Of course we do not have a problem with the Comptroller having powers but we do have a problem with the fact that there is no balance, there is no taxpayers’ charter, there are no safeguards for the taxpayer, there is nothing in there to protect the taxpayer, especially if the taxpayer is being forced to interpret a law which is 100 years old. Unfortunately the tax law has been sadly neglected and is no longer fit for purpose. Successive Ministers for Treasury and Resources have concentrated on the simple or the popular. When challenged they have either ignored the request for reform, which I know has been going on for over 30 years, or initiated endless reviews that seem to have gone nowhere. So is the current Minister for Treasury and Resources seeking to do this with this proposition? The Minister, like the Minister’s predecessors, is looking to bolt on another piece of ill-fitting legislation to law that has no place in the 21st century. During the Minister’s meeting with Scrutiny on 8th January, the Minister for Treasury and Resources clearly outlined her rationale for the Revenue Administration (Jersey) Law. The Minister accepted that the current tax law is out of date and is administratively virtually impossible to run. The Minister added that any law that has been around for that long - and this law is based on the 1928 law, which is based on the U.K. law which is much earlier than that - that has add-ons to it becomes inefficient if not unworkable. The Minister also acknowledges, and I quote further: “That the demographics and the industries of the Island have changed phenomenally over the last 60 years, if not 90 years. It is archaic and we need to update it.” These are the words of the Minister herself, but what are they doing here? Are they looking to recognise all the problems and solve or simply create a further add-on for the benefit of the Comptroller without looking at the root cause? That root cause is the whole of the current tax law, not just little bits. Not just the Revenue Administration (Jersey) Law. There are well-known problems with the tax law which is simply being kicked down the road again with the ever-repeating generalist, non-committal rhetoric of: “In due course, we will, following the coming budgets, do a wider consultation.” In fact it is anything but a firm commitment for change. The Minister was supported in her Scrutiny hearing by the Comptroller who used similarly vague language. “The next few years”, “gradually”. When the Comptroller was specifically asked: “Why are the administrative changes prior to legislation changes?” the Comptroller talked of standardising rules and neatly side-stepped the question that was asked. The Comptroller later did add: “I do not disagree with the basic assertion that the whole of the tax law needs to be rewritten. I agree with that 100 percent.” In closing he added that: “The ambition is really in the longer run completely to rewrite the 1961 Income Tax Law and make it the Income Tax Law of 2019, 2020, whatever, and modernise it. But any firm proposals are still nowhere to be seen. How does one define longer run? All the while the taxpayer is in the dark because he/she is trying

to interpret an old-fashioned law while the Comptroller enjoys shiny new powers. I have great sympathy with the Comptroller in that he has limited resources. The Comptroller has acknowledged that many things have been long promised and simply not delivered and the Minister, the Treasurer and Revenue Jersey are all very keen to deliver on some of those things. I am asking if everyone is so keen then I trust that the Comptroller will receive the unequivocal assurance from the Minister for Treasury and Resources that the Minister will supply him with the resources he requires. I should also add that the Minister agrees that for a woman to be known as a chattel is unacceptable, but where are the provisions in the tax law. This year we celebrate the centenary of women having the vote in Jersey but how many more years do we have to wait for something as simple as gender equality within our tax system. We may enjoy equality in the voting booth but married women and women in civil partnerships are still treated as second class citizens for something so simple and so universal. Equality in the 21st century must mean equality in our taxes. Clearly the Minister finds giving the Comptroller more administrative powers far more important. So what am I asking from you today? Firstly, I ask the Assembly to reject the Minister for Treasury and Resources proposition with a clear message back to the Minister and then I ask the Minister to accept that the Corporate Services amendments must exist within the proposition the next time it makes its way back to the Assembly. These issues are not new. They are very well known. If the Minister brings all the relevant matters back to the Assembly in the 2020 Budget Statement, either as law or as concrete proposals with a fixed timeframe, then, Minister, you will have a law fit for purpose. That is not only the Revenue Administration (Jersey) Law, it is independent taxation, a taxpayer charter, an assessment inquiry window and all the other technical measures promised to be delivered at some point in the future. This is the one chance we have to try and get the tax law rewritten. One chance to have a comprehensive modern tax law and one chance to give the people of Jersey a tax law that works for everybody. I would ask both the Minister and the Assistant Minister to pledge their full support to a full and detailed review of the tax system that encompasses the long list of concerns that are well known to the tax community and give a firm timeline for rewriting the law. If the Minister comes back to the Assembly with simply a long list of priorities and indications with woolly timelines that will not suffice. The 2020 Budget Statement must be coupled with a clear unambiguous statement around delivery. This Assembly is often criticised for taking too long to make decisions, assuming that a final decision is ever made. I do not want a promise of consultation or a report from consultants, whether they are internal or external, what I want for this new Assembly is to show to the Island that we are driven by action and not by empty promises or silences that have been prevalent in the past.

[11:45]

In my short time in the Assembly, it is clear that it is far too easy for this Assembly to make grand statements, ask lots of questions and then fail to make the structural changes needed. What I am asking the Minister for Treasury and Resources, who I respect, is to support the Comptroller, support the civil servants, support the taxpayers, resource the Tax Department and provide us with a tax law that is fit for purpose and fit for this century. Jersey is at the forefront of global financial services and yet operates on a tax law that at its core is 100 years old. This is no longer acceptable to the Island. It is time for a new tax law fit for purpose. I ask all Members to support Scrutiny today in defeating this proposition by sending the Minister back with a clear steer that the relevant legislation will likely pass in the Budget debate later this year if the Minister delivers a meaningful and measurable timeline for grassroots tax reform. I emphasise this is our one chance to reform an archaic law and bring it into the 21st century. I ask all Members to support me in voting against this proposition.

7.1.2 Deputy M.R. Higgins:

I am pleased to follow the Constable. Earlier today I accused the Minister for Health... the assisted dying, of kicking into the long grass because it is not going to be a thing that they really want to bring. But tax is something that has been kicked in the long grass for too many years. I have been

in the Assembly 10 years and in that time I have been calling for reform of the tax system. Senator Ferguson has been here much longer, she has been calling for reform of the tax system. We are constantly told it is going to happen but they do not want to do it. It is always kicked in the long grass. I would say to all those new Members who have come in: "Take a stand early on because if you are here in 10 years' time, I am sure it still will not have been done." I will make a statement now. I intend to vote against this proposition and, I think, unless there are exceptional circumstances, any other reform of the tax system, other than a major overhaul, I will also vote against. I think it is time this Assembly takes a stand and tells the Council of Ministers, we really want action ... the Minister for Treasury and Resources, yes, I know, pardon me. That we want action and in fact to quote Churchill: "Action this day."

7.1.3 Deputy D. Johnson of St. Mary:

My point is a very specific one. It relates to the right to appeal under Article 5. As the report says, the provisions replace, and are largely based on, the equivalent provisions in Article 10 of the Custom and Income Tax (Jersey) Law. However, I do draw the Minister's attention to the Law Commission's report of October 2017 as to improving the administrative redress. One of the recommendations being that the present appeal system be replaced by this particular tribunal being absorbed into the Jersey Administrative Appeals Tribunal. In saying that, they took note of the tribunal service of the Judicial Greffe who believed that the current system was not best practice, nor does it meet the needs of a modern tribunal service. My understanding from presentations given by the Tax Office in recent months is that this has been taken on board by the department and that as and when the new procedure is brought into force ... and in that connection I do say that the Legislative Advisory Panel is now looking at it, would she confirm that that is still the intention of her department as and when the new tribunal comes into force?

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

I think one of the things that shocked me most when I got elected was how many reports going back years and years always talked about the need for cultural change within our own organisation. It was always about the silos, the silo mentality between the departments and the One Gov is definitely trying to look at a way to resolve that. But there is one thing that worries me and concerns me most, which is it is about the silos within the department, it is not about taking the power away from this Assembly. I have seen time after time in the last nearly 5 years changes to the way we do things. We no longer do it within the Assembly of elected representatives, it is done by order of the Minister. Then we have seen those powers get transferred over to the civil servants now so we no longer have the Ministers making the decision, we pass on that information. It makes me worry where the supremacy is in this Island. Is it us who are elected by the people to debate and make decisions, either by what we are informed in a Parish Assembly, how we want to vote or because we have been given the right to make the decision on behalf of our constituents? It is very concerning how much I am seeing things just being transferred away from us in this Assembly. We still hold the accountability at the elections for what happens in this Island but we do not seem to be doing anything but handing the authority to make the decisions elsewhere and it has to stop. It has to stop and it has to be reversed. I am glad the Corporate Services Scrutiny Panel made an amendment to say: "Let us do this by regulation" because this affects tax ... the old saying death and tax it affects everyone. It is those 2 things you can be sure on. You will be taxed and you will eventually pass away. Let us look at this properly. Let us stop bringing everything in by order. Let us stop then handing all that information on to somebody else. We are supremacy of this Island because we were elected by the people and we need to make sure that that continues to happen.

7.1.5 Deputy J.A. Martin:

It was a really good speech from the Constable of St. Martin but I thought I had read the Draft Revenue Administration (Jersey) Law findings and recommendations and I have just been handed a

copy again by a colleague. Nowhere there did I understand that what was being proposed by the Minister for Treasury and Resources was completely unacceptable. The Minister for Treasury and Resources has met one of the recommendations and I agree with Deputy Wickenden that ultimately what the percentage is and what people pay on late fines should be set by the Assembly by regulation. The Minister for Treasury and Resources again has recommended this. I have to go back to the absolute fantastic speech again from the Constable of St. Martin, she seems to think it is great because she is a new Member, try 20 years or 18, 19 years down the line, everything can go back to a blank piece of paper and I can assure you, you would not start here with a lot of things we have. You just would not start here. We are where we are and to me it is not just throwing the baby out with the bath water, it is just saying chuck the bathroom out because it literally ... the Constable is saying Scrutiny have been ignored and let us all vote against this today because we want something better. The Assembly needs something better. Absolutely agree. Real world you can ask for more and more support in Treasury. You will be fighting against family, you will be fighting against children, you will be fighting against all other legislation we need to bring in the next 3½ years. I just think it is one of those that the Minister for Treasury and Resources has worked and she has listened, she is trying to bring things better for women; absolutely you should not be called a chattel. Absolutely, you should have your own tax form in your own right, but these are things that we are all going to have to ... if you want them done sooner I am afraid you are going to have to do them bolting them on at the moment because if you start to rewrite the new law you will not get anything. You will not see anything in the next 3½ years. You will not see anything because always priorities ... why do you think it has taken 100 years to get to where we are, based on a new law, based on the 1961 law, based on following the U.K. law. Unfortunately, we are where we are and obviously we have heard from one member of the panel who thinks this whole law should be kicked back to touch. I do not agree because I like ... I think I came in here as an absolute revolutionist and now I know you have to do things, unfortunately, bit by bit otherwise you get absolutely nothing done. Deputy Wickenden also said we are taking away again. There may be certain things that I agree with. He thinks that the power of this Assembly is being eroded but the Comptroller of Income Tax is the Comptroller of income tax, our tax laws are in law, people must pay their taxes. As the Minister said, why should we be the bank of ... this is really great interest, I can leave that good deal of money in my bank, get a great interest rate from the bank and pay nothing or a little set amount. So I am going back into the regulations but I think the principle of what I am trying to say is if you really think you are going to get a whole new law written for 2020 by the end of this year, you are living in cuckoo land. Thank you.

7.1.6 Deputy M. Tadier:

I hope you are not living in cuckoo land, Sir, but I certainly sometimes feel like I do. We have been told by the previous speaker that she used to be a revolutionary but now she is part of the furniture. I do not think she quite said that but that is how I heard it. I also heard, reading between the lines, that she is saying it is better to pass a bad law rather than to pass a thorough law. We have been told by previous Chairs of this Assembly and one of the previous ... I think maybe more than one has said that this Assembly does not do enough legislative scrutiny. The reason we have things that take 100 years to change is that we do not do it right in the first place. For too long this mantra has been preached in this Assembly that evolution is better than revolution, but in fact we do not have either because we pass faulty laws. This will be seen when we try to come to grips with electoral reform or other issues. We still have a system where a woman cannot fill out her own tax form in her own right if she is married in the 21st century. That was unacceptable in the beginning of the 20th century, let alone nowadays in the digital age where we are supposed to preach equality and where we have an equality law. These kinds of things are unacceptable and we have been talking about individual taxation for a long time but we know that we need to have a joined-up income support system and a tax system because the 2 interact very well. Many people pay tax but they also are eligible for some kind of benefits that may mitigate their tax. While the Social Security Department, of which the

previous speaker is the Minister, knows that we look at a whole household irrespective of whether they are married, and we even take children's income into account in the allocation of benefits, when it comes to taxation if you are not married you can be taxed individually. That might work out really well for you. If you are married then you have different allocations. The whole thing is very opaque. The reason that we do not have a clear tax system is because the Assembly has never demanded that. We are the legislators, as Deputy Wickenden has said, but increasingly by stealth we are seeing a system that we have not asked for, and I am not against ministerial government, but we are almost getting to the point of the separation of powers where we have an Executive that is becoming completely separated from the Assembly. We have always had a Government of Jersey since the ministerial system was introduced but the new nomenclature, while perhaps bears a nuanced discussion in the wider public, they know what is happening, they know that the States Assembly used to be the Government and they used to make the decisions. There was a corporate and a consensual approach to policymaking and increasingly that is being done by Order and increasingly it is being done by the Civil Service. Even this week we have seen press releases go out in the name of a Minister that he did not even acquiesce to. The actual civil servants now - and I am sure they do a great work and I am sure in this case it was just a simple error - have taken over the roost and we are allowing them to do this. I think it is right that on occasions like this we do not have the legislative scrutiny we need but even when Scrutiny do the work that they do, under-resourced and in a short period of time, and we do not listen to what they say then we are at real risk of passing bad laws. I think the Constable of St. Martin was quite right in what she said. I am certainly minded to support her in throwing out this law. Let us do it properly, let us get Jersey's tax system fit for the 21st century. We do not do it by passing flawed laws.

Deputy J.A. Martin:

I am sure the Deputy did not mean to mislead the House, the Assembly, but he did say under the benefit system even children's income is taken.

The Deputy Bailiff:

Are you asking for a point of clarification?

Deputy J.A. Martin:

I am asking for a point of clarification. The Deputy ...

Deputy M. Tadier:

I am happy to clarify that and the Minister will know this.

Deputy J.A. Martin:

It is not true.

Deputy M. Tadier:

If you have income support household, and an 18 to 25 year-old living ... and they are children because if you have a father and a mother, their offspring are called children. They are living together. So even though their benefits have been stopped because 18 to 25 year olds have had their benefits reduced, they are still expected to contribute to the household income.

[12:00]

So those children - because they are children, you do not instantly become absolved of parental duties when your children turn 18 - are contributing to the household and often their benefits are stopped. The income support system and the tax system, which is my underlying point, are not joined up and they need to be if we are to have a proper fit for purpose system for the 21st century.

The Deputy Bailiff:

Thank you, Deputy. You have clarified the position, I think. Does any other member wish to ...?

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

It is interesting to see sometimes how discussions diverge from the principles. In this case we are talking about revenue administration and it is interesting to see that now we have been talking about the operating model and about the rest of the law. Why not talk about the operating model? The 1966 law which defines the way taxation is done in Jersey was 15 pages long. This addendum, this rectification, is about 31 and everything that we have been doing has increased in complexity exponentially in the last few years. So when we were over ... I do not know if any of you were there in 1966 discussing the law, we had 15 pages, and that was the essence of Jersey taxation. Very soon the essence of Jersey taxation will be hundreds of pages. It will be very complex and it is not abnormal to delegate some of this understanding and detail towards the people. We are still lucky because in France I believe their tax law is about 6,000 pages. In America it is about 200,000 pages because it differs by state. So it is just very lucky that we have something that can be understood by humans. Now, back to the proposition. Coming from outside and having dealt with law practices around the world there is a very basic lack in enforcement capabilities in Jersey law. So we have a fantastic law. It is really refreshing coming back from very complex jurisdictions and seeing that you can fill in a return in a couple of pages and that you only need to read 15 or 20 pages to understand the law. But after that our Government have very few tools to enforce anything. If you are late in paying; well, that is fine. You know, just be late and if we are really angry at you we may send it to a Royal Court but frankly there is nothing else. If you have not filed a complete declaration, if you have omitted stuff, well we can come back to you and again after a few years maybe we will send you to a Royal Court. There are massive omissions in the way you can deal with all sorts of fraud or even basic omissions or misunderstandings. We need this and I mention this as somebody who is not terribly fond of taxes. We need to have a fair and established system for dealing with the interaction between the public and taxation, which we do not have now. We have absolutely nothing. I am not very fond of revolutions. They might be needed sometimes but as an environment analyst very fond of evolution, and this is the proper evolution of our tax law, I hope that there will be more done. There is a lot that needs to be done but there needs to be an evolution. You do not start with a blank sheet of paper. We have a basically good law in tax in Jersey. It is very attractive. We are fighting people off coming to the Island but it needs to be fair for everybody and if we allow people to take it lightly or actually cheat, it is not fair for everybody. I urge every Member of this Assembly to vote for this proposition. It is a very important tool for Jersey.

7.1.8 Deputy K.F. Morel:

I do not know after Deputy Martin's intervention ... I do not quite know where to get started because it seemed to me to be just admitting that the Council of Ministers is incapable of writing law when it is needed and in a way that is needed. She can explain herself later. My problem with this law goes down to that lack of balance and it is exactly that, a lack of balance, and I think there is no greater example of that than to see the fact that there is no rectification of the appalling treatment of women in Jersey's tax law within this. Because of the lack of balance here ... and I see the Minister for Treasury and Resources shaking her head as I speak. The reason I say this is because that proves that this law is about nothing more than making sure the Comptroller gets what the Comptroller wants. At the moment the Comptroller gets that from households so he is not interested in changing that aspect of the law which would give equality to women under the law. I am not saying: "Throw this law out" because, as Deputy Guida has said, there are important aspects to it but it is a disappointing indictment of both the Treasury Department and the wider government that rather than dealing with the vitally important issues, such as the way women are dealt with, that they have focused only on: "How do we get our money? How do we get it quickly?" That is really what this law is only about which is a shame.

7.1.9 Senator S.C. Ferguson:

There has been a lot said about how useless the old tax law is. It is getting complicated. It is getting this. It is getting that. I would draw Members' attention to Article 134A of the old law which is the power of the Comptroller to make assessment to prevent avoidance of income tax. My understanding is that this has never been tested in law because it just keeps an awful lot of people honest because effectively the Comptroller, if he is of the opinion - or she - that the main purpose, or one of the main purposes, of a transaction or a combination or series of transactions is the avoidance or reduction of the liability of any person to income tax the Comptroller may, subject as hereinafter provided, make such assessment or additional assessment on that person as the Comptroller considers appropriate to counteract such avoidance or reduction of liability, which is, I think, as the lawyers among us may confirm, this is a pretty wide ability of the Comptroller to collect tax. So do not throw out the baby with the bath water please. As far as reform of the tax, as Deputy Higgins was mentioning, that I am very keen on, the work being done for the Migration Policy Board includes some of the work that I have been demanding over the past n years. However, what does bother me is the thought that the interest to be charged on tax that has not been paid could be some 8 per cent over base rate. Now, okay, base rate is 0.75 per cent or something like that at the moment so it does not sound so much but when base rate rises to realistic levels, say 7 per cent, 8 per cent, the penalty is going to be 15 per cent, 16 per cent on what is needed. We are only charging 5 per cent G.S.T. so can we please, unless there is criminal intent ... if it is an accidental inability to add up or something like that, can we just be a little more reasonable about it? One of the good things about our tax organisation is the fact that people are happy to go and talk to them and I know from experience that if you are dealing with H.M.R.C. (Her Majesty's Revenue and Customs) in the U.K. it is a great deal less user friendly. They are almost sitting there with a gun ready to sort of gun you down. So I really think that we should be bearing in mind that we are only a small Island and most people know most everybody's business, so let us keep the thing a little more user friendly. At the moment I am not decided on this one. I wait to hear what the Minister has to say in reply. Yes, it cannot be that difficult to sort out simple things like, why should a married woman have to ask her husband's permission to go and discuss her own tax affairs? I mean surely to goodness that is not a difficult thing to change. I agree that whether we have independent taxation of married couples, and so on, there are quite a lot of calculations to go with that but just to get permission to go and talk about your tax with the taxman and to have to get your husband's permission; it is rubbish. It really is and that cannot be a difficult amendment to bring through.

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

I ought to perhaps say I have worked a large proportion of my working life working on the Income Tax (Jersey) Law so I am probably quite well-qualified to speak on this subject. I think what I would say is every journey, it has to start somewhere, and my reading of this legislation is this is a beginning of a journey. I completely support the Constable of St. Martin's comments and somebody who has worked with the income tax law for many years; it is a muddle. It has been added to over the years. Particularly in the pensions arena we have bits of legislation that have been chucked in to meet different needs. We have also, over the years, had to adjust the pension legislation to meet the demands of U.K. Inland Revenue. I am amused by Senator Ferguson's comments about talking to the Inland Revenue. If you can talk to somebody you are doing quite well in my view. Normally it is a letter that has taken 3 months to get to you. However, making changes to our income tax legislation is a complex matter and I totally agree with the sentiment that we should be looking at introducing separate taxation as a priority. The U.K. did it some years ago and if they can do it then we certainly can. There is no doubt it will cost us money but I think we should get on with it and get it done as quickly as we possibly can. It is an anachronism in our law and it is an insult to the ladies in this Island that they have to do what they have to do to find out about their tax affairs, and indeed some ladies are more capable than men of dealing with tax affairs so they should be able to deal with it. But I think we need to be realistic. To change the income tax law in its entirety is a massive job. It is not something we can do in 2 minutes. There is an awful lot of consultation that has to take

place with industry because bear in mind that out there the finance industry is working with the income tax legislation all the time to put together schemes for people within the Island and outside the Island. Senator Ferguson referred to the evasion legislation. That alone sounds easy but it is not easy. Evasion is a very difficult subject and requires a lot of complex legislation to make sure it works. Indeed the Comptroller in fact has resorted to producing rulings rather than resorting to legislation to make it work. So I think we need to be realistic and I think the Minister for Treasury and Resource's legislation is a start. It lays the groundwork so that the Comptroller has the powers to administer the law. It is a start. The rest of it will follow and it does need to follow, in my view, and it needs to follow quite quickly because frankly our tax laws are like the U.K. tax laws. We have just added to them and a root and branch review of those tax laws is long overdue, in my view, but I think we need to look at it carefully. We need to be realistic about what we can expect and the timescales that we can expect. Industry will not consult in 2 minutes, I am afraid. They will not consult in a year. Certainly in relation to pensions legislation it will take some time to work out (1) what the new legislation is going to look like, and (2) to work with the industry to make sure that it works for them because if it does not work for them then we, frankly, are just wasting our time. So I will be supporting this and I think it is important that we start somewhere but I would certainly be urging the Minister for Treasury and Resources firstly to look at independent taxation as a matter of priority and, secondly, I think there is going to be a lot of work for all of us in consulting with the industry and indeed the finance industry to get the matter to a state where we can have a fit for purpose income tax law which will see us into the future.

Deputy M. Tadier:

It is a point of order because I have spoken already. I was wondering if I could seek advice on Standing Order 79 about the suspension of debate for the purpose of Scrutiny. It seems to me that this is an area which lots of concerns have been raised, not so much about the content of the draft but about the lack of content and what might be put into the draft including, but not limited to, the area of women's individual taxation and ability to discuss their affairs in their own right and individual taxation. I notice the chairman of that panel is ready to speak but I would be inclined to propose the suspension of this debate for the purposes of Scrutiny if that is in order, Sir.

The Deputy Bailiff:

It is in order for any Member to propose without notice the debate on any proposition is suspended and request the relevant Scrutiny Panel to consider having the proposition referred to it but I do note that Senator Moore wishes to speak. It might be sensible for her to speak first and then if you still wish to make the proposition that might be the time to make it, Deputy.

[12:15]

Deputy M. Tadier:

I think that is a practical way forward because it is probably unlikely the Assembly would do it without the panel's consent.

Senator K.L. Moore:

Would you like me to speak as a whole or just address that one question raised by the Deputy?

The Deputy Bailiff:

Well, I noted you were about to speak generally so I suspect if you speak as a whole then the Assembly know where you come from at least in that position as well.

7.1.11 Senator K.L. Moore:

Of course. I am happy to and I will only speak quite briefly because the Constable of St. Martin has spoken most eloquently on behalf of the entire panel and we have already scrutinised this Revenue

Administration Law in its draft form and produced our report, which I hope Members have had a chance to digest and consider. The report is rather balanced and it is through balancing and considering the evidence that has come before the panel that the panel has come to the conclusion that we will not be supporting the principles of this draft law. I think the reasons were made very clear in the Constable's excellent speech and I will not go over that. It is simply really to just highlight one part of our report which appears on page 13, if Members have the report before them. I must say that the panel is very appreciative of the Minister's efforts in meeting with us and extending the deadline, as we requested, so that we could have adequate time to consider this law. Also the Minister has accepted 3 parts of our amendment, which is greatly appreciated, which are the parts which relate to interest and so if the proposition is accepted as amended, which it may do later on today, then those regulations would come back to the Assembly, as has been highlighted already. The Minister has withdrawn Article 26 and that will not come to the Assembly today which is in relation to the production powers of the Comptroller and it is in that area that I think a large part of the concern has come. It is very clear from the evidence that we report on in our document here and particularly on page 13 there is a palpable concern from practitioners who work in this sphere and have a great deal of interest in this sphere about the changes in practice from the current office and that is one of the reasons why it is important to us that we do not accept these principles today. We also, as a panel, and as the Constable has highlighted, feel very deeply that a timeline is needed to cope with and cut across all of the parts of the tax law that need to be changed if this law today is passed. But we feel on balance that the best thing to do is to reject the principles today. We can, of course, at that point then call it in if that is indeed the way that the Assembly wishes to go if the principles are accepted and we will reconsider at that point. We can, of course, also argue on the Articles and take them part by part and I am happy to help the Minister guide the Assembly through those.

Senator J.A.N. Le Fondré:

Can I just ask a point of clarification? She suggested rejecting the principles and then calling it in. My understanding from my recollection of Scrutiny - I am happy to be corrected - is that the principles have to be accepted for Scrutiny to exercise its rights to call it in.

Senator K.L. Moore:

That is what I am proposing.

The Deputy Bailiff:

Yes. That is, indeed, correct, just to assist Members. It is only once the principles are adopted that Scrutiny has an absolute right to call a piece of legislation in for scrutinisation however at any point the Assembly can vote to refer the matter to Scrutiny on a proposition brought by a Member without notice.

Senator J.A.N. Le Fondré:

Can I seek a further point of clarification, sorry? Could the chairman clarify whether it is her intention to call in, if the principles were adopted, the law for further Scrutiny?

The Deputy Bailiff:

I mean it is up to the chairman whether or not she wishes to give that indication at that time but Scrutiny is not required to give it until everyone has spoken and the principles have been adopted.

Senator J.A.N. Le Fondré:

No, sorry, Sir, it is just from her final comment in her last clarification.

The Deputy Bailiff:

Very well.

Senator K.L. Moore:

I am happy to do so because it may assist the Assembly. It certainly was not our intention to take that path at the beginning of today. However having listened to some of the speeches that have been made today that is something that we have been now asked to consider. It would be my preference that we did not call it in because, to be quite frank, we simply do not have the resource to do so. We have a prioritised work programme and this would not fit within our prioritised work programme as it stands. Scrutiny is currently operating under quite restricted resources. I am very happy and grateful to the Chief Minister for the opportunity to raise this on the floor of this Assembly because I think it is an important matter and we simply do not have the capacity **[Interruption]** ... apologies. We may indeed do so.

The Deputy Bailiff:

Well, Deputy Tadier, did you want to make a proposition at this point or do you want to wait until the principles have been voted on and accepted or rejected?

Deputy M. Tadier:

We are in a slightly strange position insofar as I think the Scrutiny Panel are asking us not to accept the principles at which point it cannot be called in by them automatically if they wanted to and I understand that. It is fine. If we do want it to be referred to Scrutiny for further analysis then this might be the obvious way to do it. There is, of course, another mechanism that is open to Members to consider whether a reference back to the Minister might be more appropriate given the fact that many people are saying there are key omissions in this which could have been included and could be included in the future and that might be a more appropriate route. So I think at the moment a reference to Scrutiny, given the fact that it has been looked at, and it might be called in anyway if the principles are passed, is probably not the most productive way forward at the moment but I do emphasise that another Member may wish to make a reference to Scrutiny under Standing Order 83.

The Deputy Bailiff:

That is a proposal for a reference back you mean? So that is not a reference to Scrutiny; that will be a proposal for a reference back to the Minister?

Deputy M. Tadier:

That is right. So I do not wish to pursue Standing Order 79 at this time.

The Deputy Bailiff:

Thank you very much. Does any other Member wish to speak on the principles? I call on the Minister to respond. **[Interruption]** Sorry, there seems to be a delay in the lights coming on. I apologise for that. I will try and look at the Assembly rather than looking at the screen.

7.1.12 The Deputy of St. Ouen:

I will be brief. I was not planning to speak but I just rise to say that I am rather surprised today. Having read the Scrutiny report, I had no inkling from it that Scrutiny members might be suggesting that we throw out this proposition because it appears to me that the findings and recommendations note that we need a new law and talk about this law as a reforming law, a reform of the administration of our tax system. Certainly it expresses the concerns that stakeholders gave to the panel and recommended how the Minister might deal with those by issuing guidance and bringing forward improvements and perhaps accepting amendments that have been put in it but nowhere did the panel say that: "No, this must be thrown out, a baby with the bath water, and the Minister must start again." So that is why I am surprised at the ... the report is different to that which Scrutiny members are now urging and it seems to me that that is wrong. If we were being urged to reject this law wholesale there should be clear evidence in the Scrutiny report. We should have had an opportunity to consider

that but there is not that evidence. I see this law as a step along the road. We have heard how the tax system is a large vehicle and rather unwieldy and there is much reform that is needed and the Minister has brought forward a piece of that reform and clearly there are plans to come forward in quick order with other reforms. This is one part of it and it is surely needed. The administration, the setting up of a framework and a structure, must be there in order to achieve those further reforms. Now, with all the assurances that the Minister has been able to give with the amendments that have been accepted or the omission of Article 26, which has been agreed... and I note that Senator Moore has said that it was Article 26 that was a large part of the concerns. That has now been withdrawn. The Minister has responded to the concerns expressed and we should now proceed, it seems to me, to have in place a proper structure for the administration of our tax system and therefore I will be supporting the Minister and I hope the House will agree that we need not throw out this law.

7.1.13 Deputy K.G. Pamplin:

I first just want to stand and congratulate the Constable for her eloquent and appointed speech earlier. She truly is an asset to this Assembly and the Scrutiny Panel in which she sits on. I stand today again having to defend Scrutiny. In my short period of being a politician I have really come to value and respect that the role of Scrutiny is indeed the third voice of this Assembly. It is not opposition. It is there to work with Ministers and Government to create the best policy possible for the people who elected us to stand here on their behalf. There is no doubt, listening to the debate today, that there are many problems with our tax laws. In fact in the last 35 years or more... and I am only 42. Do I look 35? There has been more and more **[Interruption]** - thank you - complaints and questions and asking for an overhaul of the tax law. I have the greatest respect for our Minister for Treasury and Resources and I think she has done great work in her time as an Assembly Member but this is a new Assembly and, as Deputy Higgins alluded to earlier, there is a new Assembly here today and we respect the past and we learn from the past and I have the greatest respect for those who have been here way longer than me but we want to move forward. We want to say to the electorate that we are listening to them; that the tax law, if we keep going in this approach, will not come to the conclusion that we all want and that is a fairer tax law that is for everybody. This seems to me like an opportunity for Scrutiny to really work alongside the Minister going forward to say once and for all: "Let us have a tax law for everybody. Let Scrutiny be productive and let us move together."

Deputy M. Tadier:

Sorry to jump up again but I would like to propose Standing Order 83 now, that we do have a reference back to the Minister. I will let the Chair consider Standing Order 83 for a moment.

The Deputy Bailiff:

Well, Standing Order 83 provides: "That a Member may propose without notice during the debate on a proposition the proposition is referred back in order that further information relating to the proposition can be provided or any ambiguity or inconsistency in information relating to the proposition which has already been provided can be clarified." I may not allow it if further debate in the future will be prevented - that is not the case here - but any debate must be confined to the merits of a reference back. So the first thing, Deputy, if you wish to propose it is that you must indicate what further information you require or what ambiguity or inconsistency in information which has been provided needs to be clarified because the reference back is for information. It is not for changes.

7.2 Draft Revenue Administration (Jersey) Law 201- (P.122/2018) - reference back to the Minister for Treasury and Resources

7.2.1 Deputy M. Tadier:

That is right. So the information which I would be seeking, and I hope that the Assembly would support, again is the fact that we have had lots of people asking the valid question as to why certain

omissions appear to be ... I do not know if an omission can be present in a law but the omissions are not in the law, paradoxically speaking. So specifically the one about women's individual taxation. The information I would require from the Minister is why this could not be included in the law and if it can be included it should be put in the law and that specifically ... and it is an important issue and I do that on the basis that we are celebrating the 100th anniversary of giving women - some women - in this Island to ability to vote. Before that they had to rely on their husbands to vote on their behalf if they were married and if they were not married of course they could not vote at all.

The Deputy Bailiff:

At this point I am not asking you to make the proposition. I am asking what information you would seek or what ambiguity. It seems to be the only question that you are asking is, why was it not included in the law and could it not be, and that is something the Minister can simply answer here and now I would have thought. I would not have thought it is an appropriate question for a reference back.

[12:30]

I think it has to be material information that needs to be brought back before the Assembly before I can allow for a motion for a reference back.

Deputy M. Tadier:

In listening to the speeches it sounds like the answer that the Minister has already given, and she may reiterate in her summing up, is the information has not been satisfactory to convince Members that this is a fit-for-purpose law that is being presented to the Assembly. There appear to be omissions in it. It also appears to me that the law could quite easily contain these provisions which could be presented in relatively short order and rather than throwing out the whole principles, which we are at risk of doing or passing a substandard law, the most constructive way for this Assembly to approach it is to refer it back to the Minister to give the correct information about the feasibility of putting this in, and it may well be that when that information is provided she, herself, will provide an amendment which satisfies Members to be able to pass this draft law in the majority or certainly hopefully unanimously so I do maintain the request for a reference back.

The Deputy Bailiff:

Very well. The request for a reference back is in accordance with Standing Orders, provided it is seconded. Is it seconded? **[Seconded]** Yes. Well, it is seconded then there now follows a debate on the issue of the reference back alone. So, please, no one should launch into the more general debate but it is a question of whether this should be referred back for more information and detail concerning what has been decided for the inclusion in connection with the separate assessment of women as I understand it. So, the first light I have seen is ...

Deputy R.J. Ward:

It is a point of clarification. If one speaks on this debate on reference back ...

The Deputy Bailiff:

Yes, you can still speak in the main debate if it is defeated, if that was the question, Deputy. Deputy Young, did you wish to speak?

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

Yes. I did have my light on to speak on the main debate and I shall try and avoid straying into that. I confess to having been surprised also today by the debate and I will put my hand up and say I had not had the opportunity to read the Scrutiny report and I regret that. Obviously, it may be a thing that we live in an online world that once upon a time you used to get the printed documents now we have to actively search out things. But having done that now I did see a finding in that report - finding 6 -

which on sitting here reading the fine print of the law is a question which I think has to be answered in some way and that is the distinction between a civil penalty for an inaccurate return which is described as being careless or deliberate and the criminal penalty, which is tucked away at schedule 2 which a fraudulent return, where somebody is liable to 15 years' imprisonment and a fine and also any person who aids and abets and helps them for 15 years and a fine. I see the Scrutiny Panel have asked for some clarification of what is the distinction because schedule 2 also says: "That even if you get taken to court and convicted and you are acquitted you still get stuck with a physical penalty under ..." so I would like that answered in some way. I do not mind how it is done. I am not sure ... I shall listen to other arguments about whether to support the reference back but it seems whatever way we do, whether the reference back is one or the reference back is lost and scrutinised. I do think that particular issue that I have raised needs answering in much greater attention from lawyers to help us because I feel very uncomfortable with that. But I accept the fact ... well, no I must not speak on the main proposition. The other thing is the issue of interest rates but I will pause at that point and wait to hear what other people say and decide whether to support the reference back but those points need answering, I think.

7.2.3 Deputy S.J. Pinel:

I am not attempting to answer what people have previously said shortly ... just to make very clear, which there is obviously some huge confusion around the Assembly, this is not a law that is debating the personal income tax law. That comes next. That is still out for consultation. Several Members have mentioned the inequality between male and female tax. I completely agree. We have discussed this and I have said to the Assembly several times I will be bringing that back but it is not part of this law. This is purely an administration law. So on that front people are going off on red herrings and I just wanted to make that quite clear.

7.2.3 Deputy J.H. Perchard:

I just wanted to also address that slight misunderstanding. I think the Assembly will be aware that I, of all people, desperately want the married women's tax issue to be resolved as quickly as possible but that is precisely why I think we need to address that separately from this law because my understanding is that the Article which states: "That a married woman living with her husband has an income that belongs to him and not her in part 16 of the original law." If we were to simply remove that Article we would inevitably have to ensure that we have a different system, which is probably separate taxation, immediately implemented. The problem with separate taxation ... well, firstly, we have not received views from the public about whether they want household taxation or separate taxation which is an important difference. Also I have been told by Treasury that based on some - and I do not have the numbers in front of me - but they have shown me some rough figures that separate taxation could lead to discrimination against lower income households so that it is to be adopted with caution and after research and after making sure that checks and balances are in place to ensure those low-income families are not negatively affected by the sudden implementation of separate taxation. So from my perspective, as someone who has been a champion of this particular issue alongside colleagues, I am concerned that making that the issue today is going to have the effect of delaying the progress to women, married women, having equal status in the law because that is not what is being effected in this discussion and even if we were not perhaps such a democratic - correct me if I am wrong here - but if we were to put that in the Revenue Administration Law it would not negate the issue I have just outlined and I would perhaps like clarification on that issue.

The Deputy Bailiff:

Do you have a question for the Solicitor General on the question of a reference back?

Deputy J.H. Perchard:

Yes please.

The Deputy Bailiff:

What would you like to ask the Solicitor General precisely?

Deputy J.H. Perchard:

Well, I would like to ask the Solicitor General if trying to address the issue of Article 121 regarding the ownership of married women's income, if addressing that issue in the Revenue Administration Law would negate the fact that if we were to remove Article 121 we would have to implement a different tax system immediately because the tax system we currently have will fall away. I think the Minister possibly is better placed to answer that question. Can I ...

The Deputy Bailiff:

Well, you can certainly raise it as a question but the Minister has already spoken in this debate and cannot speak again.

Deputy J.H. Perchard:

Yes, I realise. Okay. Solicitor General, did that make any sense?

The Deputy Bailiff:

No, we seem to be getting ourselves a little bit confused. Do you wish to ask this question of the Solicitor General which is, if this is referenced back and comes back with a removal of the Article that provides for the issue concerning taxation of married women will that, in changing that alone, disrupt the operation of the rest of the tax system? Is that the question?

Deputy J.H. Perchard:

Yes. Thank you for phrasing that so particularly. That is exactly my question, thank you.

The Deputy Bailiff:

I think that is the question, Solicitor, are you able to assist?

Mr. M.H. Temple Q.C., H.M. Solicitor General:

I think as regards Article 121 of the current income taxes law that seems to be a provision which goes to ... it is a substantive provision that goes to substantive tax law. For example, it does not appear much earlier in the law which is concerned with the provisions concerning the Comptroller, which are the provisions which are included obviously in amended form in this draft Revenue Administration Law. So it seems to me that the provision concerning married women and taxes in Article 121 of the taxes law is a point that goes to a substantive tax law rather than a pure point of administrative arrangements and powers of the Comptroller. So to me it seems to make sense to have it included in other legislation concerning substantive tax law rather than in a law that concerns administrative arrangements for the Comptroller. As to whether it is a fundamental problem if the Assembly were to proceed down the course that the Deputy has suggested, I am not sure it is a fundamental problem but certainly, as a matter of thinking for the long-term and where one wants substantive tax law to be, one does not want to have it in a law that concerns administrative arrangements for the Comptroller. So I hope that assists.

7.2.4 Deputy J.A. Martin:

I am going to be even more of an annoyance because I should have probably spoke up when you allowed Deputy Tadier to bring the proposal for a reference back because I have been here many times. A reference back is proposed in your main speech. You are then allowed, if the reference back is not accepted, to sum up on the main proposition and you do not ... the overriding principle is you get one bite of the cherry to speak in this Assembly and I have held back this. I am trying to read all the propositions, Standing Orders 83, 84. Deputy Tadier made a clear speech. He did not have a problem, did not have a reference back and then he wanted a second bite of the cherry. I just

bring it up now because I can see we are fast approaching luncheon. I do not want to undermine your authority but I have done many reference backs and it has to be in your main speech.

Deputy M. Tadier:

Point of order. That is not correct. The ...

The Deputy Bailiff:

Could you please ... **[Interruption]** we have conferred with the Greffier and my reading of Standing Order 83 is quite clear. It does not prevent it being brought by someone who has already spoken. It is: "A Member may propose without notice" and that is general application. There are, of course, restrictions if you are proposing a move to the next item in which you cannot have spoken in the debate and so there are certain restrictions within Standing Orders but they do not appear within Standing Order 83 and in my interpretation of the Standing Order as it is before me I am afraid this is important ...

Deputy J.A. Martin:

I bow to your judgment. So after the vote the Deputy will not be given a second chance to speak on the main proposition. That is the end.

The Deputy Bailiff:

No. He has already spoken on the main proposition. No, he cannot speak again on the main proposition if he has already spoken, which he has, so this is quite a separate thing. Very well, I have, wishing to speak on the question of the reference back, the Connétable of St. Martin.

7.2.5 The Connétable of St. Martin:

I just wanted to clarify matters and just say that I mentioned the taxation on women in my speech but it was not my intention and I was never advocating putting the question of married women's tax into the Revenue Administration Law. I was simply using it as an example as part of a long speech of how long it takes this Assembly to adopt laws with regards to tax. It was never my intention to have it in the Revenue Administration Law. It was just a point.

7.2.6 Deputy S.M. Wickenden:

I think maybe we could possibly clarify that the change to the law for taxation of women and the way that it works would be a much more substantive piece of work than could be fitted within schedule 2. I must say that Deputy Young did bring up a very valid point which is the challenge that has already been made for more and further information by the Scrutiny Panel within their report under schedule 2 about the difference between the 2 different powers or the 2 different liabilities. Maybe that is really what the reference back should be because it has been questioned. It was questioned in the report and maybe that is what should be looked at and that is the point I make.

7.2.7 Deputy M. Tadier:

It is just to say that I think there are grounds for information and a reference back, and while the initial one may not be the prime driver for that, the issue that Deputy Young raised in his speech about the disparity between the deliberate acts and the criminal acts I think is very fundamental also and it was one that was highlighted for scrutiny. So I think both of these areas are areas which I would ask the Minister to report back on if the reference back is successful. I would just ask Members to be pragmatic about this. I think there is a stark risk that on the one hand we pass a law that many of us are not happy with. We know that the law has been drafted in terms of being quite restrictive about the roles of the Comptroller but that is exactly where the criticism lies. We are asking why it could not be more holistic. So we either pass that and many Members are unsatisfied or we reject it and it perhaps sets us back too far.

[12:45]

I think the reference back is a middle way to give the information that Members require that respects the Scrutiny process that has taken place and allows this to be brought back to the Assembly in a reasonably timely manner without it having to be rejected and then for it to be relodged as a separate proposition. So I think this would be a sensible way forward and a way for the Assembly to show that it does take Scrutiny - and both capital "S" and small "s" scrutiny - very seriously.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether or not the matter should be referred back to the Minister and I ask the Greffier to open the voting.

POUR: 21		CONTRE: 19		ABSTAIN: 0
Senator T.A. Vallois		Senator L.J. Farnham		
Connétable of St. Saviour		Senator S.C. Ferguson		
Connétable of St. Brelade		Senator J.A.N. Le Fondré		
Connétable of Grouville		Senator K.L. Moore		
Connétable of St. Peter		Senator S.W. Pallett		
Connétable of St. Mary		Connétable of St. John		
Connétable of St. Martin		Connétable of Trinity		
Deputy M. Tadier (B)		Connétable of St. Ouen		
Deputy L.M.C. Doublet (S)		Deputy J.A. Martin (H)		
Deputy R. Labey (H)		Deputy of Grouville		
Deputy S.M. Wickenden (H)		Deputy K.C. Lewis (S)		
Deputy G.J. Truscott (B)		Deputy J.M. Maçon (S)		
Deputy J.H. Young (B)		Deputy S.J. Pinel (C)		
Deputy K.F. Morel (L)		Deputy of St. Ouen		
Deputy of St. Peter		Deputy of St. Mary		
Deputy of St. John		Deputy L.B.E. Ash (C)		
Deputy M.R. Le Hegarat (H)		Deputy G.C.U. Guida (L)		
Deputy S.M. Ahier (H)		Deputy of Trinity		
Deputy R.J. Ward (H)		Deputy J.H. Perchard (S)		
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. The States will reconvene at 2.15 p.m. for moving on to the next item of public business, the Public Elections (Expenditure and Donations) (Jersey) Law 201-.

[12:47]

LUNCHEON ADJOURNMENT

[14:18]

8. Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed amendments (P.6/2019)

The Deputy Bailiff:

We now continue with Public Business, and the next item is the Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed amendments, lodged by Deputy Young, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion - to request the Privileges and Procedures Committee to bring forward for debate the necessary legislative changes to the Public Elections (Expenditure and Donations) (Jersey) Law 2014 to require the publication of candidates' statutory declarations of election expenses on an appropriate public website after the expiry of the statutory period for such declarations, providing sufficient detail of the expenses declared.

8.1 Deputy J.H. Young:

I am first of all grateful to the Assembly for giving me a chance today to fulfil what was a pre-election commitment of mine brought forward as a result of recent events and publicity. Hopefully, Members will agree this is an entirely uncontroversial and simple change which can just be approved, but I want to take one or 2 minutes just to explain why. Obviously, having taken part in the Senatorial elections in 2014, I made it my business afterwards to have a review of the candidates' election returns declarations of expenses. I have to say I found it a very difficult business. One has to make an appointment; it is very difficult. Also, trying to reach any conclusions and review was extremely difficult and at the time I did the review they were not all submitted. So, as a result of the recent events I contacted the Judicial Greffe and asked to repeat the same process for 2018. I prefer to reach my own conclusions rather than relying on social media and reports. I did find, and Members might be interested, as a bit of a number geek that in 2014 the total election expenses declared by all candidates was £145,000 and in the 2018 elections £121,000, with probably round about 60 per cent on the Senatorial elections and the remainder on Deputies. Generally, the issue I found is one of inconsistency and clearly out of touch with the current law because there is this issue about returns being made by candidates who share expenses. In 2014 I particularly noticed that there was one Senatorial candidate who shared an expense with a Deputy who did not have to face an election and, of course, I think that is inherently unsatisfactory because it allows for a transfer of money between candidates. Of course, the law does not provide for that and, of course, the same principle applies where we have a political party where at the moment the returns are being submitted *en bloc* for the whole party, obviously all of which in the case of those 2 examples, everybody faced election so the same potential difficulty does not arise, but nonetheless none of those are certified. Of course, in 2018 the record shows that there is one missing. I discussed these points with the Judicial Greffe by email and I understand the assurances I have that yes, the level of scrutiny does need to improve. I am very pleased that P.P.C. (Privileges and Procedures Committee) have taken it up and so I very much see the amendment I have brought as part of the review process hopefully that we are going to go on and talk about in Deputy Maçon's proposition. In fact, in my view the issue of publicity, publishing these returns on the States website, is a simple one: because the scrutiny will be done by the public interactively online and, therefore, it automatically is self-checking and, therefore, it is probably an efficient system and something to do. I make the proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]**

8.1.1 Deputy R. Labey:

P.P.C. are happy to take this proposition from Deputy Young and to act upon it. We are already reviewing election law in terms of the expenses, not least because recommendation 13 of the Election Observation Mission was that there should be a review of this and, as they put it, especially in terms of systematic scrutiny of what is on the returns, what is on the form itself and whether people have complied. It is fair to say that that does not happen at the moment. There is no check as to whether what people declare is actually what they spent. So, we are looking at it. It is part of our review of all of the Election Observation Mission's 18 recommendations. Some of these recommendations it is better for us, if we are going to reform the electoral system, to reform the electoral system before reforming the election law and I think this falls into that category, too. If we are going to change in the way that the electoral observers are suggesting we do change to constituencies of equal size with

each constituency voting for the same number of candidates, then that will have an effect on candidates' expenses. They might find themselves in larger constituencies, *et cetera*. That is something I think that I would like to consult with the Assembly on before bringing recommendations for changing the electoral law. We are in the best place to judge these things and I would welcome the opportunity, before we bring a recommendation on changes to the expenses, to have a good consultation with Members of the Assembly. We have to discuss this as P.P.C. as a whole. Personally, I do not have a problem with publishing the totals of what candidates may have spent in the process of their election. I worry about what you might call commercial sensitivity with some of it. A candidate might, for example, shop around, do his or her homework and find a neat way of getting his or her printing done or advertising material done for less than somebody else might do, and I am not sure whether their work in that respect should be available to their competitors 3 or 4 years down the line at the next election. So there are things to talk about in terms of that. I find personally myself I filled out my form on financial interests as I thought to the letter of what was being asked of me, and I put the full address of my property in the U.K. on there as that is what I interpreted the financial interests form was asking me to do. Subsequent to that it is all over Facebook at one stage, with those exact details on social media, and I think that is an infringement of potentially my security, because people know when I am in this Assembly so they can go and burgle my place in London if they want to, and also an infringement of my data protection. So I think we have to be very careful about that and that is a concern, and we will take that into account when considering Deputy Young's proposition. Also on this issue, I might add that I think in the U.K. election expenses and this sort of thing is handled by the Electoral Commission. Our version of the Electoral Commission at the moment is the Greffe. We might move on to having an Electoral Commission, but it seems sensible to me as soon as an election begins that the States Greffe begins to have a very good relationship with all candidates and as we all know are extremely helpful, extremely communicative, and it would seem sensible to me that administration of this part of the election law moves to the States Greffe and then on to an Electoral Commission if that is what we constitute as a result of examining all the recommendations of the E.O.M. (Election Observation Mission) report. There are other implications. In the current electoral law, especially on expenses but in other areas, too, there is no provision really for political parties, and to be fair to Senator Mézec, since the last election he has been on at me to come to P.P.C. and help us to sort that out. He knows and we know that it does not acknowledge properly provision for political parties in terms of declaring their funding but in other areas, too. We will have that discussion just as soon as we can with the Senator, who will be very helpful to us, I know.

The Deputy Bailiff:

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

8.1.2 Deputy J.H. Young:

Just to say that I think the publication of information being commercially sensitive is probably an argument in favour of publishing, that people can see which Members are perhaps astute at getting better bargains, and this is about public expenditure. But other than that, I accept the points that have been made and I ask for the appel.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether or not to adopt the Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed amendments, by Deputy Young. I ask the Greffier to open the voting.

POUR: 41		CONTRE: 0		ABSTAIN: 2
Senator I.J. Gorst				Deputy S.M. Wickenden (H)
Senator L.J. Farnham				Deputy of Trinity
Senator J.A.N. Le Fondré				

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

[14:30]

9. Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed review (P.7/2019) - as amended (P.7/2019 Amd.)

The Deputy Bailiff:

The last item is the Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed review, lodged by Deputy Maçon. Before we start, there is an amendment lodged by Deputy Martin of St. Helier. Are you accepting that amendment?

Deputy J.M. Maçon:

Yes, Sir.

The Deputy Bailiff:

So we can take the matter as amended, very well. You want to propose that, in which case I ask the Greffier to read the proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion - to request the Privileges and Procedures Committee to - (1) undertake, as part of its current work responding to the report of the election observers, a review of the Public Elections (Expenditure and Donations) (Jersey) Law 2014 and how it has been implemented, focusing in particular on - (a) introducing a process for confirmation to candidates that a declaration of expenditure has been submitted; (b) introducing a validation process by which candidates have an opportunity to correct any errors in their declaration; (c) ensuring that candidates are reminded of the deadline for submitting their declaration at least 5 working days before the deadline to do so; (d) extending the “reasonable steps” defence in Article 15 of the law so that it encompasses illness (mental and physical), bereavement, and absence or incapacity due to medical treatment; (e) ensuring that all candidates make a declaration even if elected unopposed; (f) introducing a means by which political parties can declare their election costs; and (g) assessing the merits of extending the deadline of 15 working days for the submission of expenditure declarations under Article 6 of the law; and (2) consult on any recommendations arising from this review; and (3) bring forward amendment to the Public Elections (Expenditure and Donations) (Jersey) Law 2014 (and other legislation as necessary) to implement any recommendations arising from this review and to amend references within the law to “election expenses” to “election costs”, in time for such changes to be enacted no later than the end of 2020.

9.1 Deputy J.M. Maçon:

This proposition largely I hope will be seen as focusing on the process of when declarations of election costs are spent, and while I would like to think this is pretty much an “as it says on the tin” type approach, just to make clear what I am asking for under (a) is basically a form of receipt is offered to candidates. I know that must be a radical suggestion but that is what I am asking for. Again, a validation process, so, for example, if a date might be wrong, if something is in the wrong column, stuff like that, there is a process to correct it because I think that is a much more efficient way of doing things than necessarily having to refer things to the A.G. (Attorney General), *et cetera*, so let us work that one in. To remind candidates at least 5 working days beforehand of the deadline; this, of course, is to address the issue around what already went on and perhaps there is a better way we can handle that, and that is what I am asking Members to agree. To extend the reasonable steps; so again this is about if a Member had been hit by a bus in between being elected and the deadline for election expenses, should that be taken into account before necessarily losing their seat? I think it should and I hope Members will see that as a reasonable defence which I am putting forward, *et cetera*. Deputy Martin, whose amendment I have accepted, is again treating everyone equally, whether they faced a contested election or not, and whether that is subject to P.P.C.’s electoral reforms or not at least we know where we are regarding that going forward. Again, we know there is not a proper mechanism for political parties and I think that should be addressed as well. Then to do a more general review of the deadline and whether 15 working days is acceptable for making a return, whether it should be extended, *et cetera*. Part 2 of my proposition, of course, asks for consultation on all of this, so not only with Members but also again with the public, possibly even past candidates in particular might be useful. Finally, in part 3 there is a deadline in there but more importantly what I am asking for is again to change the term “election expenses” to “election costs”. The reason for that is because expenses tend to in the eyes of the public ... and we have seen all the media stories, the suggestion that somehow candidates were fiddling expenses like they had in the U.K. But, of course, under the Jersey system election candidates have to fund their own campaigns themselves unless, of course, they have a particular sponsor. It always makes me laugh when I fill in that donation section, as if I have ever had anything like that. **[Members: Oh!]** Thank you. But anyway, the provisions are there but I think it is more accurate to say that these are election costs,

that is how they should be referred to and looked at. They are not expenses. Of course, the assistance that we do get, of course, through Vote.je is centrally held, that applies to all candidates, and that is not something you would have to declare anyway because that is not your individual spend. So I am hoping that Members will agree with the processes. I am happy for any individual part to be taken separately if any Member has a particular concern about any particular part of it, but I would hope that we could proceed with this *en bloc* and quickly.

The Deputy Bailiff:

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

9.1.1 The Connétable of St. Brelade:

While supporting the proposition in general, I would just like to ask that the Privileges and Procedures Committee in their review consider the court judgment of 8th May whereby I found myself in the court. I understand at that time the court had difficulty in that they did not have the discretion to look at expenses in a situation whereby a candidate might find themselves compromised by having spent sums of money and then finding that nomination papers were not in order. I would ask that the Privileges and Procedures Committee confer with the Attorney General to elicit how that discretion might be enabled to better the whole law.

9.1.2 Senator S.Y. Mézec:

Just very, very briefly to thank Deputy Maçon for including the section in this about political parties. I know that was alluded to by Deputy Labey in the previous proposition, but it is just to make the point that there is absolutely no reference, not just in the Election Expenses Law but in a whole series of laws to do with our elections and how the Assembly operates where there are no references to parties at all. Seeing as there is now a party which is contributing substantially in this Assembly, and will be for a very long time, and quite likely will be further ones being formed over the coming years, it is right that our legislation is updated to take into account the fact that those parties will operate because - and I know that I speak for all of my colleagues in this - we want to play this by the book and we want to abide by every single rule, and not just the rules but the spirit of the rules as well, so we can be as transparent and open as everybody else as well and to have the facility to do that through our party structure, a structure which is defined in law and has to be registered in the Royal Court to be valid. Then if this can all intertwine like that so we can do that, that would be very helpful for us so that we can be on a level playing field with all the other candidates as well. So, I support the proposition.

9.1.3 Deputy G.P. Southern:

If I may just add to that, despite the furore around this election expenses scandal supposedly, can I say that since the current law legislation talks about individuals, it is quite a serious task to break down the expenditure of 17 candidates, which is what we did, into what was proportional to each candidate. In doing so, it takes quite some time. We were not the ones who got their expenses in late. We did have a great level of detail in there and we must be allowed in future to use our expenses as we see fit as a party and to declare as a party, and I think that is a key element to what happens in the future.

9.1.4 Deputy K.F. Morel:

It was just to say, having heard the Senator and Deputy talk about the importance of having a system which works for parties, I do agree but it was just to reiterate to the chairman of P.P.C., who would be taking this forward and working on it, that whatever solution is found it must not give undue advantage to parties in that sense. So, just pooling, it is very easy when you are an organisation to gather vast amounts of money and to spend that accordingly. We see what happens in America, *et cetera*. **[Interruption]** Well, if you are a popular party then it is quite easy. **[Laughter]** I say that truly in jest because you gave me the opportunity, Deputy. Yes, it was just to reiterate the fact that

it needs to be done in a way which is mindful not to give any particular advantage to either, to be fair, individuals over parties or *vice versa*.

9.1.5 Deputy J.A. Martin:

I will be brief. I thank Deputy Maçon for accepting my amendment because we had a brief discussion on would he amend his own proposition. It is just absolutely there and I was not going to speak but the Deputy said we can either take it bit by bit or *en bloc*. If I do not speak now, I can only speak once, so I really want to say there is still a raging debate out there on Facebook and social media because of people who did possibly get them in late or whatever and others did not have to declare. Now this just makes it quite clear because there are times when pre the nomination you may spend, and if it is £10, £100 or £1,000, it just evens out the playing field. So I just wanted to say that. It makes it easy. It makes it clear. If you spend nothing at all ever, it is quite easy to put in zero and you are there, you are on record. So it is not for us, it is for the public to see what and when it was spent.

9.1.6 Deputy M. Tadier:

Just to speak on part (e), the means by which political parties submit their election costs, I think when P.P.C. come to look at this they may wish to look also not just at political parties but at candidates who group together and stand at least partially on an electoral platform. So we know, for example, at the last election - and the chairman of P.P.C. will know this very well in his district - there were posters going up saying: "Vote for the gang of 3" or something to that effect. Of course, the 3 posters need to be split 3 ways, so there needs to be a way for independent politicians to be able to submit expenses even when they are not a real party, as well as Jersey's most popular party being able to submit its expenses in a way that is both equitable and transparent. I think the point that Deputy Morel raised is a key one, but I think that is a different issue about the amounts of money that are spent. This particular proposition in front of us today does not talk about the fairness of the law as such, it talks about the transparency of the returns, which are 2 separate things. But I think ultimately, they cannot be separated because there is clearly an advantage in monetary terms you could argue, if not in political terms necessarily, of people clubbing together as a party or a grouping, which is one of the benefits of buying and the grouping together and the spending power. So clearly if you have 6 people in one of the super-constituencies that is being proposed by the chairman, you can clearly spend 6 times the amount on just one leaflet or on one set of posters, which potentially covers the whole 6 of you. So I think that is something which will need to be looked at, but political parties cannot be prejudiced just because they are working together either. I would not like to see anything put forward in legislation in the future which says that one leaflet cannot be ... you cannot pool your resources. I think however States Members or future States Members and potential candidates wish to work together on a policy platform must be neutral in its approach and clearly today we are just talking about the returns process. But if I can just add at the end anything to simplify the system to make it so that people can submit their expenses by email, online, as long as they are published, *et cetera*, this should be welcomed and we should not be tied to a paper-based system which unnecessarily is complex and unwieldy.

9.1.7 Deputy R. Labey:

I will just briefly address the points that were made to me as chairman of P.P.C. Yes, nomination papers, I say to the Constable of St. Brelade, of course, nomination papers; the nomination system is especially under review. That might be something that we could bring in in tandem with electoral reform recommendations along with we are also looking at whether the States Assembly should properly prorogue in the run-up to an election so that sitting candidates in various positions might not through their actions during the course of that period in the run-up to the election gain an unnecessary, unfair advantage.

[14:45]

So we are looking at that, and the proroguing of the Assembly and nomination papers are among the first things that are going to come through alongside the electoral reform and constitution of the States very soon. So, yes, as I said, we have to update the law with regard to political parties. It is wanting in all sorts of areas and we will get talking to the party concerned just as soon as we can. I am very lucky to have, of course, a member of the party on my P.P.C. sub-committee in the form of the human calculator that is Deputy Alves, so we are getting her information fed through. On the specific point that Deputy Tadier alludes to as regards my own election campaign along with my colleagues in St. Helier No. 1. Of course, we had our own election expenses on our own campaigns and where we combined to put a joint poster together, that was equally divided by 3 and put on to our individual election expenses. Of course, one cannot put a price on political advice from Deputy Martin, otherwise it would completely break the bank of any declaration. **[Laughter]**

9.1.8 Deputy R.J. Ward:

I have sat on whether to make a small point but I think a really important one as somebody who did this for the first time in terms of an election. The expenses that we are talking about I want to make clear are not paid for by the taxpayer. I think it is very important that Deputy Maçon said that. Yes, I just want to reiterate and say thank you for saying it because we are not spending taxpayers' money. This is the expenses that are being incurred by individuals to stand for election. I will make the point again that there are other expenses by many who had to take significant periods of unpaid leave from their work and so on. So the image that politicians, perhaps have unfairly in the media, should be looked at and the word "expenses" does not help. I absolutely agree with that and I thank you for bringing this proposition.

The Deputy Bailiff:

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

9.1.9 Deputy J.M. Maçon:

I thank Members for their contribution. The Constable of St. Brelade raised a very technical question but that has been mopped-up by the chairman of P.P.C. so I hope that has given comfort to the Member. Of course, I do ask for a wider consultation as well, so hopefully that is a double safeguard there for the Constable. As for other Members' comments, I thank them. I just want to raise one point just so it is on the record in that obviously we do have a change of staff in the Judicial Greffe and things appear to be done much more on the line now. I did have a previous proposition approved by the Assembly which allowed carers to have their home vote collected at the same time that they are collecting for someone that they care for. Now, while that was adopted officially by the Judicial Greffe and that facility is available, it is not technically in the law. So I just want to put it in the system for the review of the election law by P.P.C. that that probably should be officially written into the law now as well. But I thank Members for their comments and as no Member has specifically asked for any part to be taken individually I would like to propose it *en bloc* and ask for the appel.

The Deputy Bailiff:

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

POUR: 43		CONTRE: 0		ABSTAIN: 2
Senator I.J. Gorst				Deputy S.M. Wickenden (H)
Senator L.J. Farnham				Deputy of Trinity
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				

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

Deputy J.M. Maçon:

Can I thank Members for their support?

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Deputy Bailiff:

That concludes Public Business for this meeting. I invite the chairman of P.P.C. to propose the Arrangement of Public Business for Future Meetings.

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

Just to confirm there is only one change to the listing of Public Business ... actually, 2 changes with the one that you have just mentioned, but one I might mention to the listing of Public Business as it appears on the Consolidated Order Paper is the proposition from the Deputy of St. John, Justice and Home Affairs: cessation of restructure - P.24/2019. That has been added to the list of business for

26th March. I might also say a word about Deputy Doublet's much shunted proposition on the diversity forum. Can I just say to the Assembly that this is not Deputy Doublet's fault that this keeps appearing and then disappearing? We eventually had a meeting with Deputy Doublet, the Chief Minister and myself, and with the Greffier. It transpires that this proposition does not need to come to the Assembly if P.P.C. vote to establish a standing committee for the diversity forum. That is what I will be proposing to P.P.C. when we meet on today week. So unless that goes horribly wrong, then Deputy Doublet, of course, will bring back her proposition. But it is not her fault. We have just been trying to sort out these details. With any luck we will have the diversity forum that she seeks as a standing committee of P.P.C. after I get that confirmed next week. That is all I have, but before I propose that, Sir, can I repeat your comments of earlier that the C.P.A. (Commonwealth Parliamentary Association) A.G.M. (annual general meeting) is at 5.45 p.m. and it would be great ... the C.P.A. have put in a lot of effort to this A.G.M. It will be a novel and innovative new presentation and much, much shorter and more entertaining than usual. With that, I propose the business.

10.1 Deputy M. Tadier:

It is just to ask with regard to the diversity forum, which I am now tempted to call the adversity forum with all the difficulty we are having getting it set up, would the chairman consider broadly looking at all parliamentary groups or something that we could class as equivalent in Jersey so that when it comes to this kind of interest group, whatever the subject, if there are enough Members in the Assembly from whichever part of the Assembly that wish to form a group that that can be done perhaps under the auspices of P.P.C. somehow?

The Deputy Bailiff:

Does any other Member have any comment on the arrangement of future business?

10.2 Deputy S.M. Wickenden:

We do have an in-committee debate on this time on the rental price cap. What time limit have we put on there or is there one at all so we understand how long that is going to add on to the business when we are dealing with the business on the day?

The Deputy Bailiff:

The duration of an in-committee debate is a matter for the Presiding Officer. Obviously, there will be some discussion about that prior to that and then the Presiding Officer will communicate along with the allocation for it in the light of other business. Are there any other observations or comments or questions relating to the arrangement of future business? No, in which case ...

10.3 Deputy R. Labey:

May I just respond to Deputy Tadier? I would just say his comments are noted but that I do not think diversity can be categorised as some kind of niche interest. It is really important that we all take it seriously.

The Deputy Bailiff:

Well, do Members agree to take future business as communicated by the chairman of P.P.C.?

Deputy M. Tadier:

I do have to respond to that because I think that is on the ...

The Deputy Bailiff:

No, I was ...

Deputy M. Tadier:

It is a point of order.

The Deputy Bailiff:

Deputy, please, I was stretching a point to let the chairman of P.P.C. come back on a matter which is not really about the arrangement of future business.

Deputy M. Tadier:

It is a point of order.

The Deputy Bailiff:

Is it a point of order? Do you need a ruling from me?

Deputy M. Tadier:

It is a point of order because I think that he is risking ...

The Deputy Bailiff:

No, Deputy, a point of order is something on which you require a ruling from the Chair.

Deputy M. Tadier:

It is a point of order because I think he has imputed false motives which go against Standing Orders, and the reason I think he has done that is because he is imputing that I do not think diversity is an important subject and it is a niche area of interest. I never said that. I clearly accept it is important and that there are lots of important issues ...

The Deputy Bailiff:

I am sorry, Deputy, that simply is not a point of order because there is nothing on which the Chair can make a ruling.

Deputy M. Tadier:

I feel that he is imputing my motives ...

The Deputy Bailiff:

You have made the observation and point that you wished to make.

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

11. Mr. P. Monamy, States Greffe - retirement

Very well, before we adjourn, I would like to advise Members of the retirement on 28th February of the longest serving member of the staff of the States Greffe, the senior committee clerk, Peter Monamy. Mr. Monamy has worked for the Greffe for 42 years carrying out a number of roles before being appointed as a committee clerk in 1985. I imagine that a number of Members will have direct or indirect experience of working with Mr. Monamy in the context of the various States committees he has served over the years and in his capacity as principal Hansard editor. I am sure Members will appreciate the degree of skill involved in producing accurate and meaningful records of the States committee meetings and debates in the Chamber. Speech is often informal, full of errors and grammatical inconsistencies, **[Laughter]** so the written word has to convey meaning. I am certain the transcribers will make every effort to make sure this particular section is recorded perfectly. On behalf of Members, I would like to wish Mr. Monamy – Peter - a long and happy retirement and thank him for his contribution to the necessary precision in the affairs of politics and providing an invaluable account of past parliamentary endeavours. **[Approbation]** Very well, the States stands adjourned until Tuesday, 12th March 2019.

ADJOURNMENT

[14:55]