

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 26th JUNE 2018

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. Welcome to His Excellency The Lieutenant Governor

The Bailiff:

First of all may I, as usual, welcome His Excellency Lieutenant Governor [**Approbation**] as the Queen's personal representative?

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Appointment of the President of the Chairmen's Committee

The Bailiff:

I gave permission for the BBC to be here and they are just about to stop and disappear if all Members would like to wish them well. [**Approbation**] Thank you very much. Right, we now come to the appointment of the president of the Chairmen's Committee and I would like to invite nominations.

Deputy K.F. Morel of St. Lawrence:

I would like to propose Senator Kristina Moore. I believe her years of experience in government and her years of experience as a Deputy and now her recent performance in the Senatorial elections stand her in good stead for this role as president of the Chairmen's Committee, and I believe she would be able to bring a new approach to the way Scrutiny operates, which is important given the new approach that the Government will be taking.

The Bailiff:

Is that seconded? [**Seconded**] Are there any further nominations?

Connétable M.K. Jackson of St. Brelade:

I wish to propose Senator Sarah Ferguson as president of the Chairmen's Committee. This is the first time that the president of the Chairmen's Committee has been contested and I do not believe we have many presidents remaining in the Assembly, most went out with the committee system. The job of president is generally to keep order within the committee and to meet regularly with the Chief Minister to discuss any matters arising or to sort out problems. The Chairmen's Committee also agrees to allocate budgets for reviews; this is a valuable check and balance on the activities of Scrutiny and enables the maintenance of discipline in Scrutiny. My candidate is well used to this role. Senator Ferguson took over the presidency of the Chairmen's Committee when she was the chairman of P.A.C. (Public Accounts Committee) and they brought in the first code of conduct. She was president of the Chairmen's Committee until 2011. Since then she has been mainly involved as the chairman of Corporate Services, apart from the last session when she was a member of the Health and Social Services and Corporate Services Panel plus the Review Panel for the future hospital. Between 2011 and 2014 she was also the vice-chairman of P.A.C. Senator Ferguson did not recall any major rebellions on the committee at that time. There may have been disagreements but not blazing rows, she told me, and they ended up after the session still speaking to each other. Members will be aware that Senator Ferguson has an aptitude to be forthright and this is, I think, a quality which may prove to be indispensable in the event of being elected president. The chairmen are made up of Members with diverse views and shyness is an attribute which will do a president no favours. The Senator has no party affiliations and has demonstrated that she is not easily influenced. In

summary, I consider my candidate has the previous experience and knowledge of Scrutiny to be an effective president and I urge Members to give her their support. Thank you.

The Bailiff:

Seconded? [**Seconded**] Are there any further nominations?

Connétable C.H. Taylor of St. John:

I would like to nominate Deputy Rob Ward for this role. I think most of us who have encountered Deputy Ward since his election as a States Member will know that he is a very capable person, capable of bringing people together from different sections of the political spectrum and I think that his experience as a trade union leader, up until being elected to this Assembly, will come in handy in this sort of role.

The Bailiff:

Is that seconded? [**Seconded**] Are there any other nominations? Very well. Then the usual process is going to be followed. Each candidate may speak for up to 10 minutes. The bell will sound after 9 minutes for the first time and then it sounds again - for whom the bell tolls - it sounds after 10 minutes and you will sit down. There will then be a period of 20 minutes for questions and then we will vote. It is a recorded vote, and I shall announce now that if you wish to vote for Senator Moore you will vote with a P. If you wish to vote for Senator Ferguson you will vote with an A and if you wish to vote for Deputy Ward you will vote with a C. Now, can I ask Senator Ferguson and Deputy Ward to withdraw? Greffier, you will go and sit with them and make sure they do not listen to any of the secrets being divulged by Senator Moore.

Deputy J.H. Young of St. Brelade:

Sir, a question of order; I apologise if I should know the answer. In this ballot, can Ministers vote for these elections too?

The Bailiff:

Yes, I think so. Yes.

Deputy M. Tadier of St. Brelade:

I have not consulted Standing Orders, but I seem to recall that where there are more than 2 candidates seeking election then the ballot must be passed by paper ballot rather than electronic ballot.

The Bailiff:

I have had that discussion with the Greffier. I shall continue it further but I thought that it was silent about it and as there are 3 it says only: "There is a recorded vote." Greffier, is that right?

The Greffier of the States:

Yes.

The Bailiff:

It is Standing Order 121 paragraph 6: "When speeches and questions are concluded a recorded vote shall be taken." So whether it is done in paper or by the use of the buttons, it is going to be recorded and so it seems to me that the electronic vote is more convenient. The candidate who is successful must receive more than half the votes and if not, then of course we go through the process by Standing Order 121.

[9:45]

Deputy M. Tadier:

I think that is entirely sensible. The only reason I raised it is because I am pretty sure for the other positions such as Minister it does say that if there are more than 2 candidates then it should be done by paper, and I think that is to give people the ability to abstain. I am not saying that anybody should abstain but just for technical reasons in the future I presumed it would mirror those provisions.

The Bailiff:

Well, I suppose if they want to abstain they just will not vote but one would have thought that they will be able to find someone to vote for. The Usher has gone but I am sure we can find some boxes. Then, Greffier, we will go to the paper vote. We will go to the paper vote after all, I will announce that later on; not that abstentions are to be encouraged. Right, are you ready, Senator Moore? Thank you.

2.1 Senator K.L. Moore:

I would like to start by saying how positive it is to see this role being so hotly contested. **[Approbation]** It is a first for the Assembly, I believe, but it is a very good sign and hopefully we start as we mean to go on. It is also an indication of how very effective challenge can be, and that is also something that I will address in this speech. Because if the Assembly will recall, when I addressed them when seeking the support for the Corporate Services role, I said that Scrutiny done well can be both productive, influential and encourage change. Like any effective body, part of achieving those things is having good co-ordination and organisation and that is why the president's role is important. This role enables the good oversight and co-ordination of Scrutiny and provides a link point between the Scrutiny Panels and the Executive through regular meetings with the Chief Minister. As both a former Minister and a Scrutiny Panel chairman I have the experience and knowledge of both aspects of our machinery of government as it currently operates, as well as an understanding of the intentions for the future. In both roles I have striven to be an effective, objective, and collaborative operator, and I would bring those skills to this role. With the public-sector change programme underway throughout government, Scrutiny will have to adapt and respond to those changes. That is the task that I will apply myself to, to ensure that the work of panels remains relevant and responsive to new departmental structures. As Members know, this is a Chamber of consensus. Throughout its 130 years that consensus has not been reached through nodding acceptance. It has been, and always should be, sought through a rigorous process of appropriate challenge. Just as it is in every boardroom and meeting room in the business world, challenge is to be welcomed. Appropriate challenge can validate a good idea, it can strengthen a policy and it can give confidence to others. The Chairmen's Committee should ensure that all Scrutiny is done effectively and that all members of panels are trained and that good standards are observed; and that is my view of the aim of the president of the Chairmen's Committee. There are many ways to achieve that of course and I hope that Members will feel able to support me in this pursuit today. Communication is an essential part of that work, particularly engaging with the very people that we are here to serve. As an experienced journalist and communicator, I have the skills to stand up and represent Scrutiny as a whole and to work with panel chairmen to find new ways to reach out and to develop a 2-way dialogue with the community. As well as telling the people about what we are doing we are also here to listen to their views, to learn from those who have special interests and knowledge, and to understand the needs of various groups, particularly when they are seeking change to legislation or to public services. The role of the president is to provide cohesion among the various panels to ensure that the overall budget is adequate to see that all the necessary work is done to a high standard. I will ensure that all panels have the relevant training to assist them in their work and ensure that communication is a high priority. As their speeches clearly displayed, this Assembly has the benefit of some excellent panel chairmen as well as some talented Members sitting on Scrutiny benches. I want to ensure that those talents are used productively and effectively to provide independent scrutiny. Already they are building a vision for the work that there is to be done in this term of office.

There is much for us all to do and asking the Assembly for their support today, if elected, I will see that this is delivered.

The Bailiff:

Thank you. Now, are there any questions for Senator Moore?

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

The candidate said some words that made me start thinking about inviting business representatives into the Scrutiny challenge and I wondered, rather than business, which is always well organised in terms of representing its own interests, what moves the chair might take to give access to those less well represented members of society, in minorities of whatever nature; what action would she take to encourage participation by society?

Senator K.L. Moore:

I think the Deputy may have misheard me. I was using the use of challenge in a boardroom context simply as an example of the importance of challenge and effective challenge in our modern society. But I did also talk about engagement and engagement is important. We are here to represent the community and I also said how we are here, as Scrutiny Panel chairmen and scrutineers to listen to the community and to have a 2-way dialogue with them on matters that are of importance. I feel there is an importance in changing the way that we have conducted Scrutiny so far. There is always room to use new methods. I think there is increasingly a drive towards using social media because it is a very effective way of communicating and having that 2-way dialogue with members of our community, and I will continue to seek new ways to do that.

2.1.2 Senator S.Y. Mézec:

I would like to ask the candidate how she distinguishes between good scrutiny and political opposition and how will she, as a candidate for president of the Chairmen's Committee, ensure that Scrutiny does not act as political opposition?

Senator K.L. Moore:

Well it is the role of the Chairmen's Committee to take a view on standards and an approach, and firstly, of course, that comes with the necessity of training and the understanding among all Scrutiny members that objectivity is the name of the game in Scrutiny. That is the way that we conduct our Scrutiny here that is why I referred to the fact that this is a Chamber of consensus because it is not an adversarial Chamber and we do not run our Scrutiny Panels as a form of opposition.

2.1.3 Senator I.J. Gorst:

Much has been said about legislative scrutiny. I wonder if the candidate could outline her views of how that should be reformed during this parliamentary session?

Senator K.L. Moore:

Thank you for the question. I had, towards particularly the end of my time as Minister for Home Affairs, 2 really good pieces of legislative scrutiny where I feel that the relationship with the Scrutiny Panels was excellent and we achieved a very in-depth look at the legislation that was being brought to the Assembly, and they were both incredibly complex pieces of legislation. I think that in terms of changing, and I would certainly champion changes to the way that we bring legislation to the Assembly, and breaking it down into principles and Second Reading and then finally the Third Reading. That will allow time and breadth for Scrutiny to do their work, to make potential suggestions and bring forward amendments that can be properly considered rather than the Assembly being, sadly, put in the place that it felt it was, particularly in relation to the sexual offences legislation where there was a really solid amendment that, as Minister, I hoped that the Assembly would consider

but the Assembly felt that the process was too rushed. I think that is an excellent example of how, when given more time and a progression of our legislative process, that that can be properly considered and Scrutiny can really feel the benefits of its work.

2.1.4 Deputy M. Tadier:

I am sticking with the theme of legislative scrutiny. We know that former Senator Ozouf, when he was in his long time in this Assembly, talked about the idea of developing a second chamber for that purpose which would comprise the Constables. So the Constables would be put into a second chamber perhaps with others to do that very important work of legislative scrutiny. I know that during her time in the Assembly the now Senator has worked very constructively and closely with former Senator Ozouf. Does she share those opinions and would she like to see a more formal arrangement for that kind of 2-tier system in the future?

Senator K.L. Moore:

I think that is an interesting idea but it is simply that at this stage that is really a matter for the Privileges and Procedures Committee to adopt. It is not something that I have a firm view on but I would be interested to see the findings of the Privileges and Procedures Committee in how they progress with that work. What is essential, I think, is that we do reform this Assembly and that we improve the workings of the States Assembly and the legislative process, as I have just outlined.

2.1.5 Deputy K.F. Morel:

I was wondering, does the candidate believe Scrutiny is sufficiently resourced and, if not, what would she do to ensure appropriate resources are provided?

Senator K.L. Moore:

Well this is an interesting question because, if I am correct, Scrutiny is perhaps one of the only areas where the budget is never fully spent at the end of the year, however, it is not a very large budget, although that indication is one that there is perhaps still room for manoeuvre. So I very much see the Chairmen's Committee as that body who will have a close view of the Scrutiny budget and how it is being used. If there is an element that falls short then I will make the necessary calls to the Treasury to see that we can find better resources to ensure that Scrutiny can do its work.

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

I welcome the candidate's comments about training. This is essential for the Scrutiny role and certainly something that is within the candidate's remit. Can I ask, though, in the case of legislative scrutiny, does the candidate agree with me that part of the reason why it is not done is because no skills or training is given in this area? What priority would the candidate give to training in this area; and also would the candidate make it mandatory?

Senator K.L. Moore:

Thank you for the question. Mandatory legislative scrutiny would ...

Deputy J.M. Maçon:

Sorry, will the training be mandatory?

Senator K.L. Moore:

I do apologise there. Well training I think is an essential part and it appears to be organised now at the start of every session so therefore I do not feel that there is a need for it to be mandatory. Perhaps if there is a Member who consistently refuses to attend training, perhaps that would be an issue that the president of the Chairmen's Committee ought to take up with that Member in terms of their behaviour and attitudes towards the training process. But referring back to legislative scrutiny, I

think, personally, one of the issues with legislative scrutiny is that as a term it seems very dry and people have been put off it in the past. But it is just the same as any other form of scrutiny; it just has a slightly more technical aspect to it and I think the previous Education and Home Affairs Scrutiny Panel and its sub-panel both showed that when done effectively and rigorously legislative scrutiny can be exceedingly effective.

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

How does the candidate feel about Ministers and States bodies obstructing Scrutiny? For example in the last Parliament we had a situation where the Corporate Services Scrutiny Panel had to summons the States of Jersey Development Company and it had to go to P.P.C. (Privileges and Procedures Committee), *et cetera*, to try and resolve. It caused a delay of, I think, approximately a year. How does the candidate feel about this form of obstruction and what would she do to ensure it does not happen?

Senator K.L. Moore:

Well, it is the job of the president and the Chairmen's Committee to challenge any obstacles that may come in their way and to do that effectively I would do that in an open way, and I would make a clear and rational argument for the information that was required. But often this is a 2-way street and it is very clear in the code of conduct and the rules of engagement between Scrutiny and the Executive that a relationship of trust is developed in terms of the relaxation that there has been to the confidentiality clauses and the removal of the need for Members to sign the confidentiality clause. That, I think, is a positive step because there shows that there is a relationship of trust and we should all conduct our business in a respectful way, and therefore we should expect the same to come back to us.

[10:00]

2.1.8 Senator J.A.N. Le Fondré:

The role as president of the Chairmen's Committee of Scrutiny, and therefore part of the role is effective leadership and good relations with the other chairmen. How does the candidate demonstrate that they have worked well and collaboratively in previous teams that they have been part of?

Senator K.L. Moore:

Well, collaboration is a word that I have used in my speech and I think that it is absolutely essential. The fact that 3 members of the Chairmen's Committee are putting themselves forward for this role is not a reflection that this is a divided committee, it is simply a committee that has 3 people who want to approach the role in a different way. But, having said that, whoever is successful today, I will absolutely work with them in a constructive and positive way because I believe that I am always a constructive and positive person. In terms of examples, I think in my previous role I could use the relationship with the Police Authority perhaps as an example, and that was something that was perhaps a casual relationship for Ministers in the past. As the Minister I tried to reaffirm that relationship and make it stronger by introducing tripartite meetings that were minuted rather than casual meetings that happened between individuals. I think that is truly the power of collaboration in bringing people together and ensuring that issues are raised and discussed openly and constructively among those people.

2.1.9 Deputy G.P. Southern:

How in particular would the candidate build on the current practice of training for Scrutiny members in the arts of Scrutiny?

Senator K.L. Moore:

It is always essential to understand what good looks like. In the past Scrutiny members have, as well as being trained by experienced individuals here in the Island, Scrutiny Panels have gone to Westminster to see other committees in practice there. There are always opportunities to look at good, and with the use of webcasting I am sure we can perhaps look to other Assemblies around the world to find and be guided by good examples that we can learn from. I think that that is something that is very important that the Chairmen's Committee should consider.

2.1.10 Deputy M. Tadier:

Does the candidate support differential pay, in particular for chairmen of Scrutiny and the president of the Chairmen's Committee? If so, could she elaborate?

Senator K.L. Moore:

This is a thorny issue and if I recall correctly when the matter of differential pay for the Chief Minister came to the Assembly it is something that I voted against on balance. However, I do think, perhaps for the next Assembly, we should consider differential pay for people who take on additional responsibility. We all, as Assembly Members, have many responsibilities. Some fill their time more fully than others but I do not know a single States Member who is not fully occupied and engaged and dedicated to their work. So, that is a point for future debate I think.

2.1.11 Deputy R. Labey of St. Helier:

The Scrutiny hearings are very often heard in public but with a lack of public there to watch the proceedings. Does the candidate think that there should be an effort made to try and remedy that situation and, if so, how?

Senator K.L. Moore:

It is a very important question from the Chairman of the Privileges and Procedures Committee and it is one that I think panels have, in the past, grappled with. Some panels have tried to conduct particular hearings at different times of day to encourage people to attend but I think what will be most transformational will be the move from simple webcasting - that is audio only - to visual webcasting using cameras. That will be in place, thanks to the previous Chairmen's Committee, very shortly I believe. I hope that will be a major step forward.

2.1.12 Senator J.A.N. Le Fondré:

Only from the point of view it is just an important role and I think we should obviously put the questions to all the candidates. What is the view of the candidate on Scrutiny of legislation at or around the First Reading?

Senator K.L. Moore:

Well I think we might see an example of that today in practice, that a piece of legislation is brought to the Assembly and the principles are debated and then it is withdrawn for Scrutiny. I think that perhaps offers the scrutineers a good first look at that piece of legislation and an understanding of the perspectives and the varied perspectives that Assembly Members bring to it. It certainly seems to make sense.

2.1.13 Deputy M. Tadier:

Following on from that question: should it be the case that there should be an automatic delay between the First Reading and certainly the Third Reading so that they cannot be taken at the same sitting?

Senator K.L. Moore:

That is the point that I think I was making earlier, that a *décalage* - because I cannot think of the English word - would be perhaps more appropriate, particularly in complex pieces of legislation.

The Bailiff:

Any other questions for Senator Moore? If not ... very well, Senator Moore, thank you very much, could you please withdraw? When you are ready, Senator. You will probably be relieved to know that we are all still alive anyway. **[Laughter]** I call on Senator Ferguson.

2.2 Senator S.C. Ferguson:

What does this position involve? The remit of the president of the Chairmen's Committee is mainly that of co-ordination and communication. The committee co-ordinates the work of the panels to ensure that there is no overlap between panels and that all aspects of the work of the Council of Ministers is reviewed. The chairman has ... I apologise I am sorry. The president has to both lead and, on occasion, umpire. The main power the committee has over the work programme is the prioritisation and the allocation of resources. The panel chairmen are not corporations sole and their proposed reviewers can be constrained by the fact that the committee can refuse to allocate budgets for review. The committee keeps under review the overall operation of Scrutiny and as appropriate will make recommendations for change. At the same time the committee will maintain contact with the Council of Ministers so that respective work programmes are known and co-ordinated. The original code of practice has now been split into 2 codes: one is for internal practice within Scrutiny and the other is for engagement with the Council of Ministers. This is very sensible since it makes a clear distinction between internal and external procedures. I would recommend, though, that those Ministers who have never undertaken Scrutiny, review those procedures when considering their relationship with Scrutiny. What have we got to do in the immediate future? There have been a number of improvements; one has been the use of review panels. This has enabled a much broader spread of Members to be used in a review and has also provided an additional resource when panels are under a very heavy workload, which they were over the last couple of years. The Future Hospital and the Childcare Review Panels are examples of this and should be re-set-up to follow up these projects. Another change has been the ability to take evidence under oath. This is a powerful tool and one that is intended to be used sparingly. It is a facility available for U.K. (United Kingdom) Select Committees and other Parliaments and it has unfortunately been found necessary for this jurisdiction as well. Other matters that the Chairmen's Committee must address include the tendency of the ministerial departments to be late in bringing legislation and policies to the Assembly. Deputy Maçon has already lodged a proposition to deal with the barrage of significant legislation, which was lodged for debate at the very end of the last session. Allied to this is the need to improve ministerial response time to reports as well as the need to speed up the time for implementation of recommendations. The proposal by the Chief Minister to set up policy development boards is also intended to make policy development more inclusive. We need to monitor this because every Member of the States is involved with some aspect of government and, at some point, we will need to evaluate whether these panels are a good idea or whether it is just committee busy-work. If using these panels starts to interfere with the Childcare Review Panel, the Future Hospital Review Panel or normal Scrutiny work then we may need to think again. Another subject on which we need to engage with P.P.C. and the Greffier is that of the recent report by P.P.C. on legislative scrutiny. The previous Chairmen's Committee had a number of concerns regarding the P.P.C. estimates of proposed timescales and the possible expectation for Scrutiny to review Back-Bench propositions. We will need to continue the excellent work developing public engagement. We have got webcasting of Scrutiny coming online, the new States Assembly website, and we must keep being proactive and innovative in our approach to public engagement. There are also plans to provide improved Scrutiny hearing rooms in the Morier House refurbishment. The new structure proposed by the chief executive may also necessitate the realignment of the ministerial roles and hence the Scrutiny Panels. Since this will have less effect on P.A.C. it is an area where I can offer an independent approach. There will also be a training programme for Scrutiny members organised by the Greffier's Department.

The previous Chairmen's Committee recommended reconstituting the Future Hospital and Childcare Review Panels. The first meeting of the committee is on Thursday and this must be on the agenda.

[10:15]

The overall progress made by Scrutiny with regard to its authority and standing over the past few years has been significant and credit must be given to those running Scrutiny over the last 3½ years. It is noticeable that if something controversial or expensive crops up there is now usually a cry to ask Scrutiny to report on it. It is essential that we maintain the level of quality and honesty of work that has been achieved over the past few years. Obviously, the question is what I can contribute to the role of the committee. I can offer extensive education experience but I have extensive experience in both the private and public sector. Originally, I was chairman of the shadow P.A.C. and the first P.A.C. Subsequently I have been chairman of the Corporate Services Panel. I served as chairman of the committee early in the development of Scrutiny at the time when we were setting the foundations. These have been developed very successfully by successive chairmen but, on reading the legacy report, some of the problems still remain. However, with a fair following wind and with Ministers with Scrutiny experience, I see no reason why we should not pretty well eliminate these problems. We have a Chief Minister with extensive experience of Government and Scrutiny. Scrutiny must work with the Council of Ministers so that we avoid the mistakes made by the previous Council of Ministers whereby Scrutiny had to resort to drastic procedures to obtain information. Finally, I am independent. I owe no allegiance to any party or external adviser, whether overt or covert. I owe no allegiance because of electoral subsidies. My only allegiance is to the people of Jersey and for the good of the Island. Thank you. **[Approbation]**

The Bailiff:

Now we have got 20 minutes of questions. Are there any questions for Senator Ferguson?

2.2.1 Deputy J.M. Maçon:

The candidate mentioned training and I welcome that. Does the candidate agree that it is vital for particularly new members of Scrutiny to go on training; and also those who might benefit from training, who often have not been on training sessions before, that they should, and make the training process mandatory for members who join Scrutiny?

Senator S.C. Ferguson:

The Greffier has gone to a lot of trouble to set up good training programmes. Each set of Scrutiny members who have been on the programmes have provided feedback and because of that the training programmes are getting better and better. We have had a certain amount of training from the Law Officers, which can make it a bit like a courtroom, and there are also people connected with the U.K. Parliament who give training. It is absolutely essential that every member of Scrutiny goes on the training programmes, and I agree entirely with the Deputy, the training should be absolutely mandatory, you know, you miss it at peril of your life.

2.2.2 Deputy M.R. Higgins:

The candidate mentioned some of the problems that Scrutiny faced in the past, including obstruction from States-owned bodies and others and the need to resort to summons. Would the candidate explain how she would react or how she would hope her committee would act in the face of such obstruction?

Senator S.C. Ferguson:

Some of the measures which have been brought in now, such as giving evidence under oath and so forth, in fact assist in obtaining information. Funnily enough, this was something we were discussing yesterday at Public Accounts because I think you will find that many of these organisations do not want to be held up in public as being poor in their attention to Scrutiny. The more you can hold them

up as an example of poor performance does put pressure on them - a peer group pressure almost - in order to answer questions and so on. There is also the question that - I think it was in 2014 - the Deputy of Grouville brought a proposition to make sure that freedom of information requests should apply to wholly-owned States subsidiaries. Now although this was promised, the previous Council of Ministers seem to have forgotten that. That is not good enough and I think we should be bringing that proposition back so that freedom of information requests do apply to wholly-owned subsidiaries. It is not just that, as I say, we should be applying freedom of information to wholly-owned States subsidiaries and basically keeping the pressure up on the various organisations in order to get the answers. One of the real problems we have had are ministerial responses to recommendations in reports. The responses take too long to come through to the panels, and then recommendations are accepted but they are never applied. I believe that the new chief executive has been looking at this and looking at recommendations and asking why they have not been implemented. But I think we need to all keep an eye on this to make sure they go through. Because there is another problem that very often we make decisions in this Assembly and the departments ignore them. There have been several occasions that I know of where we have had to bring things back and say: "Look, we said you have to do this and you are ignoring it; why?" This follow-up process is terribly important in Scrutiny and we are going to have to follow it.

The Bailiff:

Senator, can I ask you to keep your answers a little more concise? Deputy Tadier.

2.2.3 Deputy M. Tadier:

The candidate spoke about individual chairmen not being corporations sole and that effectively the Chairmen's Committee can, if they wish to, veto a line of enquiry by an individual panel. Does she envisage any situation where that might happen in the future or where it has happened in the past and could she elaborate?

Senator S.C. Ferguson:

I think we got to the verge of it once some years ago. But basically if you discuss things properly, if you reach a consensus, if the president umpires correctly then I see no reason why we should get to that point. It is a question sometimes where one panel wants to investigate something which is the responsibility of another panel. Now, the biggest problem is between Corporate Services and P.A.C. because there is a grey area between those 2 panels where it could be that we need to look at it from the P.A.C. angle; it could be from Corporate Services and we are just going to have to look at it and discuss it and see which is most effective and which is most in the public interest in order to do it. That is the real underlying bedrock: is it in the public interest?

2.2.4 Deputy R. Labey:

The candidate mentioned the webcast which has got to be a positive move going forward. But I wonder if she feels it desirable to try to get more of the public interested in the public hearings held by Scrutiny and, if so, how we might go about that?

Senator S.C. Ferguson:

There have been some very successful public engagement things. We had a hearing in the States Assembly and the big thing was that we could get more of the public in. The problem with our current Scrutiny hearing rooms is that you cannot get many people in and if you get too many people in it gets a bit hot and aerated and so on, and it is not satisfactory. The new refurbishment of Morier House with more open-plan offices and so on, is apparently going to incorporate more rooms with more room for the public to come in. We have tried having meetings in Parish Halls. That was quite successful when we were doing one of the Corporate Services Panel meetings. We went around 3 or 4 of the Parish Halls and we got a pretty good response. It is something we have just got to keep

pushing the boundaries and try, and obviously when we have people in the Assembly, such as the Deputy, with his experience of marketing and so forth, we will no doubt be calling upon his brainpower to help us.

2.2.5 Deputy G.P. Southern:

The candidate made great play of her independence and I think I quote accurately when she said she was “free of electoral subsidy.” Would she mind explaining to me what that phrase means?

Senator S.C. Ferguson:

Yes. I do not know about other Members but there have been occasions when people have offered me cash to support my campaigns to be elected and I have turned those down, principally not because I am a wealthy person because I am not. I have turned them down because I do not want to lose my independence and have to take into account additional points of view which I may or may not agree with.

2.2.6 Deputy K.F. Morel:

It is a similar question to Deputy Labey, so I apologise. What importance does the candidate place on Scrutiny’s relationship with the public and how does she envisage this relationship developing during her tenure should she be elected?

Senator S.C. Ferguson:

Well basically, as I have said, I think public engagement is incredibly important. I think a very good start has been made because every time something expensive or controversial comes up I do hear a cry for: “Let Scrutiny have a look at it”, which I think is absolutely super. People are taking notice of Scrutiny reviews. We are developing a reputation for both quality and honesty and I think it is terribly important to keep this going, and I would hope that the Deputy, as chairman of one of the Scrutiny Panels, will also subscribe to that.

2.2.7 Senator S.Y. Mézec:

Following on from Deputy Southern’s question it struck me that the implication, in the answer from the candidate, was that if you accept donations in an election campaign in good faith that that somehow undermines your independence. Would she like to withdraw such a claim seeing as that it is absolutely outrageous?

Senator S.C. Ferguson:

That applies to me. I am not applying it to anybody else; that is my own particular principle. I am sorry if the Senator feels that I was casting aspersions on anybody else, it was totally unintended. I was merely talking from my own point of view because I feel strongly that my independence matters to me.

2.2.8 Senator I.J. Gorst:

As I asked the previous candidate, there has been much said about reform to legislative scrutiny. I wonder if the candidate could outline to us her views and ideas for how that can be transformed?

Senator S.C. Ferguson:

I have already mentioned the report by P.P.C., which talked about legislative scrutiny, it talked about timeframes, it talked about what might be done. Some of the recommendations were reasonable but some, such as: “Scrutiny should review legislation in private Members’ propositions” I think is really unreasonable. But basically we are going to have to get together with P.P.C. and the Greffier and build on the report and the comments made by the legacy report of the Chairmen’s Committee to see where we can take it. Yes, legislative scrutiny is very important but it is very difficult and it is really

quite complicated. I know one or 2 Members of the Assembly, in days past, whose great joy was to go through a piece of legislation but I think we have lost the art of that and we do need to go back to discuss with the Greffier and P.P.C. what we can do to improve that.

[10:30]

2.2.9 Senator J.A.N. Le Fondré:

The same question that I put to the previous candidate: the role is president of the Chairmen's Committee of Scrutiny and therefore part of the role is effective leadership and good relations with the other chairmen. How does the candidate demonstrate that she has worked well and collaboratively in previous teams that she has been part of?

Senator S.C. Ferguson:

I think the only thing I can say is I have never had a vote of no confidence against me. I have brought votes of no confidence [**Laughter**] but I have not had one. I think very often a sense of humour and a sense of fair play goes a long way to dealing with disagreement. We have had our disagreements, yes, but we have never either come to blows or not talked to each other. So, I see no problem in ... as my proposer said, I can perhaps be more direct but then I expect people to be direct to me too. If I am saying something that is absolute rubbish I would hope somebody would say: "Oh, come on, that is rubbish." [**Aside**] [**Laughter**] Thank you. You know, it is, I think, a question of honesty and directness that one needs, with a touch of tact.

2.2.10 Deputy G.P. Southern:

Do not start me on tact. Could I ask the same question I asked of the other candidate which was how, in particular, would she try and reach those parts of our community who are less well represented like the minorities, the ethnic minorities in our society; how would you reach out to them and get their involvement?

Senator S.C. Ferguson:

I would hope that I am reaching quite a lot of them. They certainly come to me with problems and I even have long chats with union representatives and so on who are quite reasonable to talk to with me; I do not have any problem with them. It is just a question of taking people, I think, as you find them and talking to them. As I say, I have people with problems coming to me to deal with those and I will chat to people wherever and however. I started my working life working on the shop floor with the pieceworkers and so on, so I hope I can talk to any level of person without making them feel stupid or difficult.

2.2.11 Deputy M. Tadier:

Does the candidate agree that it is important, when selecting which Scrutiny review to proceed with or even to allow, that it needs to be the right review at the right time? Does she concede that when it came to the so-called conscience clause for same-sex marriage, although that was a debate which was very necessary in many ways, it was not the right piece of legislation on which to carry out the review because it was not relating to same-sex marriage; it should have been done a long time before at the discrimination stage? Would she comment on that and how she would make judgments in the future about the timeliness and appropriateness of relevant Scrutiny review?

Senator S.C. Ferguson:

I explained my position when I made my speech for the Minister for Health and Social Services. I would also say that I would, again, quote - probably badly - from the email that the chairman of Liberation sent to the Chief Minister when it was agreed that this was a debate that needed to be had. As far as I am concerned it was a question of having a debate that was necessary and I really do not

feel we debated it; it is done, it is finished. There will be other controversial things that come up in the future and I hope that people will, again, have a reasoned, balanced, civil debate about things. This is the whole point. Free speech is one of the absolutely important bedrocks of our society and if we do not have free speech what have we got? We have got a dictatorship. I am sorry if I am getting a little passionate about this because I feel very strongly about free speech. But, as I say, it was a debate that was necessary. It is over, it is finished, it is done.

The Bailiff:

There is one minute left.

Senator I.J. Gorst:

I was just going to re-ask the candidate my question: what were her thoughts about legislative scrutiny and what were her ideas but she answered about lots of other people's ideas, so I do not think I need to re-ask that question.

2.2.12 Deputy G.P. Southern:

What criteria would the candidate have when choosing or helping to choose advisers to Scrutiny Panels?

Senator S.C. Ferguson:

It is a question of picking people with the knowledge and understanding of a topic who will give the best advice. Obviously, the Scrutiny Officers are incredibly useful.

The Bailiff:

Thank you very much time is up. I invite Senator Ferguson to withdraw again and Deputy Ward to be brought back to the Chamber. [Aside] I do not think the Greffier is confessing to applying, but I may be wrong. [Laughter] It was the stopwatch so perhaps she would be forgiven. Right, Deputy Ward, thank you, if you would like to take your seat. Take your seat and catch your breath and then you have got 10 minutes to speak.

2.3 Deputy R. Ward of St. Helier:

Thank you very much. I have come to the decision to stand as president of the Chairmen's panel because of my sincere belief in the importance of the process of Scrutiny, and it is with this that I would like to start; the process of Scrutiny. First and foremost, Scrutiny needs to be an independent procedure that is driven by meaningful questions and the drivers behind these questions may be varied. It is the role of the Scrutiny Panels and the Chairmen's Committee to direct the work stream of Scrutiny into the most productive direction for effective impact. We are at a time of change in the States Assembly. We face many challenges in the coming term, ranging from Brexit, immigration, the new hospital, access to affordable housing and States reform, to the condition of our roads and the sea lettuce blooming on our beaches. I could list many more. Effective and constructive scrutiny of policy, legislation, business plans, budgets and wider matters of public interest will be an essential component of effective government and decision making. There are also developing powers for Scrutiny Panels that must be remembered and used appropriately. The decision, on 10th April 2018, to give power to place witnesses under oath in public hearings is a prime example of this. We need good relationships with Ministers so that we can, at one and the same time, enable outcomes that will improve our Island and be critical in the truest sense of the word. Scrutiny should be a critical friend. But I know that my friends are the most critical people I know because we have a trusting and respectful relationship; I listen to them and they listen to me. I believe in evidence-based approaches to understanding and influencing policy and legislation. I understand the use of data and statistical analysis, this is vital if we are to uncover real trends, issues and longer-term subjects that need attention. We must also be certain to effectively follow up recommendations made by Scrutiny. It

is here that we prove the long-term value of the process and the public can see the value of investing in panels. The process we use must itself stand up to scrutiny. If reports draw from inadequate evidence, poor procedure or make disjointed conclusions, this must be challenged. The Chairmen's Committee and its president must be willing to do this and we must address the recurring issue of inadequate timescales being a barrier to effective scrutiny. I am fully prepared to take on this challenge and have the difficult conversations when necessary. The other side of this critical coin is to point out effective scrutiny as a model for existing panels. As we move to greater co-operation across departments the sharing of good practice will be essential. I believe it is part of the role of the Chairmen's Committee and its president to flag-up good practice in order to have a continually self-improving process. This should be an integral part of an ongoing and targeted training programme for Members involved in Scrutiny at all levels. We need to engage a wide range of States Members and, most importantly, the wider communities outside of this Chamber if we are to genuinely reflect the concerns and hopes of all Islanders. I believe the Chairmen's Committee must contribute to the wider promotion of the role and importance of Scrutiny Panels. I will be a very vocal advocate of the work of Scrutiny across the States and outside the States in the wider community. There have been significant steps made to increase public engagement: the development of the Scrutiny website, webcasts of hearings and the use of wider social media arenas are positive examples of this. I bring a determination, openness, and an ability to effectively communicate across a wide range of media platforms and to wider audiences. These skills and attributes are key to the presidency of the committee. I want to make it clear that I fully respect the experience of the other candidates for this post but I believe I bring relevant experience of negotiation, leadership and accountability that should be recognised. I have experience of balancing the demands of a number of roles and bringing people together to work to common goals.

[10:45]

I bring a fresh and unfettered approach to Scrutiny. I have no axes to grind, only a wish to ensure Scrutiny is given the value and importance it deserves in a changing States structure. I am deliberately keeping this speech as short as possible as I have spoken before in this Chamber about my personal attributes. Although I recognise repetition is important for learning, it can also be an inefficient use of time and this we need to avoid. I also believe that Scrutiny is about questions and perhaps the questioning part of this process is the most important. So I will ask you to make a decision based upon the skill set I bring to the role, upon the opportunity I offer for a dynamic and hard-working approach to this position at a crucial time for Scrutiny itself and to give a new face your support and trust. Thank you for your attention. **[Approbation]**

The Bailiff:

Thank you. We now have up to 20 minutes of questions.

2.3.1 Senator S.Y. Mézec:

I am taking it as a given that the Care of Children in Jersey Review Panel would be reconstituted by this Chairmen's Committee and we all know that hearing the voice of children and young people is hopefully going to be high up on all of our agendas, no matter what role we have in this States Assembly over the next few years. I would like to ask him how would he like to see the voice of children and young people heard by Scrutiny, and does he believe that Scrutiny should be able to go into schools to directly access those young people to hear their views on particular subjects when reviews come up?

Deputy R. Ward:

Absolutely, it is a really good question. Yes, the voice of children is vital for us to be hearing in Scrutiny. Yes, I do believe that Scrutiny should go into schools. I think that schools are a safe place for young people to express their views and their opinions. They are a safe place for them to be

involved in that process, and I think it will be a very good arena for that to happen. Unless we are very careful in the way that we consult with our young people, the information that we get at the end will not be valid enough to make reliable conclusions and take on reliable actions. This is the whole point about process; it is where you get your information from. If you are going to talk about young people you need to speak to them, absolutely, yes.

2.3.2 Deputy R. Labey:

Does the candidate think that it is desirable to interest more of the public in the work of Scrutiny and the public hearings that Scrutiny holds? If so, how would one go about that?

Deputy R. Ward:

Yes, absolutely, Scrutiny is about gathering information. The more people get involved in Scrutiny and the more I think that Scrutiny Panels recognise that their work will be seen by a much wider audience, the more effective that is, the better quality it is. I will use the word, which I think we need to talk about, which is the more professional it is. I do not mean professional in terms of P.R. (public relations) and getting messages across; I mean in terms of the process again itself. So, yes, absolutely we need to engage more. I think what is happening already with webcasts and websites and so on, and the smarter website that we looked at this morning, is a huge step forward, but there are other social media platforms that we can use, the use of Twitter and the use of Facebook in a controlled way, which you can do. Other social media platforms that come up in time I think should be used by the States. We should not be afraid of them. They are very simple to use and they can get across to a wider audience, particularly a younger audience. Linking back to the question from before, unless we engage a younger audience in this process, we will not have a future for the process that we want and that is a really key thing. We need to have a look at a public space as well. I have to say that the facilities that we have need to be increased, larger spaces for public to come along to Scrutiny. The first Scrutiny Panel I attended as an observer, there were about 7 chairs available to sit and I thought why are there not more people here? So yes, we do, but unless we provide those facilities and make them accessible as well, which is a key thing, and make them obvious then, yes, that is not going to grow.

2.3.3 Deputy J.M. Maçon:

The candidate touched on training. In the past we have had Members who would have most benefited from training sessions not go, therefore does the candidate believe that training should be mandatory for new members of Scrutiny or any member of Scrutiny?

Deputy R. Ward:

The simple answer is yes, and I will keep it short but I will say that the reason it should be mandatory is because it should be effective. As long as it is good training, people would want to go to it, will see the benefit of it, and I think the problem with people not attending should be lost. That is what I mean when I am talking about professionalism in terms of the approach to the processes.

2.3.4 Deputy M.R. Higgins:

Although the candidate has not had experience of Scrutiny in the past - and he may or may not be aware of the fact that Scrutiny Panels have been obstructed in obtaining information and even having to go to the extent of issuing summonses against States-owned bodies - how would the candidate stand up for Scrutiny and the States to get the information to enable it to do its job properly?

Deputy R. Ward:

The key thing again is to have an effective process and effective ways to look for that information. If it is clear as to the reasons why you are calling somebody or a department or a head of department or someone else, then I think it should be clear to them as to why they should be there. We have to

try to persuade, first of all, to give value to what we are doing and to give an unequivocal argument that says this is the right thing for you to be here for and hopefully that will be responded to. But, if not, there are more powers for the States in terms of calling people under oath and that is a step forward. But again we should not be afraid to force people to come to give evidence to Scrutiny if that is what is necessary. I certainly believe I have the strength of character to do that.

2.3.5 Deputy G.P. Southern:

My question is how the candidate was the only Member to mention the wider community and their involvement. How would you suggest increasing greater involvement in those less well represented members of our community such as the ethnic minorities?

Deputy R. Ward:

Thank you for your question. It is vital; there are a number of simple ways in which we can do that, so for example making the language accessible, translating, *et cetera*, having translators available if people want to attend Scrutiny and ask questions. There is no reason why we should not do that. The other thing is that we need to make sure that the outcomes of Scrutiny, and as I mentioned about following things up and seeing a genuine outcome, are publicised. If people can see that Scrutiny Panels and the process itself is having a positive outcome for their communities they are much more likely to become involved because it becomes a genuine process in which they can make change from their communities, which is good for their communities. That is the key; the process itself is the key.

2.3.6 Deputy K.F. Morel:

The candidate made reference in his speech to Scrutiny being an independent procedure. But, if he is elected, the Assembly will find itself in the unusual position of having members of the same party holding both ministerial positions and leading Scrutiny's efforts and setting its direction. How does the candidate intend to manage the potential conflicts of interest based on his party affiliation?

Deputy R. Ward:

Thank you for the question. I am sure other people may be thinking the same thing. The success or not of Scrutiny will only be there if it is an independent process. In other jurisdictions of the world, just about anywhere else in the world, their scrutiny processes happen with members of the same or different parties that are in power or out of power scrutinising by using the correct sort of processes and the correct reasons for their scrutiny to get meaningful outcomes. In fact, I would turn that question around and I would say the best way to see that Scrutiny is working as an independent process is to have somebody from a party there to show that that can happen. Because, let us be honest about it, if parties develop further in the future in this House, are we going to look again at all of our Scrutiny Panels or are we going to adapt to that process and have a scrutiny process that is truly independent and has the correct procedural approaches to finding evidence and coming to conclusions? I do not see my role as a party member as in any way an obstacle to coming out with proper scrutiny. I know this is a long answer, but can I say one more thing, I do apologise. It is ironic that where we go for the main training that we have is to Westminster to look at the way a Parliament, that is set up with parties, deals with scrutiny and then we are worried about parties and scrutiny in our own Assembly; I really think it is something we should not be worrying about.

2.3.7 Senator I.J. Gorst:

Much has been said about the need to transform legislative scrutiny. I wonder if the candidate could outline his views on how that transformation should take place?

Deputy R. Ward:

Yes, I think it is the most difficult, dare I say, time-consuming and technical area of Scrutiny. One of the key areas is to take the right advice, to have a good relationship with the people who are giving

that advice, and to make clear outcomes that are understandable by all who are on the Scrutiny Panel, i.e. not lose them in techno-jargon in terms of the outcomes or what is going on. Also, the really key thing is to give enough time for legislative change. It takes time to understand. Already with the Scrutiny Panel that I am chairing we have seen one piece of legislation that we are very concerned about and has been pulled from the Order Paper so that we can go back and look at it. That is the key thing to do as well. I would always err on the side of caution. If there is a worry then let us take some more time and let us get it right, because with legislation it has to be got right the first time.

2.3.8 Deputy M. Tadier:

We have talked about widening the scope for engaging with the community but is there also scope - and I think the candidate may have touched on it - in widening those from whom we seek advice. Often Scrutiny Panels understandably seek a U.K.-facing approach and also Whitehall for their consultants. Could we perhaps look elsewhere and where would we do that?

Deputy R. Ward:

Yes, absolutely. I do worry and I think there are 2 sides of a coin here; there is a paranoia about the word “consultants” and the use of consultants, and quite justifiably in many ways. However, if you gain the information from the correct consultant with the right sort of skills, it can be very, very productive. But we need to think about what we are spending our money on. If we are going to employ a consultant for £1,000 a day plus their expenses, they better come up with something that is good and pushes towards our outcomes. In terms of where we can look for information that is a really difficult question to answer because it depends on what you are looking at. It really does depend on what you are looking at. In other areas of Scrutiny, such as Economic Affairs, you would necessarily have to talk to local businesses and so on, and there are on-Island sources of consultation that can be used. For other areas, such as Education and Home Affairs, you may want to go wider afield. But that is the skill of the Scrutiny Panel and that is the skill of the Chairmen’s Committee to be directing and making sure that use of consultants is appropriate, effective, and cost-effective.

2.3.9 Senator S.Y. Mézec:

From time to time there will be a Scrutiny hearing or a Scrutiny public meeting of great importance on a particularly controversial or interesting subject. Would the candidate for president of the Chairmen’s Committee consider livestreaming some of these important events, not just on the States website, which has a limited reach, but on Facebook, which has a much greater reach to the public and is much more interactive? I have seen Scrutiny Panels in Guernsey already adopting this with great success. Is that something he would like to see us copy in Jersey?

Deputy R. Ward:

Yes, thank you for your question. This is what I talked about earlier in terms of using wider media platforms; Facebook is one of many, but yes, absolutely. It is a technical issue. I noticed that there was a conversation with the BBC cameras earlier about whether they can get a webcast directly, and so on. These are technical issues, which I think are easily solvable, and so, yes, the webcast can be streamed to that area and to other areas as well. It is the principle underlying it that is important; if what we want to do as a States Chamber is to say that when these important Scrutiny hearings are being held we want as wide an audience as possible because that will help the process, then there is no reason that we cannot use every platform available to make that happen.

The Bailiff:

Are there any other questions for the Deputy? If not, that brings the questions to the Deputy to an end and can I ask that Senator Ferguson and Senator Moore be asked to return to the Chamber? I invite all Members to return to the Chamber. I see we are still missing Senator Ferguson and Senator Moore.

[11:00]

If all Members have returned to their seats; that is excellent, I am going to ask now the Usher and the Deputy Viscount to circulate the ballot papers. You will see that you have the opportunity to put your name at the top, please do that. If you do not put your name at the top it will be a spoiled paper and the vote will not count. If you are wishing to vote for yourself you will have to write down your name twice or the vote will not count. The other thing I would just say now is the candidate must receive more than half of the votes cast to be appointed and, if there is no candidate with more than 50 per cent of the votes cast, then we will have a second ballot after the candidate with lowest number of votes has withdrawn. I should say that if there are any spoiled papers, I will say this now, or any abstentions that does not amount to a vote cast for the purposes of calculating the 50 per cent. Members can see the ballot boxes are empty. You have all had the opportunity of casting your votes, then the Deputy Viscount and the Usher will collect the votes. So everyone has received a ballot paper and everyone no longer has a ballot paper, is that correct? Good, then I shall ask the Deputy Viscount and the Assistant Greffier to withdraw and count the votes.

3. Appointment of the members of the Privileges and Procedures Committee

The Bailiff:

While the votes are being counted, we can at least proceed with perhaps the first part of the next item, which is the appointment of the members of the Privileges and Procedures Committee. So, chairman, there are 3 elected Members for you to propose please?

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

Yes, and in doing so I wonder if I might thank all the Members who expressed an interest in joining the committee. It was a long list in stark contrast to the Planning Committee. I was grateful to receive such interest and it made for a tricky decision but in the end I felt it was important for the work going forward of the committee to import certain skill sets like the promotion of diversity, the use of information technology, and bringing an open mind to electoral reform. So, with that in mind, my candidates for P.P.C. are Deputy Alves, Deputy Wickenden and the Constable of St. Helier.

The Bailiff:

Is that proposition seconded? **[Seconded]** Thank you. Are there any other nominations as the 3 elected Members to P.P.C.? No? Then I declare Deputy Alves, Deputy Wickenden and the Connétable of St. Helier to be elected as members of P.P.C. **[Approbation]** Now, Chairman, you have had the opportunity of consulting with the Chief Minister about the appointment of 2 Ministers or Assistant Ministers as members of P.P.C.?

Deputy R. Labey:

Yes, and the Chief Minister has nominated Deputy Maçon and the Constable of St. John.

The Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations who have to be Ministers or Assistant Ministers?

3.2 Deputy G.P. Southern:

Yes, may I nominate Deputy Tadier, who has a long-held interest in P.P.C. and I am competent in nominating him.

The Bailiff:

Are there any other nominations? Sorry, I should have asked, is that seconded? **[Seconded]** Are there any other nominations of Ministers or Assistant Ministers? All right. Then that was the very bright idea that we go on and deal with this, but we do not have anybody to start circulating papers at the moment so we will have to wait just a moment before we have that vote. We cannot go on to the Chairmen's Committee because you have to consult with the President of the Chairmen's Committee, so we cannot do that. So we will pause at F(ii) and we will come back to the Chairmen in just a moment.

4. Nomination of the Connétable of St. Mary as an elected member of the Public Accounts Committee

The Bailiff:

Nomination of the Connétable of St. Mary as an elected member of the Public Accounts Committee, Chairman?

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

Yes, I am very pleased that the Constable of St. Mary is willing to serve on P.A.C. He has very valuable work experience in the Island and I think he will bring a great deal to the committee and we shall be very glad to have him.

The Bailiff:

Is that seconded? **[Seconded]** No other nominations? Very well, then I declare the Connétable of St. Mary to have been appointed as an elected member of the Public Accounts Committee. **[Approbation]**

5. Appointment of 2 members of the States Employment Board

The Bailiff:

The next item is the appointment of 2 members of the States Employment Board.

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

The 2 members - so this is effectively for the independent members of the States Employment Board - are the Connétable of St. Lawrence and Deputy Graham Truscott.

The Bailiff:

The Connétable of St. Lawrence and Deputy Truscott, thank you. Are there any other nominations? Thank you, you can also second it. **[Seconded]** Thank you very much. Are there any other nominations? No. Very well, then I declare the Connétable of St. Lawrence and Deputy Truscott are appointed to the States Employment Board. **[Approbation]**

6. Appointment of up to 2 members of the Jersey Police Authority

The Bailiff:

The next item on the agenda is the appointment of up to 2 members of the Jersey Police Authority. Connétable.

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

I am pleased to propose firstly Deputy Wickenden, who has served on the Authority in the last session of the States, so will bring experience and knowledge to the team. I would also like to propose the Deputy of St. Mary, who is an English solicitor with over 40 years' experience. In the last Assembly he served as chairman of the Environment, Housing and Infrastructure Scrutiny Panel and vice-chairman of the Economic Affairs Scrutiny Panel and has shown himself to be impartial, independent, and fair. I am delighted that he has agreed to be nominated for this position. So my nominees are Deputy Scott Wickenden and the Deputy of St. Mary.

The Bailiff:

Are the nominations seconded? [**Seconded**] Thank you. Are there any other nominations? Very well, then I declare the Deputy of St. Mary and Deputy Wickenden to be appointed to the Police Authority. [**Approbation**] There is nothing under G or under H.

QUESTIONS

7. Written Questions

7.1 THE CONNÉTABLE OF ST. BRELADE OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING A REVIEW OF THE PRESCRIBED FORM OF THE NOMINATION DOCUMENT FOR ELECTION: [WQ.80/2018]

Question

Further to situations which arose during the recent elections in respect of the nomination form for election candidates and the resultant court appearances, will the Chairman agree to request the Committee to review the Public Elections (Jersey) Regulations 2002 and, in particular, the prescribed form of the nomination document (Form 3) in order that a simpler, revised version with guidance notes may be brought forward for the Assembly to consider?

Answer

Yes. I will be proposing to the Committee that we review all of the issues raised by the election observation mission at last month's election, including the usability of the candidate nomination form.

7.2 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE OUTSOURCING OF SERVICES BY THE DEPARTMENT FOR INFRASTRUCTURE: [WQ.82/2018]

Question

Will the Minister advise –

- (a) what services of the Department of Infrastructure were outsourced during the last term of the States and to which companies;
- (b) what savings were made, if any, in each tranche of outsourcing;
- (c) how much of any such savings were dependent on a reduction in wages or staffing levels, or a change in working terms and conditions; and
- (d) how many of these outsourced contracts involved the use of zero-hours contracts?

Answer

(a) What services of the Department of Infrastructure were outsourced during the last term of the States and to which companies?

In 2016 the following services were outsourced by DfI to the private sector:

Cleaning:

- Public toilet cleaning AFM
- States offices cleaning G4S
- Multi-storey car parks cleaning AFM
- Markets cleaning and caretaking JCF

Gardening and Grounds Maintenance:

- Small garden areas, verges and trees east Elite
- St Aubin’s Bay, West Park to Brelade’s Parish Hall CA Frazier Ltd
- The Railway walk and Pont Marquet Country Park Ransome Horticultural Services
- The Gorey Area CA Frazier Ltd
- Park Keeping and Paddling pool maintenance G4S
- Primary School sites general gardening contracts Elite
- Primary School playing fields mowing & line marking Elite
- Secondary school maintenance of gardens Ransome Horticultural Services

In addition the following areas of service were outsourced to the Parish of St Helier who employ staff on similar terms, conditions and pay grades as DfI:

- Town Cleaning Parish of St Helier
- Millennium Town Park garden maintenance Parish of St Helier

The following areas of service were transferred to States Departments for whom DfI previously carried out work on a ‘contractor’ basis:

- The Playing Fields Section was transferred to Economic Development, Tourism, Sport and Culture Department, as it was named at the time;
- The Countryside Rangers Team was transferred to the Department of the Environment.

(b) What savings were made, if any, in each tranche of outsourcing?

For the areas included in this tranche of outsourcing the figures below are based on the original service costs in 2014 compared to the average cost over the 5 year contract duration of the new provision. As contracts have “bedded in” a small number of minor changes to specifications and costs have become necessary, however, these changes have not been significant:

Service Area – DfI & Other Depts. for whom DfI provided services:	2014 budget costs	2016 – 2021 average annual contract costs of outsourced services *	Service cost savings
Cleaning Services - DfI	£1,096,000	£381,000	£715,000
Cleaning Services – Other Depts.	£462,000	£271,000	£191,000
Parks & Gardens - DfI	£572,000	£456,000	£116,000

Parks & Gardens – Other Depts.		£332,000	£251,000	£81,000
Totals		£2,462,000	£1,359,000	£1,103,000

Note: * Tender prices were required for a 5-year term with an in-built inflationary mechanism included, hence the use of ‘averaging’.

(c) How much of any such savings were dependent on a reduction in wages or staffing levels, or a change in working terms and conditions?

Contractors were appointed as a result of a tender process which included pre-qualification, tender and interview stages. Both commercial and quality aspects of the service were evaluated in order to identify those companies that the department were able to consider for the provision of the services. Part of the quality aspect of the evaluation centred on determining whether the company was a ‘Responsible Employer’. A Responsible Employer in this sense is an employer;

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

The tender evaluation process placed greater emphasis, at 60%, on the quality aspect of the bid (within which the ‘Responsible Employer’ element was considered), than the Commercial aspect (price etc.) element at only 40%.

The quality criteria was based upon the following areas:

- Responsible Employer
- Staff Resource
- Management and Delivery of Services
- Delivery Approach
- Contract Management
- Mobilisation and Exit Management

All the service areas involved had been subject to review and future service specifications revised as appropriate:

Cleaning Services – where service specifications were amended, e.g. frequency of cleaning some areas during winter months, the costs of outsourcing were compared to the revised cost of delivering a similar service internally. In no instance was a service out-sourced where it could be delivered more cost effectively in-house.

Parks and Gardens – service specifications for DfI areas were in general maintained, although some services such as park keeper duties were reviewed and remodelled. Where contracts with other departments were being ceased, DfI worked with those departments to develop tender processes and service specifications that were comparable to the DfI specification and process, although the final decision on service levels, pricing and selected contractor remained with the client department. Two sections were rationalised and staff and equipment transferred to client departments, namely playing field maintenance to EDTS&C, as it was named at the time, and countryside rangers to DoE.

In addition, where appropriate, the Parish of St Helier also undertook some contracts under a SLA with DfI working to similar specifications as the former provision.

d) How many of these outsourced contracts involved the use of zero-hours contracts?

None.

As part of the formal tender process all responses were required to include statements of the number of staff to be engaged in the work, the employment contract type and general information on pay levels and benefits offered.

All contractors appointed stated that the staff to be engaged in fulfilling the contracts would be either on full-time or part-time permanent contracts of employment. The department's contract managers have seen no evidence of this not being the case.

7.3 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE USE OF PIQUET HOUSE: [WQ.83/2018]

Question

Following the adoption of 'Piquet House: cancellation of sale and future use' (P.16/2014), with which the States decided not to sell Piquet House but instead to find a public or community use for the building, will the Minister explain why this decision has not been implemented; and will he provide members with an update on what plans, if any, exist to provide the building with a suitable public use?

Answer

In the period following the States approval of proposition P.16/2014, Jersey Property Holdings marketed the property for community use and progressed certain options with prospective community users. Significant progress was made with one particular organisation, but ultimately it was not possible to reach an agreement and that organisation withdrew.

The main stumbling block is the cost of refurbishing the building. This is estimated as ranging from £750,000 to £1,000,000 depending on the specification. This is beyond those community groups identified as potential leaseholders under the proposition and has made it impossible for a community user and Jersey Property Holdings to reach an accommodation.

In the absence of being able to dispose of the property in the open market, Jersey Property Holdings' only other option is to fund the refurbishment through a capital bid. The level of rental income that could be negotiated with a community user would provide a low level of financial return when compared with the financial return that could be obtained by investing a capital receipt through the Common Investment Fund.

In 2017 a formal application was made by the Bailiff's Chambers to the previous Minister for Infrastructure / Jersey Property Holdings for a Public use for the building, that being the first such application since P.16/2014 was approved.

Jersey Property Holdings has progressed that application, with floor plans for the conversion of the building having been drawn up, and an initial feasibility study completed. The cost of refurbishing and converting the building for the Public use has been estimated at £891,400, with the possibility of a further £89,140 for 'consequential improvements' arising from the Building Control application and approval process.

It is likely that the next stage of this project is to submit a bid to the Treasury for capital funding, in conjunction with submitting a planning application. Given the current allocation of funding for capital projects, the application, if successful, is unlikely to receive funding until the next Medium Term Plan cycle 2020 – 2023.

7.4 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FUNDING PROVIDED TO MINORITY COMMUNITY GROUPS OR REPRESENTATIVES: [WQ.84/2018]

Question

Further to the establishment during the last term of the States Assembly Diversity Forum, and the resultant commitment to increasing the engagement of minority communities, will the Minister table a list of all community grants, or funding, given to representatives or groups of these communities?

Answer

The States Assembly Diversity Forum was set up to encourage greater diversity within the Assembly, and to better reflect the varied experiences of Jersey's community. Members will be aware that the vote.je web site was available in languages other than English.

There are a number of ways in which the States, either directly or through the Association of Jersey Charities' use of Channel Islands Lottery funding, help direct funding to areas which benefit minority communities. Examples are included below.

The Social Security Department has supported businesses with incentive funding for employing staff. In terms of supporting a minority community, that Department has supported the Polish Cultural Centre and Polish Educational Association. Support has been provided to Music in Action who run a number of events throughout the year and have supported funding for roles within other charities and organisations (e.g. Jersey Hospice, Beresford Street Kitchen, Parish of St Helier, Enable Jersey, Jersey MS Therapy Centre) to support administrative duties including fundraising and running events.

The Back to Work Community Jobs Fund creates fully subsidised jobs for registered jobseekers provided that employers in the private, public, charitable or third sectors can demonstrate that the role has a clear additional community benefit over and above the organisation's current provision (see link below for more details).

<https://www.gov.je/SiteCollectionDocuments/Working%20in%20Jersey/ID%20Community%20Jobs%20Fund%20Guidelines%2020170130%20AC.pdf>

In 2017, three grants were made by the Health and Social Services Department to two organisations which enable all islanders to access support and advice equally but are not specifically targeted at minority communities. These are shown in the table below:

Citizens Advice Bureau	To provide information and advice to members of the public	£242,136
Citizens Advice Bureau	Provide an online directory for key health and social care services	£21,500
Jersey Family Mediation Service	Provision of service to separating or divorced couples to assist in reaching agreements – transferred to Judicial Greffe in 2018	£12,240

The Health and Social Services Department is also leading a piece of work to engage with the broader community of Jersey including 'harder to reach' populations and minority groups. The Community Network is being developed together with representatives of the States of Jersey, Citizens Advice Jersey, Jersey police, Jersey Consumer Council, Caritas Jersey, and many other 3rd Sector organisations. It has a specific intention of engaging all citizens including those from minority communities in the co-production of an effective and modern health service provision.

Details of all grants made are available in each year's published Annual Report and Accounts, and their annexes. These are available on www.gov.je.

7.5 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE LEVEL OF MARRIAGE FEES FOLLOWING THE IMPLEMENTATION OF THE MARRIAGE AND CIVIL PARTNERSHIP (AMENDMENT NO. 4) (JERSEY) LAW 2018: [WQ.85/2018]

Question

Will the Minister state what increases there will be in marriage fees following the implementation of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 on 1st July 2018; and if the fees are to be increased, will he explain the rationale for the increases?

Answer

In December 2016, the States Assembly adopted the Medium Term Financial Plan (P.68/2016) which set out that, by end 2019, the Office of the Superintendent Registrar should be self-funding through user-pays charges. As set out in the Annex to P.68/2016, the Community and Constitutional Affairs Department – which includes the Office of the Superintendent Registrar – would revise ‘user pays charges to ensure that the clients of specific services meet the full costs of providing those services’. Furthermore, in February 2018, the States Assembly adopted the Draft Marriage and Civil Status (Jersey) Law (P.91/2017, as amended), which set out that there would be increases in fees in relation to the services provided by the Superintendent Registrar.

The revised fees, as set out in Appendix 1, come into force on 1 July 2018. However, where a couple have already booked their wedding with the Superintendent Registrar and that wedding is to take place between 1 July 2018 and 31 December 2018, the existing fees will be maintained and the new fees will not apply.

Under the new fees, for some couples there will be no increase at all, whereas for others there may be an increase of up to £220. The total fees paid by a couple will vary depending on the day and time of the ceremony, whether it is a registry office wedding and whether the Superintendent Registrar solemnizes the marriage. Whilst fees have increased for some services to reflect the amount of work required, there will be lower charges for registry office marriages. In addition, all registry office weddings will now be allocated a one-hour period, as opposed to the current 30-minute slot, which often results in overlaps, delays or overruns. For completeness, it should be noted that the fees charged by the Anglican Church in Jersey range from £725 to £891.

Marriage fees represent a small percentage of the average overall cost of wedding, which is estimated as being between £18,000 to £27,000.

APPENDIX 1

a. Giving notice

Service	Amended fee	Current	Rationale
Giving notice	£200	£70 - £200	<u>Levelled up</u> Better reflects cost of service provision
Changes to notice	£50	£70	<u>Reduced</u> Better reflects cost of service provision

b. Marriage schedule and certificates

Service	Amended fee	Current	Rationale
Issuing of marriage schedule and certificates (includes 2 marriage certificates and payment to Parish Registrar)	£300	£130 - £230 for license plus £80 to Parish Registrar for all documents including 2 x marriage certificates = £210 to £310	<u>Increased</u> Better reflects cost of service provision

c. Supplementary fee for use of Registry office venue

Service	Amended fee	Current	Rationale
Weddings taking place Monday to Friday	£20	£65	<u>Reduced</u> Provide cost-effective venue for couples during working week
Weddings taking place (weekend and bank holiday)	£100	£65	<u>Increased</u> Additional costs incurred with opening office outside the standard working week

d. Fee for Registry office official to solemnize wedding

Service	Amended fee	Current	Rationale
At Registry Office – Monday to Friday	£0	£70 - £80 working week	<u>Reduced</u> Provide lower cost option for couples.
At registry office – Weekend and bank holiday	£100	£80 - £100	<u>Levelled up</u> Cost of service provision is the same regardless of who solemnizes the marriage.

e. Special circumstances marriage

Service	Amended fee	Current	Rationale
Amendments to schedules, books, certificates required as a result of emergency or unforeseen circumstances.	£75	N/A	<u>New fee</u> as new provision Discretionary charge
SR required to attend incapacitated/detained individual for signing of Freedom to marry, identify checks etc.	£50	N/A	<u>New fee</u> as new provision Discretionary charge

f. Certificate of no impediment for marriage outside Jersey

Service	Amended fee/new fee	Current	Rationale
Issue of CNI	£100 per applicant	£65	<u>Increased</u> Better reflects cost of service provision

g. Conversion of civil partnership to marriage

Service	Amended fee/new fee	Current	Rationale
Application for conversion	£0 (for 2 years after date amended law comes into force)	N/A	<u>New fee</u> as new provision
Issue of declaration form and marriage certificates	£0 (for 2 years after date amended law comes into force)	N/A	<u>New fee</u> as new provision

Marriage by conversion (administrative route)	£0 (for 2 years after date amended law comes into force)	N/A	<u>New fee</u> as new provision
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7.6 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING EDUCATIONAL VISITS BY FOREIGN STUDENTS: [WQ.86/2018]

Question

Will the Minister advise –

- what arrangements, if any, are in place for secondary schools (including States-run and fee-paying schools) to receive foreign students for extended educational visits;
- which schools participate in any such programmes;
- what uptake there has been in any such programmes;
- what income has been, or is anticipated to be, achieved from such programmes; and
- how any such income is distributed (or anticipated to be distributed)?

Answer

(a) what arrangements, if any, are in place for secondary schools (including States-run and fee-paying schools) to receive foreign students for extended educational visits

The only States run school delivering an extended educational visits programme is Jersey College for Girls (JCG). Other schools organise visits for foreign students, however these are only for a few days.

JCG has developed a range of partnerships with international schools, an extensive trip and international programme and student led initiatives. A Memorandum of Understanding has been signed by JCG, the JCG Foundation, the Minister for Education and the Minister for Treasury and Resources to secure the foundations for the establishment of an International Summer School at JCG and subsequent recruitment of International students to attend JCG for their Sixth form/Senior school education.

It is intended this initiative will benefit both JCG and the States of Jersey in a number of ways, including: broadening island-wide awareness of the global community; heightening the importance of positive international relations; providing opportunities for the students of Jersey to communicate and collaborate across borders; enhancing the opportunities for all students to target global universities; making Jersey more attractive and known internationally; and creating additional income revenue for the JCG Foundation that will benefit JCG and the wider educational community.

These programmes include:

Visiting School Programmes:

<https://www.jerseycollegeforgirls.com/internationalism/visiting-schools-programme/>

Schools can visit JCG as a group and experience JCG and Jersey life through a bespoke programme designed for them.

Immersion Programme:

<https://www.jerseycollegeforgirls.com/internationalism/immersion-programmes/>

Students can join JCG for anything from one week to one year to be immersed in an English school environment.

Full Time Programme:

<https://www.jerseycollegeforgirls.com/internationalism/international-programmes/>

From September 2018, Students can join JCG in Year 10 or Year 12 to study GCSE's or A-levels. Up to 10 students will be admitted each year to fill any available spaces. No local student will be denied a place because of the presence of international students.

Leadership Programmes:

<https://www.jerseycollegeforgirls.com/internationalism/leadership-programmes/>

At the present time two leadership programmes are offered; LEAP and Biomedical Summer Programme.

LEAP is a leadership and entrepreneurship programme which brings students from around the world to learn business development while designing their own social enterprise projects. Thirty plus students have been recruited for the event. Fourteen of these are from overseas and from a variety of backgrounds, from China, India, South Africa, Syria, Taiwan, Singapore, England and Spain. The students have a range of backgrounds from studying in elite international schools to charity schools like the Oprah Winfrey Leadership Academy in South Africa. Some come from wealthy families and others are refugees from war zones. Also, there are local students from across the Jersey schools.

The Biomedical Summer Programme introduces students to all the possible professions in the biomedical area.

(b) which schools participate in any such programmes;

JCG leads these programmes. The Leadership programmes are open to all schools and bursaries are available. LEAP 2018 has students from JCG, Hautlieu and Le Quennevais, with at least half studying for free.

(c) what uptake there has been in any such programmes;

Visiting School Programme: 1x school of 25 students in 2017

Immersion Programme: 2x students in 2018

Full Time Programme: 2 students starting from Sept 2018

Leadership programme:

Biomedical Summer Programme: 30 students in 2016, 2017 and 2018

LEAP 2018: 32 students

(d) what income has been, or is anticipated to be, achieved from such programmes; and

The net income for the JCG programmes is £20,000 up to Sept 2018. The target is £500,000 / year net income by 2023.

(e) how any such income is distributed (or anticipated to be distributed)?

It is planned for the JCG programme income to be distributed in the following way:

- £140,000 to fund 5x new JCG bursaries per year over 4 years to increase social mobility and inclusion;
- Contribution towards investment into improved College facilities:
 - a playing field;
 - 3 new science labs;
 - combined music centre;
- Expand available places on holiday revision programmes open to all Jersey students, with a target of 20% of places being under bursaries;
- Mitigate against any further funding reduction from SoJ.

7.7 SENATOR S.Y. MÉZEC OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING ARRANGEMENTS FOR THE ELECTIONS HELD ON 16TH MAY 2018: [WQ.87/2018]

Question

Further to the recent elections, will the Chairman –

- (a) give an account of what problems, if any, the Parishes encountered on Election Day regarding the accuracy of the electoral rolls;
- (b) request from the Judicial Greffier information on the number of voters who were permitted to vote, despite not initially being found on the electoral roll; and
- (c) advise whether it is the Comité's assessment that the decision to remove voters from the electoral roll, if they had not registered during the preceding three years, before the election (rather than afterwards as on previous occasions) was a success?

Answer

- (a) No particular problems were encountered with the accuracy of the electoral registers. There were some persons who attended at a polling station to find their names were not included on the electoral register but where this was due to an administrative error the person was permitted to vote (see (b) below).
- (b) The Judicial Greffier has advised that 77 voters were permitted to vote by pre-poll or postal or on Election Day despite not initially being found on the electoral register. These names were added under Article 32 and Article 46B of the Public Elections (Jersey) Law 2002 as the *Autorisé* or *Adjoint*, or Judicial Greffier in relation to pre-poll or postal votes, was satisfied that the elector's name had been omitted due to an 'administrative error'.
- (c) Article 8 of the Public Elections (Jersey) Law 2002 provides for the exclusion or removal of a name from the electoral register. This includes where a person has not for 3 consecutive years been included in and signed a statement (the 'annual statement'). A notice is served on each person advising that the person's name will be removed unless the person confirms, within 28 days, that he or she is still entitled to have his or her name on the register. The by-election held in the summer 2016 delayed the sending out of such notices.

The Comité has made no assessment on whether the removal was a success, rather the work was undertaken and managed in accordance with the provisions of the law.

However, clearly any person who failed to respond to a notice and whose name was removed in 2016 or 2017 had two further opportunities prior to Election Day to notify the parish that they were entitled to be registered as an elector –

- i) The 'annual statement' was sent out in the autumn 2017 to every unit of dwelling accommodation. It is the duty of each person ordinarily resident in that accommodation to check the statement is correct, sign the statement and ensure it is returned (with any necessary corrections) to the parish by 1st December.
- ii) The Notice of Registered Voters was sent out between 1st-15th March 2018 listing the names of all persons on the electoral register at that unit of dwelling accommodation and giving details of where and how to inspect the electoral register and explaining when a person is entitled to be registered and how to register.

7.8 SENATOR S.Y. MÉZEC OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING TURNOUT IN THE ELECTIONS HELD ON 16TH MAY 2018; [WR.88/2018]

Question

Given that official election turnout figures provided by the States are based on the turnout of registered voters, will the Chairman provide turnout figures for the most recent elections, for each result, based on the turnout of eligible voters?

Answer

The latest population figures were released on Friday 22nd June and the figures in relation to the election turnout are detailed in the table below which breaks down eligible voters and actual voters by parish.

The figures for population and eligible voters are based upon the 2017 Population Estimate, which was produced by the Statistics Unit using information from the 2011 Jersey Census and more recent data sources. The number of registered voters is a known number taken from the electoral roll of the 2018 General Election.

It should be noted that the figures for population and eligible voters are estimates. The Statistics Unit has not received new parish-level population information since the 2011 Census. The 2017 Population Estimate assumes that the population of each parish has increased by the same proportion, which is unlikely to be true. Likewise, the number of eligible voters has simply been updated in line with the population figures.

The estimated number of eligible voters for end 2017 is 83,620 which represents a difference of 21,497 when compared with the registered voter total as at 9th May 2018 of 62,123.

In the time available it was not possible to provide a break down for those Parishes with districts, but that information will be circulated to members as soon as practicable. With not all Deputy seats being contested it is not possible to provide a meaningful overall percentage turnout figure for the Deputies elections based on eligible voter figures.

PARISH	Estimate of eligible voters, year end 2017	Voters in Senatorial election	Percentage of eligible voters who voted	Registered voters	% of registered Voters who voted
GROUVILLE	4,170	1748	41.91%	3640	38%
ST. BRELADE	9,260	3527	38%	7681	46%
ST. CLEMENT	7,730	2727	35.28%	6033	42.25%
ST. HELIER	28,990	5946	20.5%	17297	34%
ST. JOHN	2,450	1153	47%	2301	50.3%
ST. LAWRENCE	4620	1726	33.36%	3924	43.98%
ST. MARTIN	3200	1387	43.34%	2782	49.9%
ST. MARY	1,450	799	55%	1351	59.14%
ST. OUEN	3,450	1575	45.65%	2944	55.8%
ST. PETER	4,330	1574	36.35%	3511	43.8%
ST. SAVIOUR	11420	3575	31.3%	8482	42.2%
TRINITY	2,550	1210	47.45%	2177	55.58%
All Parishes	83,620	26947	32.22%	62123	43.38%

PARISH	Estimate of eligible voters, year end 2017	Valid votes in Deputy election	Percentage of eligible voters who voted
ST. BRELADE	9,260	Need number of eligible voters for District 2	
ST. CLEMENT	7,730	2,653	34.3%
ST. HELIER	28,990	Need number of eligible voters for Districts	
ST. JOHN	2,450	1,146	46.8%
ST. LAWRENCE	4,620	1,478	32%
ST. MARY	1,450	804	55.4%
ST. OUEN	3,450	1,556	45.1%
ST. PETER	4,330	1,544	35.7%
ST. SAVIOUR	11,420	Need number of eligible voters for Districts	
TRINITY	2,550	1,176	46.1%

7.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE MINISTER'S TAX POLICY: [WQ.89/2018]

Question

Further to statements in her responses to questions on 7th June 2018, when she stood for selection as Minister, that taxes should be “*low, broad, simple and fair*”, will the Minister –

- advise whether she maintains that position and, if so, whether it is her assessment that the proposals in the Reform Jersey manifesto in relation to Income Tax are both ‘simpler’ and ‘fairer’ than the current structure and, if not, will she explain why not;
- undertake to bring forward the Reform Jersey proposals for consideration by the States in the 2019 Budget (given that these proposals have been assessed and modelled by the tax department, and found to be practical and that they would produce an additional £6 million in revenue) and if not, will she explain why not;
- state how, in light of her statement in response to such questions that tax “*needs to be kept as low as possible in order to be competitive with other jurisdictions*”, such a policy will ensure the provision of an acceptable and sustainable public service to meet the needs of Islanders?

Answer

The Minister for Treasury and Resources continues to hold the view that taxes should be low, broad, simple and fair – recognising, of course, that those four principles can compete with each other and should be held in an appropriate balance.

A review of Personal Taxation has already started. The report of its first phase was published in March 2017. The early findings of the second phase will be reported alongside the Budget 2019. Focus Groups are currently under way and public consultation will follow.

This review includes consideration of when and how to introduce separate taxation of married women and civil partners (“independent taxation”) - or another form of household taxation. This will include

consideration of personal tax rates and allowances, and alternative structures. It is planned that this work will result in measures being brought forward in the Budget 2020.

The Minister for Treasury and Resources has asked her Department to include consideration of Reform's proposals alongside others as part of this review.

Taxes need to be kept as low as possible to maintain Jersey's competitive position while continuing to be sufficient to fund its public services.

7.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE MINISTER'S POLICY IN RESPECT OF THE RELATIONSHIP BETWEEN TAXATION AND EXPENDITURE: [WQ.90/2018]

Question

Further to her statement on 7th June 2018 that she would seek to 'balance the books' each and every year, and not just over the economic cycle, will the Minister –

- (a) explain how, if at all, such a policy takes into account economic theory that governments should not simply act like households and balance the books on an annual basis;
- (b) advise whether it is her assessment that (in light of current circumstances in respect of growth, wages and inflation) it would be appropriate at this time to engage in Keynesian deficit spending to support the economy and to pay for increased health spending;
- (c) assure members that she will not seek to raise revenue in the next or any subsequent budget by freezing tax allowances; and
- (d) undertake to engage with other Ministers to ensure there is agreement on the level and quality of services the Government wishes to deliver – with tax rates then set in order to meet these targets – rather than the budget being set first with services being modified accordingly afterwards?

Answer

- (a) It is important that the States of Jersey keeps public finances on a sound and sustainable footing in the medium-term ensuring that there is no underlying structural deficit in States finances. The Treasury and Resources Minister will listen to the advice of the Fiscal Policy Panel (FPP) in terms of whether in any one year it is appropriate to run a deficit or surplus. However, the underlying principle is that the States should be aiming to ensure that its books are balanced and the latest FPP advice is that the States should maintain existing plans so that the current budget is in balance in 2019.
- (b) It is only appropriate to run deficits when the economy is weak and below capacity and the advice of the FPP is critical in determining when this is the case. Their latest advice is that it is important to prioritise delivering key capital projects on time to support the local economy in 2017 and 2018 but there is the risk that this could become pro-cyclical if the economy is above capacity in future years. However, running deficits to fund ongoing health expenditure commitments would run the risk of creating a structural deficit within States finances, something which would not be in keeping with an approach to keep those finances on a sound medium term footing.
- (c) On principle - and at this early stage in the life of the Government – the Minister for Treasury and Resources does not propose to rule out consideration of any particular kinds of revenue-raising measures. The Budgets will strive to present coherent and well-balanced packages of measures in the best interests of the whole island - and for the careful consideration of the whole Assembly according to the circumstances we face at the time.
- (d) The Minister for Treasury and Resources believes that the States already do this. Each Council of Ministers publishes a Strategic Plan for its term of office which identifies the Council's key priorities. A Medium Term Financial Plan is proposed that explains how those priorities are to be achieved. The latest income forecasts compared to planned investment in priority areas would highlight any shortfalls or

surpluses in income and a proposed solution to meeting any shortfalls forms an integral part of the Medium Term Financial Plan lodged by the Council of Ministers.

7.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING ACCESS TO STATISTICAL DATA IN RESPECT OF INCOME INEQUALITY: [WQ.91/2018]

Question

In relation to Statistics Jersey and in light of commitments made by his predecessor during the last Assembly, will the Chief Minister –

- (a) advise whether a post which had been cut from the staff of Statistics Jersey has been restored and, if not, will he explain why not;
- (b) state whether funding has been put in place for an updated Income Distribution Survey to be run one year earlier than expected and, if so, what the timescale is for the Survey to be undertaken;
- (c) state what improvements, if any, he expects to see in the ability of Statistics Jersey to access data held by public authorities (such as the Social Security or the Tax Departments), in particular any data which may act as markers of income inequality; and
- (d) state whether it is his policy to reduce income inequality across all sectors of society and, if so, advise what further steps, if any, he intends to take to ensure that the Government has access to sound and reliable data by which to measure such inequality?

Answer

- (a) The reduction in staff numbers proposed in the 2016 – 2020 MTFP has not taken place.
- (b) The previous Council of Ministers wanted to deliver the Income Distribution Survey in 2018 – 2019, a year earlier than its normal, subject to funding being identified through budget allocation processes. This funding has not yet been identified.

The current Council is clear that policy making requires a strong evidential base, and that includes the Income Distribution Survey, and will be discussing with the Chief Statistician the earliest possible running of the survey, and reviewing the budget allocation with the States Treasury.

- (c) The Statistics and Census (Jersey) Law 2018 was approved by the Assembly in December 2017, and came into force in February 2018, and as a consequence, Statistics Jersey are now working with the Taxes Office and Social Security Department to obtain information, and subject to the assessment of Statistics Jersey, this will support the production of income distribution statistics, including relative low income and the gender pay gap.
- (d) The Council of Ministers has started to develop its common strategic policy and themes of social inclusion, helping people from all sectors of our society benefit from economic growth, and supporting all children to have the best start in life, have featured strongly in our initial discussions. The production of statistics by Statistics Jersey is important in the development and monitoring of policies in this area.

7.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE JERSEY EARLY LEARNING LITERACY YEARS CLUB: [WQ.92/2018]

Question

Further to my oral question to her predecessor on 9th April 2018 (OQ.61/2018), will the Minister examine the answer provided and give an update on the current status of the Jersey Early Learning Literacy Years (J.E.L.L.Y.) club and the provision of such early learning programmes in the States and voluntary sectors?

Answer

The Jersey Early Learning Literacy Years clubs (J.E.L.L.Y) are no longer in operation. As stated in the Minister for Education's answer to Deputy Southern on 9th April 2018 (OQ.61/2018), the number of J.E.L.L.Y clubs had been reduced from 14 to 4. The clubs were not in a position to offer a whole island approach to supporting parents with early literacy and therefore it was decided investment would be better utilised to develop alternative provision. Making it REAL (Raising Early Achievement in Literacy) and Triple P (Positive Parenting Programme) are two evidence based programmes that are currently being delivered.

The Education Department through its Childcare and Early Years team is working in partnership with the National Children's Bureau to deliver "Making it REAL"- an approach to working with schools and settings to engage with parents to support their child's early development. All schools and private settings have been given the opportunity to have practitioners trained in this approach with funding available to deliver events and activities with children and families. To date the majority of schools have been engaged with over a hundred people from schools, settings and other organisations being trained.

Highlands College tutors delivering Early Years and Childhood qualifications and Health Visitors are also being trained. This recognises an important step forward in working together for the benefit of students, families, schools and settings in delivering a consistent, high quality offer.

Schools are also being actively encouraged to prioritise early language and communication initiatives for eligible Jersey premium children and fund their own parent workshops that endorse the principles of JELLY using their REAL trained practitioners.

Triple P delivery is co-ordinated by the Parenting Support Service within the Education department and offers opportunities for parents to develop their parenting skills in a number of areas and supports a population level approach to supporting parents. The delivery of Triple P parenting programmes started in April 2018 and since then over 340 parents have accessed parenting support through this approach. These numbers increase weekly as events are happening on a regular basis. Evidence based outcomes from Triple P include supporting parents to provide a positive learning environment for their children.

7.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING WORK UNDERTAKEN TO ADDRESS RESERVATIONS EXPRESSED BY THE E.U. CODE GROUP: [WQ.93/2018]

Question

Further to the response of his predecessor to OQ.3/2018 on 16th January 2018, will the Chief Minister provide an update to that answer and, in particular, will he –

- (a) state what progress, if any, has been made in addressing the E.U. Code Group's reservations regarding the declaration of company tax and profits without real economic activity and, if none, state when he expects to make some progress and to inform the Assembly;
- (b) state when he will come to the Assembly with a working definition of 'without economic substance' and a response to the reservations of the E.U. Code Group in that regard;
- (c) advise whether he intends to take any measures to improve access by the relevant authorities to the information held by companies in Jersey on profits and tax payments; and
- (d) state when he will be able to provide an analysis of the 6,000 companies referred to in the response to OQ.3/2018?

Answer

- a) The Government of Jersey welcomed a recent Scoping Document containing Guidance from the Code of Conduct Group on Business Taxation. The Government is committed to keeping the States Assembly updated on matters relating to the EU Code Group process and in this regard, the Minister for External Relations will make a statement to the Assembly on 26th June 2018.

It is important to note that progress in meeting the expectations of the EU Code of Conduct Group in relation to "economic substance" can only occur when sufficient clarity exists as to the requirements for "economic substance" – it is for this reason the Government of Jersey welcome the Scoping Document.

The publication of the EU Scoping Document was, in part, down to the work that has been done by Jersey and other jurisdictions with the EU Code of Conduct Group and the EU Commission to understand in more detail the concerns of the Code Group as to “economic substance”. The Guidance document goes some way to providing clarity as to “economic substance” however further dialogue is required between Jersey authorities and the EU authorities – that dialogue is ongoing.

At the same time as clarity is being sought of the concerns of the EU as to economic substance, Officials in the Government have been working with the regulator and industry to develop a package of measures to address any perceived concerns the EU may have as to economic substance. There has equally been regular dialogue with our Crown Dependency colleagues in order, where possible, to seek alignment on how we address this common issue.

- b) The Government of Jersey committed in December 2017 to address the concerns of the EU Code of Conduct Group along the lines of a detailed timetable that was contained in a letter sent by the then Chief Minister to the Chair of the Code of Conduct Group. That letter was attached to a statement made at that time.

It should be highlighted that the commitment was to introduce appropriate measures to address any concerns held by the EU Code of Conduct Group as to “economic substance” – that does not equate to providing a definition of “without economic substance”. It should be noted that we particularly welcome the Scoping document referring to the application of methodology adopted by the OECD Forum on Harmful Tax Practices by analogy with its focus on a sector-by-sector assessment of what economic substance means.

I am pleased to report that progress is being made broadly in line with the December 2017 timetable, and whilst that timetable may be slightly refined, we anticipate bringing legislation to the Assembly in the Autumn that addresses any concerns of the EU Code of Conduct Group.

- c) Jersey holds a variety of information on companies either incorporated or tax resident in the jurisdiction. However, as with any regime, Jersey is looking to enhance information provided to authorities in formal reporting, in line with its international commitments and the commitments made to the EU Code of Conduct Group in December 2017.

Over recent years the Comptroller of Taxes has expanded the number of companies that need to provide profits information on their corporate tax return – details can be found in the answer to WQ 2017/632 (see: [https://statesassembly.gov.je/assemblyquestions/2017/\(632\)%20dep%20southern%20to%20tr%20re%20eu%20code%20of%20business%20taxation%20and%20information%20on%20company%20profits.pdf](https://statesassembly.gov.je/assemblyquestions/2017/(632)%20dep%20southern%20to%20tr%20re%20eu%20code%20of%20business%20taxation%20and%20information%20on%20company%20profits.pdf)).

In early 2018 the Comptroller of Taxes engaged in a consultation process regarding the additional information that will be sought through future tax returns (i.e. over and above the information already being sought in the 2016 YOA corporate tax return). The proposals outlined in the consultation were:

- 2017 YOA corporate tax return – disclosure of company activity information
- 2018 YOA corporate tax return – plus disclosure of company profits
- 2019 YOA corporate tax return – plus submission of financial statements in an electronic format

The consultation period has closed and the responses received are being considered. Decisions on what information will be ultimately required from companies in the future will reflect the ongoing engagement with the EU Code of Conduct Group/EU Commission outlined above.

- d) Since the beginning of the year the focus has been on developing proposals for the collection of additional information through future corporate tax returns (see the answer to (c) above) rather than undertaking further analysis of the historical information provided in WQ 2017/632 (including splitting profits information between companies that are Jersey incorporated and non-Jersey incorporated companies).

As noted in the answer to (c) above, it is proposed that following the submission of the 2018 YOA corporate tax returns (due by 31 December 2019) profits information would be available for all Jersey resident companies.

7.14 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE LEVEL OF REPRESENTATION OF CONSTITUENCIES IN THE STATES ASSEMBLY: [WQ.94/2018]

Question

Further to the latest population estimates, and taking into account research undertaken by the previous Privileges and Procedures Committee and presented in comments to ‘Composition and Election of the States Assembly’ (P.133/2016), will the Chairman advise –

- (a) which constituencies in Jersey remain under-represented in the States Assembly, and by how much; and
- (b) what steps, if any, he will take to make sure that any under-representation is addressed as a matter of urgency?

Answer

The latest population figures were only released on Friday 22nd June and the eligible voter estimates are detailed below. The figures for population and eligible voters were produced by the Statistics Unit using information from the 2011 Jersey Census and more recent data sources.

The Statistics Unit has not received new parish-level population information since the 2011 Census. The 2017 Population Estimate assumes that the population of each parish has increased by the same proportion, which is unlikely to be true. Likewise, the number of eligible voters has simply been uprated in line with the population figures. As the figures were only released on Friday, it was not possible to provide a breakdown for those Parishes which have districts and thereby make comment on which Parishes remain under-represented. This information will be circulated to Members as soon as is practicable.

The issue of equitable representation will be high on the new Committee’s agenda once it is constituted as part of an active review of the composition and election of the Assembly, particularly following receipt of the report of the CPA Election Observer mission.

PARISH	Estimate of eligible voters, year end 2017
St. Brelade	9,260
St. Clement	7,730
Grouville	4,170
St. Helier	28,990
St. John	2,450
St. Lawrence	4,620
St. Martin	3,200
St. Mary	1,450
St. Ouen	3,450
St. Peter	4,330
St. Saviour	11,420
Trinity	2,550
Total	83,620

7.15 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING THE REPRESENTATION OF ST. HELIER AND ST. CLEMENT IN THE STATES ASSEMBLY: [WQ.95/2018]

Question

Is it the Chairman's assessment that the Parishes of St. Clement and St. Helier are significantly under-represented in the States Assembly given their populations; and, if so, what steps will the Comité take, including making representations to the Privileges and Procedures Committee, to ensure that any such inequality is addressed during this term of office?

Answer

The Privileges and Procedures Committee has the remit for matters relating to the States Assembly and has previously taken the lead in reviewing the constitution of the Assembly. It should be noted that on 12th September 2017 the Chairman of PPC tabled an answer to a similar question ([1240/5/1\(466\)](#)) as follows –

“PPC’s work since 2015 to identify a way of reforming the composition of the States Assembly to provide for a fairer distribution of voters between electoral districts which would command a consensus in the Assembly is set out in its comments to the proposition entitled ‘Composition and Election of the States Assembly’ (P.133/2016) lodged by Deputy Andrew Lewis. Although the Assembly adopted the proposition, as amended, the Assembly did not adopt the law changes necessary to bring the new electoral arrangements into force in time for the next election.”

With the exception of newly-elected Connétables, members of the Comité have considered proposals previously debated by the States Assembly. If PPC brings forward proposals for reform then these will also be considered by the Comité.

7.16 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOME AFFAIRS REGARDING THE BARRIERS THAT EXIST FOR THE IMPORTATION OF MEDICINAL CANNABIS: [WQ.96/2018]

Question

Will the Minister outline his understanding of the legal and practical barriers that currently exist within his portfolio for the importation of medicinal cannabis; and will he advise what steps, if any, have been taken to resolve these issues?

Answer

On 28th December 2017, the Chairman of the Misuse of Drugs Advisory Council wrote to the Minister for Health and Social Services recommending that Bedrocan, Bedrobinol, Bediol and Bedica are rescheduled to allow their import into Jersey by the hospital pharmacy and for prescription by hospital consultants. The letter included an update on the practicalities of importing medicinal cannabis products and can be viewed at:

<https://www.gov.je/Freedom%20of%20Information%20library/ID%20FOI%20MDAC%20Letter%20to%20Minister%20HSS%20-%20Medicinal%20Cannabis%2020180124.pdf>

In the event that the products recommended by the Misuse of Drugs Advisory Council are re-scheduled to allow their importation into Jersey, officers from the Customs and Immigration Service would have no legal basis to prevent their importation on arrival in the Island.

Arrangements to facilitate the arrival of the products into the Island continue to be pursued by the Health Minister and his officers.

The re-scheduling of cannabis based products is not a policy responsibility of the Minister for Home Affairs.

7.17 DEPUTY R.J. WARD OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING FUTURE CONSULTATION IN RESPECT OF WORKFORCE MODERNISATION: [WQ.97/2018]

Question

Given the breakdown of the previous Workforce Modernisation process, what assurances can the Chairman provide that there will be meaningful consultation with trade unions (and the public service workers they represent) regarding workforce modernisation before any significant structural change is attempted; and will the Chairman explain what is envisaged for the process of such consultation with trade unions?

Answer

The workforce modernisation proposals were rejected by the workforce, and the Chief Executive withdrew the proposals at a meeting with the Trade Unions earlier this year.

The government will work meaningfully with its recognised trade unions, and will seek to substantially improve relations in the future, actively engaging across a range of matters, including consultations concerning the target operating model, pay negotiations, and workforce reviews.

Government will meet regularly with the Trade Unions with the aim of securing a mutually satisfactory outcome.

7.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE MAXIMUM STAKE THAT MAY BE MADE ON BETTING MACHINES IN JERSEY; [WQ.98/2018]

Question

Will the Minister advise members what the current maximum stake is that can be made on betting machines in the Island and whether he proposes to follow the U.K. lead in reducing that maximum amount to £2; if so, when will the change be implemented and, if not, why not?

Answer

The Jersey Gambling Commission licenses several categories of gambling and gaming machines. Gaming Machines Type II are restricted to Licenced Betting Offices, limited to four per premises and governed by an Article 9 Policy (Gambling (Jersey) Law 2012) and subject to a Code of Practice which sets out, amongst other points of compliance, stakes and prizes. For completeness, the maximum stake and prize categories are described in the following tables:

Gambling Machine Category	Maximum Stake per Game	Maximum Prize
Category 1	Up to £50p	Up to £10
Category 2	Up to £1	Up to £50
Category 3	Up to £1	Up to £100
Category 4	Up to £2	Up to £250

Gaming Machine Type II	Maximum Stake per Game	Maximum Prize
Category B	Range £1-£100	Up to £500
Category B2	£100	Up to £500
Category B3	£2	Up to £500
Category B4	£2	Up to £500

Category C (Digital)	£1	Up to £70
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While the average spend on Type II machines in Jersey is in the region of £2 - £3 per stake, I am cognizant of the recent announcement by the UK Department of Digital, Culture, Media and Sport (DDCMS), at the end of the triennial review, to reduce stakes across machines sited in Licensed Betting Offices.

The States Assembly placed upon the Gambling Commission the necessity to consult on Codes of Practice:

5 (4) For the purpose of paragraph (2) an amendment of a code is significant if, in the opinion of the Commission, it would significantly alter the effect of the code on –

- (a) any burden imposed on providers of gambling services; or
- (b) any protection afforded to consumers of gambling services

Mindful of this duty, the Jersey Gambling Commission has commenced discussions with the suppliers of Gaming Machine Type II content and, after consultation with me, it will later launch a full consultation with the industry and addiction support groups on stake reductions.

It is understood DDCMS proposals will require parliamentary approval and engagement with the gambling industry to ensure sufficient time is given to implement and complete the technological changes. The U.K. changes, dependent on a parliamentary vote, will likely take place in 2019.

8. Oral Questions

8.1 Senator S.C. Ferguson of the Minister for External Relations regarding the attendance by non-ministerial bodies at ministerial Brexit meetings: [OQ.71/2018]

Will the Minister advise whether non-ministerial bodies have been invited to ministerial Brexit meetings and, if so, will he explain why?

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

I have asked the Deputy of St. Martin to act as my adviser on matters of the rural economy and Brexit, an area in which he has significant experience and specialist knowledge. It is in that capacity that I have asked him to attend the Brexit Ministerial Group meeting.

8.1.1 Senator S.C. Ferguson:

If I reformulate the question: will the Minister advise whether non-ministerial people have been invited to ministerial Brexit meetings and will he explain why?

The Bailiff:

Are you suggesting the Deputy of St. Martin is not a person?

Senator S.C. Ferguson:

Sir.

Senator I.J. Gorst:

I would have thought the supplementary question was narrowing the question rather than broadening it, but we will perhaps argue about that after this question time. The only other people attending the Brexit Ministerial Group meeting are officials.

[11:15]

8.1.2 Deputy M. Tadier:

I might have missed it the first time, so if I have completely the wrong end of the stick then please tell me, or somebody, but did the Chief Minister say that a non-Minister in this Assembly is attending ministerial meetings? The former Chief Minister. It will take a while to get used to that. But surely

that is completely unacceptable and goes against the very theory and practice of having a dual role in the separation between the Executive and the Non-Executive, is that not the case?

Senator I.J. Gorst:

Absolutely not. The new Chief Minister made it absolutely clear in his pitch for the job that he wanted a new way of working and he wanted inclusion, as I said throughout the election campaign. We have a choice. I believe it is the right choice to use all of the talents across this Assembly for the benefit of Jersey and inviting the Deputy of St. Martin to do that is absolutely that. He will not and does not have a vote, will not be making decisions, but will be advising and supporting. No different from the model that I used when we were implementing the Independent Care Inquiry recommendations.

8.1.3 Deputy M. Tadier:

Sorry, I think there is, so supplementary if I may; I think there is a key difference there. That panel was set up by this Assembly specifically for one purpose and it was agreed that it needed cross-bench support. Can we now expect to see Ministers attending Scrutiny reviews as part of the Scrutiny Panel when they go away on U.K. fact-finding missions; is this balance between Scrutiny and the Executive now going to be completely blurred and what mandate does the Minister and indeed the Chief Minister think that they have in order to take this unprecedented step?

The Bailiff:

The Minister cannot answer for the Chief Minister and I am not sure that really falls within his ambit of his authority but to the extent it does ...

Senator I.J. Gorst:

I would like to correct the Deputy, when he suggested there were 2 panels set up. There was the Scrutiny sub-panel to review the implementation of the Care Inquiry recommendations and there was also the Chief Ministerial Advisory Panel and therefore this is not a new way of working. I think it is an appropriate way of working into the future.

8.1.3 Senator S.C. Ferguson:

Given the fact that the U.K. have apparently advised us that we are free to negotiate our own agreement for the fishing industry, what is the Minister proposing in order to support the industry and, given that he has already got non-ministerial representatives on this committee, why is the Fishing Association representative not present?

Senator I.J. Gorst:

The first part of that question I am not sure is directly relevant because it is about people attending the Brexit Ministerial Group meeting. The Deputy of St. Martin is advising me and, as such, is attending that meeting. When it comes to liaising with the Fisheries Association that is something that the Deputy of St. Martin has previously done and I would be expecting him, in co-ordination with the Minister for the Environment and the Minister for Economic Development, Tourism, Sport and Culture to be continuing that liaising and consultation and feeding back to the Brexit Ministerial Group as appropriate. If there are issues whereby they might wish to attend in due course for particular issues then of course I am open to that suggestion.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS - resumption

9. President of the Chairmen's Committee - resumption

The Bailiff:

We will pause question time just so that I can announce the outcome of the --

Deputy J.H. Perchard of St. Saviour:

A point of order please, Sir. I am so sorry if I have misunderstood, just before you announce the result, in our handout it states that the president of the Chairmen's Committee shall be appointed from among the persons who are members of the committee. I just wanted to check I have not misunderstood that is taken to mean the Assembly or is that just the committee itself?

The Bailiff:

I am sorry?

Deputy J.H. Perchard:

I am sorry, I think I may have misunderstood. It does not matter.

The Bailiff:

There were 45 votes cast for the position of president of the Chairmen's Committee: 24 votes were cast for Senator Moore, 14 votes for Senator Ferguson, 7 votes for Deputy Ward. Senator Moore has more than 50 per cent of the votes cast and is therefore elected as president of the Chairmen's Committee. **[Approbation]**

Senator K.L. Moore:		Senator S.C. Ferguson:		Deputy R.J. Ward of St. Helier:
Senator I.J. Gorst		Senator L.J. Farnham		Senator T.A. Vallois
Senator K.L. Moore		Senator S.C. Ferguson		Senator S.Y. Mezec
Senator S.W. Pallett		Senator J.A.N. Le Fondre		Deputy G.P. Southern (H)
Connétable of St. Helier		Connétable of St. Brelade		Deputy M. Tadier (B)
Connétable of St. Clement		Connétable of St. John		Deputy J.M. Maçon (S)
Connétable of St. Lawrence		Connétable of St. Mary		Deputy R.J. Ward (H)
Connétable of St. Saviour		Deputy of Grouville		Deputy C.S. Alves (H)
Connétable of Grouville		Deputy K.C. Lewis (S)		
Connétable of Trinity		Deputy M.R. Higgins (H)		
Connétable of St. Peter		Deputy R. Labey (H)		
Connétable of St. Ouen		Deputy of St. Mary		
Connétable of St. Martin		Deputy J.H. Young (B)		
Deputy S.J. Pinel (C)		Deputy of St. Peter		
Deputy of St. Martin		Deputy of St John		
Deputy of St Ouen				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of Trinity				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				

The Bailiff:

Can I just congratulate Senator Moore on her election? **[Approbation]**

Senator K.L. Moore:

I would like to thank all of those who have voted for me. It is a great honour to take on this role and I look forward to working in a positive way for Scrutiny in this term of office, thank you.

The Bailiff:

It does seem to me that it would be inappropriate to go back to the appointment of members of the P.P.C. just at the moment because the chairman will need to consult with the president of the Chairmen's Committee about one nomination to P.P.C. and so it would be more convenient to deal with that first thing this afternoon.

QUESTIONS - resumption

10. Oral Questions - resumption

10.1 Deputy J.M. Maçon of the Minister for Infrastructure regarding an update to the Sustainable Transport Policy: [OQ.68/2018]

Given that the Sustainable Transport Policy, which was adopted in 2010, and that many of the timescales set out in the proposition have passed, will the Minister explain what work, if any, is being done to update the policy ahead of the new Island Plan being developed and how the recommendations from the November 2010 Scrutiny review of the policy will be incorporated in any such update?

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

While the Sustainable Transport Policy's target dates passed in 2015, its strategic message is as relevant today as it was in 2010. We need to get more Islanders using sustainable travel for everyday journeys. Walking and cycling result in a healthier population, reducing the pressure on our Health Department. Where that is not possible, catching the bus or sharing a ride with a friend results in less traffic and pollution on our streets. Although the timescales have elapsed, we are busy delivering the infrastructure designed to support the S.T.P. (Sustainable Transport Policy) and building on the original targets with some notable successes. Peak traffic is down 5 per cent despite a 9 per cent rise in population; bus ridership is up 40 per cent; cycling has been growing 20 per cent per year; and the car annual average mileage is down by 200 miles. This shows Islanders are willing to embrace sustainable transport and there is a great opportunity. Unfortunately the rate of change has not matched the original aspirations due to a lack of disincentives to single-occupancy journeys for commuters. Once the States have agreed its strategic objectives, I will direct what changes are required for the S.T.P. to meet these goals. With regard to the Scrutiny report, the majority of recommendations have been acted upon.

10.1.1 Deputy J.M. Maçon:

I was not sure if the Minister was then bringing a new updated policy to the Assembly. Can I ask whether, within this review and update of the document, the amendment of the Constable of St. Mary will be retained in saying that effectively sticks will not be used until all the carrots have been exhausted?

Deputy K.C. Lewis:

Absolutely. I believe in carrots, not sticks, so I am with the Deputy on that one. I do not see why we cannot have an updated policy, but it is an ongoing matter and we will see what comes forward. But I am with the Deputy, the more that we can do to encourage people on sustainable transport the better.

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

I do not know if the new Minister is aware, but his predecessor gave a commitment to this Assembly to bring a walking and cycling strategy to the Assembly before he left office. Could the Minister tell us what has happened to that; was it done? If it was not done, is it nearly done, and will he be bringing it to the Assembly?

Deputy K.C. Lewis:

Again, this is ongoing. My successor, now my predecessor, continued on the good work started by then Deputy Le Fondré, now Senator Le Fondré, Chief Minister, in the St. Peter's Track, which has been a great success, and that was continued by my predecessor. Obviously, we are working with the Deputy of Grouville, who wishes to progress the cycling track from the east, so that is something I am very keen on progressing, and as many walking as we can in to town the better. As I mentioned previously, the more people we can get out of their cars and walking the better.

10.1.3 The Connétable of St. Helier:

The Minister has not answered my question. A commitment was made to this Assembly that a piece of work - a long overdue walking and cycling strategy, not pavements and cycle routes here and there around the Island, but a strategy - would be brought to the Assembly. Will the Minister be bringing that strategy as promised by the previous Minister?

Deputy K.C. Lewis:

I will be happy to review that strategy and bring it back to the Assembly. I am not familiar with it, I must admit - that was a while ago - but more than happy to look at it again. As I say, the more people walking and cycling the better.

10.1.4 Deputy M. Tadier:

The Minister in his initial response said that sharing a bus creates less traffic and less pollution, but does he agree that if you have oversized buses in the Island, which are churning out diesel fumes, that it is much better if people are using small electric vehicles, which do not cause jams because they fit on the road and they are not emitting any fumes because they are running on batteries rather than diesel?

Deputy K.C. Lewis:

An interesting question. I believe most of our buses now running are Enviro-6 standard, which is far less polluting than anything we have had previously. There is a move towards electrification, the Deputy is quite correct there. Obviously, we will be encouraging L.P.G. (liquid petroleum gas) and other fuels, biofuels, for cars. But electrification is coming and the U.K. has committed to that and no doubt we will follow suit. But the buses are very environmentally friendly, they are Enviro-6 standard, so they are the best we can get with regard to pollution at the moment. But car sharing is something we would encourage to cut down the amount of cars on the road.

10.1.5 Deputy M. Tadier:

Would the Minister answer the second part of the question and does he think that maybe Jersey should consider getting buses that fit on the roads?

Deputy K.C. Lewis:

They do fit on the roads. They are wider than we would like but they are the narrowest we can get without having them specially made and they are prohibitively expensive, the very, very narrow buses. Of course then we have a capacity problem because we cannot get as many people on. So unfortunately life is a compromise but when the current bus company took over they did scour around for the best possible buses and these were the best buses they could get. Drivers were not happy initially because it is a different lock on the buses and they have to steer wider to get around corners,

but we have other considerations to take into account, for instance wheelchair users and people with mobility problems that the smaller buses may not contend with.

10.1.6 The Connétable of St. Brelade:

The Sustainable Transport Policy of 2010 had a target of 15 per cent to reduce the peak hour traffic levels to and from St. Helier by 2015. Would the Minister be aware of whether we have achieved that figure and, if not, does he hope to achieve it or does he have a projected figure?

Deputy K.C. Lewis:

I do not believe we have achieved that figure so far. I will check with the department but, as I say, we have had an increase in population that the Constable is well aware of, so we are striving to achieve those targets.

10.1.7 Deputy G.P. Southern:

Will the Minister circulate the numbers he gave earlier on and will he recall for Members that in the Sustainable Transport Plan there was such a thing as a hoppa bus - cheap or free - to circulate around town and will that be revived in the next Medium Term Financial Plan from which it was struck down and the money was not voted for it?

Deputy K.C. Lewis:

Yes, indeed. The Deputy has just answered his own question that in fact I was promoting the hoppa bus system, especially around St. Helier, but it was not budgeted for by Treasury so sadly that did not come to fruition.

[11:30]

There were several schemes going at the time, whether it should be sponsored by maybe one of the local stores or even by the States, but a hoppa bus would be beneficial for people who live in the town area but it is too far to walk and maybe have mobility problems. So I would be in favour of a hoppa bus system, if that can be achieved.

10.1.8 Deputy G.P. Southern:

Will he promote a viable option?

Deputy K.C. Lewis:

I would promote as best as I can, but that is not solely my decision. If the money is there we can do anything.

10.1.9 Deputy R. Ward:

May I ask the Minister: does he agree that there is an urgent need for improvement in quality of roads if we are to encourage cyclists and indeed motorcyclists and remove cars from the road, particularly in St. Helier where there is a desperate need to reduce the number of cars entering town every day?

Deputy K.C. Lewis:

Indeed, I believe the Deputy is asking me a similar question later on; I am also up for questions without notice, if we are straying off the buses slightly and the Sustainable Transport Policy. Yes, there is more need to repair roads. Members may be aware that there is an app you can load on to your iPhones or iPads called "Love Jersey". If you take a picture of the various potholes or defects in the road - and as long as you have your location setting switched on - that will go straight through to a central control base and that will go to either the Parish or the relevant States department. With the G.P.S. (global positioning system) they know exactly within a foot where the problem is and some of these are corrected within 24 hours. So that is the easiest and best way to report any problems

whatsoever. The ring road itself is inspected every 3 weeks for any defects and that is put straight through to the department.

10.1.10 Deputy K.F. Morel:

I would like to link Deputy Ward's questions. We have seen the growth in size of vehicles on our roads and this is having a detrimental effect on our roads, whether it is heavy goods vehicles, buses, domestic S.U.V.s (sport utility vehicles), this enormous growth is harming Jersey's transport and the way we get about the Island. Will the Minister ensure that the size of vehicles on our roads forms part of the Sustainable Transport Policy?

Deputy K.C. Lewis:

The size of the vehicles on the roads is already controlled by the Construction and Use Regulations. Also any vehicle that is excessive to that width or height has to have a P.30 exemption permit, so those regs are already in place. I think possibly it is the volume of traffic that is coming through now and not necessarily the size of the traffic. I would encourage people to buy smaller eco-friendly cars than the big huge 4x4s but that is a matter of choice at the moment.

10.1.11 Deputy J.M. Maçon:

The Sustainable Transport Policy had modest targets, which we have learned 8 years on have not been met. I raise the issue of Scrutiny because the Scrutiny Panel made the observation that it was £1 million underfunded and therefore was never going to reach its targets. I would have liked the Minister to have said Scrutiny were right in their observations. So therefore I have to ask the Minister how hard is he going to battle when it comes to the round of negotiating in the M.T.F.P. (Medium Term Financial Plan) for this policy, given that even under the existing policy, which has not been removed, the targets have not even been met?

Deputy K.C. Lewis:

Absolutely, we have an increase in the budget for later this year and early next for road repairs, resurfacing, *et cetera*, so we are already on track with that. There is always more we can do if the money is available but I think we are very much on track. We have a good budget for later this year and early next to get the roads up to a reasonable standard. There has been a lack of investment in the past but that is something we are trying to correct.

10.2 Deputy C.S. Alves of St. Helier of the Minister for Social Security regarding the prohibition of exclusivity clauses in zero-hours contracts: [OQ.75/2018]

Given the unanimous decision of the last Assembly, when adopting zero-hour contracts, P.92/2016, that exclusivity clauses should be prohibited from zero-hours contracts, will the Minister assure Members that she will take action to implement the decision as a matter of priority?

Deputy G.P. Southern (Assistant Minister for Social Security - rapporteur):

The Minister has asked me to answer this question on her behalf while she is out of the Island. The ministerial team at Social Security has not yet had the opportunity to discuss its priorities or the wider priorities of the new Council of Ministers and whether any new policy areas should be prioritised. Work already underway in 2018 includes the Minimum Wage Review, which is expected to require more resources this year to take into account the Council of Ministers' productivity plan to support low-wage sectors. Officers are also preparing a second stage of the family-friendly changes to the Employment Law. This will provide workplace breaks and facilities for breastfeeding mothers as well as additional leave for working parents from September 2019. Each of these items will be the subject of debate in the Council of Ministers as Ministers decide their priorities. I also see the wider

issue of introducing legislation to define zero-hours contracts in law and regulating them to end their inappropriate use as a priority. As Assistant Minister, I will raise this with the ministerial team on the Minister's return and ask for it to be included as soon as possible within our planning schedule and also discussed with the Council of Ministers.

10.2.1 Deputy C.S. Alves:

How long does the Minister envisage it will take before this is fully implemented?

Deputy G.P. Southern

Speaking on behalf of the Minister, I cannot commit myself to an answer to that particular question. However, as Assistant Minister, I will assure the Member that I will bring this as soon as possible to the team so that we can decide on prioritisation. I would hope that we might make a start this year. If not, we will certainly - I hope - make a start next year.

10.2.2 Deputy M.R. Higgins:

I was just going to ask the Assistant Minister how he feels being on the other side. **[Laughter]**

Deputy G.P. Southern

The other side is not that much different. The view is the same. **[Laughter]** I say nothing more.

10.3 Deputy R.J. Ward of the Chairman of the States Employment Board regarding the report by The HR Lounge on bullying and harassment in the States: [OQ.70/2018]

Further to the release of the report by The HR Lounge on bullying and harassment in the States, will the chairman assure Members that any recommendations will be adopted as a matter of urgency; and will he explain how the situation will be monitored to ensure the development of a culture in which staff feel safe to voice their concerns?

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

Yes, I can assure Members that these matters will be looked into as a matter of urgency. In a modern working environment the practices highlighted are completely inappropriate and change is essential. I will be asking the new States Employment Board to prioritise these matters and ensure they are remedied, and the importance I place on this is hopefully demonstrated by the fact I have asked, and I think Members have now received, the report to be circulated to all Members.

10.3.1 Deputy R.J. Ward:

May I ask: will there be an addressing of the situation for States workers who may have left their jobs because of bullying and because of the culture that they existed in, and therefore may have lost their livelihoods? Can we look back at that and can you ensure that will be something that is addressed?

Senator J.A.N. Le Fondré:

Procedurally, I cannot guarantee anything at this stage, but I do take the point made and, as I said, the States Employment Board will be asked to look at this and I am sure, on the basis the matter has been aired, they can therefore address the matter when they do look at it. I would ask obviously the Deputy to make sure that his concerns are forwarded to the new S.E.B. (States Employment Board) when they meet.

10.3.2 Deputy G.P. Southern:

May I just lament the late publication of the report to us; I hope that does not set a precedent for this particular Council of Ministers, as it apparently did for the previous one. But, having said that, has the Chief Minister had time to examine some of the alternative ways in which other people deal with

this issue and is there a model or are there indicators of successfully negotiating or managing this issue?

Senator J.A.N. Le Fondré:

Just to answer the initial question, I think I became aware of the matter when it was in the media last week. I received a redacted copy of the report on Thursday, I think along with Ministers. Obviously, I have been out of the Island representing the Island on the British-Irish Council on Thursday and Friday, and I have received an unredacted version of the report, or mostly a complete report, yesterday. So the short answer is I have not had time to fully consider everything on the matter. It is important; it is going to be a very high level of importance for the new States Employment Board; and I can say that there is a plan for implementation being put together and my understanding is that all recommendations are being adopted.

10.3.3 Deputy G.P. Southern:

The issue I think in terms of whistle-blowing is one of safety and that to my mind indicates one of privacy and confidentiality. Does the Minister consider those 3 factors are the critical ones?

Senator J.A.N. Le Fondré:

Personally, yes, I do consider them important and, as I said, the whole thing will be a matter for the States Employment Board when they are constituted.

10.3.4 Senator S.C. Ferguson:

With his other hat on, does the chairman of the States Employment Board ... can he assure us that all Ministers are on board with dealing with this problem of bullying and harassment in all departments?

Senator J.A.N. Le Fondré:

I can certainly give my assurance that I am on board in dealing with the problem and I would be astounded if any Minister was not.

10.3.5 Deputy R. Ward:

Can I ask, as a matter of priority, that one of the changes that is addressed... and I would give an education example but I know they exist elsewhere in the States. In the informal disciplinary policy a head teacher can both bring the informal disciplinary and then decide upon the outcome, giving themselves what can only be called an existential dilemma as to whether they know they are right. Can we please address that as a matter of urgency as a suggestion?

Senator J.A.N. Le Fondré:

Again, a matter for the States Employment Board and I am sure they will take that matter into account. What the Member is saying appears, on face value, to make absolute sense, but it will be a matter for the Board when they consider it.

10.4 The Connétable of St. Helier of the Minister for Education regarding the closure of school libraries: [OQ.76/2018]

Will the Minister state whether any school libraries have closed in the last 5 years and, if so, why?

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

I can confirm that all schools continue to operate either a library or a learning zone in which library books and resources are available to pupils. With the changing nature of the curriculum, some schools have decided to utilise space in a different way. For example, at Grainville School, the old library was turned into a computer suite in 2017, providing an excellent space for pupils to develop

their computing skills. As an alternative to the library, the school is now developing learning zones for key stage 1 and key stage 2, which will have age-appropriate texts and learning aids, which relate to topic areas, which are being studied by each year group. Library books are also available in book corners in the class.

10.4.1 The Connétable of St. Helier:

I am struggling with this a little bit because we have heard about Grainville and their learning zone, but I am particularly keen to know whether any secondary schools have lost their libraries.

Senator T.A. Vallois:

The only secondary school to have, in the Constable's words "lost their library" was an example of Haute Vallée School. It is another example of a school that is focused on improving and developing the literacy and reading ages of students in a different way. The school is in process of changing its library function to a year 10 and year 11 student learning zone and the learning zone will enable students to access the resources they require to excel in their learning.

10.4.2 Deputy G.P. Southern:

The Minister made much of the use of the word "learning" and learning specifics; is there not a case for libraries, which promote the enjoyment of books rather than the mere learning of facts?

Senator T.A. Vallois:

Yes.

10.4.3 Deputy G.P. Southern:

If the Minister agrees, will she examine and review the policy of closing down library spaces in order that she might have a more enlightened and liberal view on the act of reading?

Senator T.A. Vallois:

As I am sure the Deputy is aware, I am just 2 weeks in the post but I am happy to look and discuss this with all the schools and identify the most appropriate way for reading in the context of the right thing for the child and ensuring that we are providing the appropriate literacy programmes for all children right across the board.

[11:45]

10.4.4 Deputy K.F. Morel:

Going back to the example of Haute Vallée, could I ask what library provision there is for those pupils outside year 10 and 11 who are not able to access that learning zone?

Senator T.A. Vallois:

I understand that the school has undertaken a book audit. In terms of their alternative provision, now I do not have absolute certainty of this, but I will check and come back to you, in terms of the mobile library that goes around and I will find out whether that accesses the Haute Vallée provision. But I am aware that, following a review of the Haute Vallée budget, the school no longer employs a librarian at the moment, but however, funds permitting, the school is keen, through its literacy development plan, to employ a full-time librarian in the future.

10.4.5 Deputy K.F. Morel:

I would just like to ask the Minister if she appreciates the importance of exploration as a part of reading and libraries. What I am hearing come from the Minister is it feels a sense of control that is being exerted on the pupils' ability to decide their own direction when it comes to reading.

Senator T.A. Vallois:

My understanding so far is that there is a slow process in change in terms of the way literacy is being provided but I understand that there is more of a link with the Central Library. There is also, for example, in primary schools and early years, a new programme called R.E.A.L. (Raising Early Achievement in Literacy), which offers different ways of providing literacy in a more active learning environment. So in terms of the Central Library, there is a new partnership between Grainville and the town library that is being created with all students in year 7, 8 and 9, where they will be members, and pupils will be set regular and frequent reading challenges supported by the English departments.

10.4.6 Deputy M.R. Higgins:

Following on from the Minister's answer about Haute Vallée doing away with the librarian post, is she aware of any other school, both primary, or secondary, that have done away with librarians?

Senator T.A. Vallois:

In terms of librarians across the schools, that is the only one that I am aware of at the moment that a paid librarian is no longer available. Libraries at Hautlieu, Jersey College for Girls, Le Rocquier, Les Quennevais and Victoria College are run by paid librarians. The remaining schools maintain their libraries with support from a teacher, teaching assistant or volunteer who are responsible for the upkeep.

10.4.7 Deputy R. Ward:

Can I ask the Minister to reassure the Assembly that the changes to library provision that we have heard about are based upon improvements in learning as opposed to simply because of pressures of funding for those particular schools?

Senator T.A. Vallois:

I am sure the Deputy will be glad to hear that this is a bigger issue I think in terms of school funding that I particularly want to look at with my Assistant Ministers in terms of how it is allocated and how it works; not just libraries, it is across the whole of the curriculum in the way that we provide it and it is a huge piece of work. So it is definitely something on my agenda but I have only been there 2 weeks, so give me a little bit of time and I am sure I can give you a bit further feedback where we are.

10.4.8 The Connétable of St. Helier:

I appreciate the Minister has not been in office long but clearly a policy decision was taken by her predecessor that schools do not need libraries. Will the Minister undertake to work with the Education and Home Affairs Scrutiny Panel, of which I am a member, to review this policy and, if necessary, to take advice from some of the schools that have kept their libraries, and indeed a school like J.C.G. (Jersey College for Girls) which has taken an old library from a worn-out building and placed it in a new building, that schools do need libraries, even in a digital age, for all their students? Will she undertake to work with Scrutiny so that we can really open up this issue and make some decisions about it?

Senator T.A. Vallois:

Yes, absolutely, more than happy to work with Scrutiny. When I speak with the department with regards to this particular provision, I will ask about the specific policy and ensure that it is sent on to the Scrutiny Panel for them to view. I would be happy to work with them in terms of a more optimal way forward for all our young children in the Island.

10.5 Senator K.L. Moore of the Chief Minister regarding the Productivity Plan: [OQ.83/2018]

Will the Chief Minister give an update on the progress of the productivity plan and explain to the Assembly what level of priority he has placed on producing such a plan?

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

Sorry, it is slightly different to the wording I have been given. In our very first week in office, the new Council of Ministers was briefed by the Chief Economic Adviser on the issue of productivity, and I know that many new Members received a very similar presentation, and that does reflect the importance we place on this issue. Clearly, we have to do better as an Island for our private industry and for the private sector as well. As far as I am concerned, productivity will be an important element in the common strategic policy that will be developed in the autumn. Thank you.

10.5.1 Senator K.L. Moore:

In the Employment Forum's background paper when they launched their consultation recently, it stated that the productivity plan was an essential part of this work. In the absence of this plan being put forward to the Employment Forum in advance of their consultation, can the Chief Minister please explain how he commits to working with the hospitality and agricultural industries, for example, who in particular need assistance with achieving higher rates of wages?

Senator J.A.N. Le Fondré:

As the Senator will be aware, I think last Thursday we were 2 weeks after the appointment of the Council of Ministers, and so the work of the Council of Ministers is still crystallising. As I said, productivity will be very high on that priority list. New Members, and any other Members who were in this Chamber during the induction process, had the briefing from the Economic Adviser at the time, and it is very clear from that briefing that insufficient attention had been paid to productivity over the last 3 to 5 years. That has been very clear from the briefings that were made to new Members and also the briefings that were given to the Council of Ministers. So we are clear, we have to do better and there has to be a far higher level of attention paid to it. Obviously, attention will have to be paid to the industries, such as the industries that the Senator has referred to.

10.5.2 Deputy G.P. Southern:

Given not just 3 to 5 years of pretty slow economic productivity growth, the record is 2 decades when we have failed to increase productivity, what in particular does the Chief Minister see as a better way forward?

Senator J.A.N. Le Fondré:

If one looks back at the previous Council of Ministers, I cannot remember, or the one before, productivity has always been an issue and there were various strategies and things that were identified. But certainly on the basis of the information I have been given, the recurring theme or the progress in productivity policy has been described as disappointing, and recurring themes were the inability to design, agree and implement meaningful strategies that would lead to a change in approach. So, in other words, although the ideas were there, actual implementation did not seem to be happening or at least did not seem to be happening on a co-ordinated basis. I think the big issue will be this Government applying a whole-government approach and we want to see a far more co-ordinated response across the entire Council of Ministers.

10.5.3 Deputy G.P. Southern:

The phrase I believe the Chief Minister used, if I may, was "we must do better"; what constitutes, if anything, "better"?

Senator J.A.N. Le Fondré:

What constitutes “better” is having more efforts being made to improve productivity and seeing the performance turning around. What measures we put in place, I think that will be a matter for the Council of Ministers and no doubt which the Assistant Minister will be involved in.

10.5.4 Senator S.C. Ferguson:

Given that increased regulation is one of the key factors in effecting productivity, will the Chief Minister assure the Assembly that thought will be given to reducing the level of unnecessary regulation in the Island?

Senator J.A.N. Le Fondré:

Personally, yes; the issue will be a matter for the Council of Ministers. As we know, there is this massive trade-off between the regulatory standing of, for example, our finance industry and how that is seen from the outside world, and what therefore is practical. However, what is clear is that productivity, or some of the areas around productivity, include greater focus which means greater cost coming out of things like risk management, assurance, part of it has been provisioning and writing off bad debts, and obviously the fall in bank interest has all had an impact on how productivity is reported within financial services. Productivity within the non-financial services area, I think, has probably been seen as flat and therefore the 2 combined has shown a decline, which then impacts on a decline in living standards as well. So it is a complicated picture and we do need to work on this further to achieve the results we want.

10.5.5 Deputy M.R. Higgins:

Does the Chief Minister accept that there is a relationship between low wages and low productivity?

Senator J.A.N. Le Fondré:

Productivity I think is a more complicated picture, is what I am going to say. Even though I am an accountant, I am not an expert on statistics, but the point the Deputy is making I suspect is taking us down the areas of living wage and minimum wage. But I think overall the calculation of productivity is a far more complicated picture than just that one element.

10.5.6 Senator K.L. Moore:

Given the Chief Minister’s commitment to maintain this important topic on his work agenda, will he also commit to bringing forward the publication of the productivity plan?

Senator J.A.N. Le Fondré:

I am sure when the productivity plan is presented to the Council of Ministers it will then be available for publication. I have yet to see any productivity plan, if that is a legacy from the previous Council of Ministers. If it is not and it is being developed, then obviously it will come to C.O.M. (Council of Ministers) in due course.

10.6 Deputy K.F. Morel of the Minister for Treasury and Resources regarding the amount of Goods and Services Tax revenue obtained in respect of elderly care services: [OQ.67/2018]

What was the total amount of Goods and Services Tax revenue obtained in respect of elderly care services in the 12 months from January to December 2017 and how much of this figure was for residential care services and how much for dementia care services?

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

Thank you to the Deputy for his question. Suppliers of residential care services do not charge G.S.T. (Goods and Services Tax). This includes care homes that provide dementia care services. Care

provided in the home, that is to say domiciliary care, is currently standard rated at 5 per cent when it is provided by a G.S.T.-registered business. The Treasury has undertaken to progress regulations regarding the tax treatment of domiciliary care during 2018 to support the introduction of a new law regulating the provision of care. The Taxes Office does not keep statistics to the level of detail necessary to identify G.S.T. arising from supplies of domiciliary care. However, the Comptroller of Taxes has estimated that this is likely to be in the region of £200,000 in 2017. Thank you.

10.6.1 Deputy K.F. Morel:

Could the Minister confirm this review into the G.S.T. and care services and when it is likely to be brought before the Assembly? So this is the review mentioned 2018.

Deputy S.J. Pinel:

Yes, the Treasury is currently doing a review for allowing the suppliers of domiciliary care not to charge G.S.T. and I expect to be able to make an announcement alongside the implementation of the new Regulation of Care Law later this year.

10.7 Deputy M. Tadier of the Minister for Health and Social Services regarding average waiting times to see consultants: [OQ.79/2018]

Will the Minister advise whether any average waiting times to see consultants or for subsequent medical procedures for non-private practice have been assessed as being unacceptably long; and, if so, will he state in which areas and what steps he will take to reduce those waiting times?

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

Yes, I would like to assure the Deputy and Members that if any patient has an urgent medical need, that patient will be seen very quickly. I am confident that urgent and cancer-related consultant referrals are being dealt with in a timely way and the department monitors and manages that position on a continuous basis. But regrettably for some routine pathways, there are some unacceptable delays and our areas of most concern at the moment for long waits include mental health, dermatology, orthodontics, and endocrinology.

[12:00]

The main reason for those long waits is, unsurprisingly, a shortage of specialty doctors. Members will know the difficulty in all health services in the Western world in recruiting and retaining sufficient doctors. In some cases this is coupled with a rise in the demand for the service, for example, we are all so much more aware of the risks of skin cancer now, which has meant, thank goodness, that more people are attending dermatology services and so there is a greater demand upon that particular service. The department continues to advertise for staff and try different recruiting initiatives for vacant posts and we are also exploring different ways of working, for example, if a doctor is unavailable, can the patient see a specialist nurse or a therapist and have their needs met? Thank you.

10.7.1 Deputy M. Tadier:

I am glad that the Minister mentioned orthodontics and dermatology. Two constituents of mine contacted me before and after the elections, one of whom has dermatitis. She is a carer for her husband and it is probably directly linked to the stress that she is under. Nine months is what she has been told to wait for that particular condition. Another has a child who needs braces and they have been waiting 3 years already with nothing even heard back from the hospital about when he might be treated. I am glad it is on the Minister's radar. Does he feel that there is any scope to publish waiting times for all of these areas and would that be something that he would be willing to do?

The Deputy of St. Ouen:

When I sought election to this position, I said that I did wish to be more open, and I still maintain that view. I see no difficulty in withholding information about waiting times, and that should be publicly available, and I will investigate clearer ways of making that available.

The Bailiff:

Do you mean you see no difficulty in not withholding?

The Deputy of St. Ouen:

In not publishing. Yes, I want to make the information available. Sorry if I am not expressing myself well.

10.7.2 Deputy R. Ward:

Can I ask the Minister: given the recognition of a shortage of nurses and medical staff, would you support and recommend an ending to nurses and medical workers' pay freezes and below R.P.I. (Retail Price Index) pay uplifts as soon as possible and as a matter of urgency in order to retain and recruit medical staff?

The Deputy of St. Ouen:

Well the question of the terms and conditions of medical staff is a matter for the States Employment Board and not for the Minister, but I do know work is going on at this very moment trying to put a new package of terms and conditions for the nurses.

10.7.3 Deputy G.P. Southern:

The Minister mentioned the 2 factors of recruitment and retention. What new initiative, if any, does the Minister have such that he intends to target that in a year's time these waiting lists are reduced? What does he propose doing, if anything, in order to do that so that in 12 months' time when he comes back to us, he can say: "Oh, I have cleared these waiting lists"?

The Deputy of St. Ouen:

Would it not be wonderful if I could announce suddenly a new initiative? I am afraid I cannot do that and there is no simple magic answer that I can come up with in the few short weeks I have been in office. It is a priority which I know is being addressed within the department to do as much as we can. I want very soon to gain a greater understanding of the pressures of this and see if there is anything further that can be done. But I do know we have good departmental support that does try to recruit this workforce, but it is known that despite best efforts, it is a very difficult thing to do in so many jurisdictions.

10.7.4 Deputy G.P. Southern:

If I may? I am not after a magic answer; what I am after is some sort of strategic way forward such that we can eliminate in Jersey these particular waiting lists. I will even stretch the marker so that in 18 months' time we have achieved some progress on these waiting lists. Will the Minister consider new initiatives? Because there is no point in doing the same, but harder, and failing to meet these waiting lists. Will he work on devising a new scheme to succeed where others have failed?

The Deputy of St. Ouen:

Of course I will consider new initiatives but if anyone has any further ideas that have not yet been tried, if the Deputy has further ideas, then I would willingly receive them. More than that I cannot say.

10.7.5 Deputy M. Tadier:

Clearly there will be many strands to this issue and possible solutions, but is the Minister satisfied that the balance between private practice and public practice and the waiting lists thereof are balanced correctly? Does he think there is any scope for reviewing that and finding out whether waiting lists could be reduced if that balance was recalibrated somehow?

The Deputy of St. Ouen:

The hospital consultants we have are contracted to work a certain number of hours in the hospital service for public patients and my understanding is that work, those hours, are monitored and those hours are fulfilled by the consultants. So, at present information, I do not believe there is any difficulty; I do not believe that is the problem here.

10.8 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the Minister's policy in respect of public expenditure: [OQ.81/2018]

Is it the Minister's policy that public expenditure should be used to enable residents to have a good quality of life at all stages, supported by high-quality public services; and, if so, will she inform Members what she will do to ensure this is achieved in a fair and equitable way, given the ageing demographic of the population?

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

My predecessor put to the Assembly a Medium Term Financial Plan which recognised these pressures by funding the P.82/2012 transformation of health and social care as a strategic priority. P.82 successfully argued the case to promote safe, sustainable, and affordable person-centred care in the best location to deliver the best outcomes in the context of an ageing demographic. I can assure the Deputy that affordability, balance, and common sense are values that I hold close, and which I applied during my term as Minister for Social Security, and which I will apply equally to my role as Minister for Treasury and Resources. I will ensure that there is affordability and balance by considering fairness between generations and the ageing of our society in the next Strategic and Medium Term Financial Plans. Indeed, the living longer theme is particularly important to me, given that I have represented Jersey in the demographic and/or ageing population British-Irish Council workstream. With the other B.I.C. (British-Irish Council) Ministers I committed to carry on the work and improving public services in the context of an ageing population. Thank you.

10.8.1 Deputy G.P. Southern:

The Minister uses the 2 words "affordability" and "balance" in her answer. Does she accept that the changing society we have today can no longer sustain a low-tax/low-spend approach because the spend is inevitably going up? Will she find the balance in increasing tax in order to enable our residents to have a proper quality of life?

Deputy S.J. Pinel:

The Deputy refers in his question to the ageing demographics and he will know very well that the Long-Term Care Scheme was introduced in 2014 in order to provide the care for an ageing demographic. I do believe at the moment that the Assistant Minister for Social Security is reviewing his own Scrutiny Panel's recommendations on the long-term Scrutiny review. This is why we are continuing to commit to this and we have also said with the Long-Term Care Scheme, which does not apply just to the elderly of course but it does consider that, that we will review this with a possible increase in the charge to the public to cater for the ageing demographic.

10.8.2 Deputy G.P. Southern:

The possibility of the long-term care charge being increased is obviously on the agenda. Will she also, in order to achieve the correct balance with a greater ageing society, consider raising taxes other than L.T.C. (Long-Term Care) alongside that rise?

Deputy S.J. Pinel:

Again, as the Deputy is probably aware, we are conducting a personal tax review, the results of which will be had at the end of the year. By that time it will have gone out to consultation to the public, so we will know more about personal tax and society's wishes by the end of the year.

10.9 Senator S.Y. Mézec of the Chairman, Privileges and Procedures Committee regarding the impact of recommendations of the CPA Election Observer Mission on the holding of the referendum on the presidency of the States Assembly: [OQ.69/2018]

How does the committee intend to address any recommendations made by the C.P.A (Commonwealth Parliamentary Association) Election Observer Mission, relating to practical arrangements for voting, in time for the referendum on the presidency of the States Assembly which it is proposed should take place in October?

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

A very good question, a very pertinent question from the Senator. As the Assembly knows, the P.P.C. is yet to be fully constituted so obviously we have not met yet. I have scheduled the first meeting for P.P.C. on this Thursday at 10.00 a.m., assuming the States are not still sitting. I would just say this to the Senator, that when this initiative was decided upon, when it was decided to invite C.P.A. observers to look at our elections, a process was triggered, a process that engages with the outside world, a process that we have to honour, a process that we have to see through to its natural conclusion. It might be considered that if we were to go for another poll, this time in the form of a referendum without regard to the findings, a dim view might be taken of it internationally. **[Approbation]** Thank you. Now, the difficulty is that we are yet to be in receipt of the final report from the election observers, though that is due to arrive sometime in July.

10.9.1 Senator S.Y. Mézec:

I thank the chairman for his comments which I concur with. He says it is a difficulty and he is right. Since it is a difficulty and, let us be frank about this, it is probably impossible to address the concerns that may be raised by the report in time for a referendum in October, is it not the case that it would be much more sensible to not have a referendum in October? Would he be prepared for P.P.C. to discuss this?

Deputy R. Labey:

The Senator will forgive me if I do not give my own opinions here in the name of P.P.C., which has not yet been constituted. I really do want to get the committee together when it is formed to get their opinions and to discuss this matter with them, but it is very definitely on the agenda. If I can explain the timeframe to Members, it might be useful. The law requires that there is a 3-month gap between the passing of a referendum Act and the actual referendum. So if it were to be passed by the Assembly on 10th July, we would have the referendum on 10th October as well, I think, whatever the date is, and we are within the law. If we delay in July, it pushes the possible referendum date to the spring of 2019 because it would be inadvisable, I am sure the Assembly would agree, to hold a referendum, a poll, in the dark, in the winter months. It is simply not on, so that pushes it to the spring of 2019. The difficulty with that is that the original proposition requires the mechanisms and the processes for the election of a speaker, if that is what it is going to be, to happen in January 2019, so we are in some difficulty.

10.9.2 Senator S.Y. Mézec:

The chairman has made a series of useful comments. He has spoken about the dim view that will be taken by the international community if we hold a poll that is not conducted under appropriate circumstances after the observer report has come out.

[12:15]

He has spoken about not having a referendum in the dark. I think that phrase can be interpreted in more ways than one. Would the chairman bring up as an agenda item at the next P.P.C. meeting the idea of having a rescindment proposal brought forward so that we do not have a referendum in October, seeing as, with everything the chairman has already indicated, it sounds like it is impossible to have a good referendum campaign with everything we know that is inevitable at this stage? If it is to take place, does he not agree that it should take place under appropriate circumstances and those circumstances cannot be met as things stand at the moment?

Deputy R. Labey:

Yes, absolutely. The Senator might not be surprised to learn that the Greffier is ahead of us both on this issue and has already been briefing me on the implications. I would just say in closing that there is a chilling sentence in the interim report provided by the election observers on the concerns about the low level of turnout which the report said it was suggested “arguably undermines the principle that the elections in Jersey are fully genuine.” So, we need to proceed with extreme caution and we certainly need to examine very carefully the full report, the full and final report, from the election observers.

10.10 Deputy C.S. Alves of the Minister for Home Affairs regarding increases in marriage fees: [OQ.78/2018]

Notwithstanding the answer given to written question 85/2018, would the Minister commit to staggering any increase in marriage fees over a period of time?

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

I am sure the Deputy will be pleased to note from the written answer that I gave her this morning that the new fees are already staggered. Anyone who has already booked a wedding with the Superintendent Registrar will not pay the new fees if their wedding takes place before 31st December.

10.10.1 Deputy C.S. Alves:

Can the Minister give an indication of how much will be saved by making the Registrar self-funding and where this saving will be directed to instead?

The Connétable of St. Clement:

What the change would mean is that the Superintendent Registrar for the purpose of weddings will be self-funding. The fees were distributed this morning along with the written answer, which I think are quite reasonable and fair.

10.10.2 Deputy M. Tadier:

Does the respondent believe that there are issues with the fees, that we are moving to a user-pay system but one could argue that the buildings used and some of the services provided for are already paid for either through general taxation or through other mechanisms for the upkeep of buildings? Is it entirely appropriate that the full cost recovery is likely and also, as part of that, does he believe that there may be an unintended consequence: if the fees go up too high that it may discourage marriage?

The Connétable of St. Clement:

I think that is extremely unlikely. The average cost of a wedding these days is something between £18,000 and £27,000. I think the few hundred pounds which is charged by the Superintendent Registrar pale into insignificance. It is even less - it is even less - than the Anglican Church charges. I am sure the Dean might want to make a comment ... **[Members: Oh!]** Let us be realistic, a couple having a week-day registry office wedding currently pay something between £425 and £575. They will now pay £520, so that is an increase of £95 for some; a saving of £55 for others and that just balances it all out so that it is fair to everybody. I do not think anyone can claim that the fees are excessive.

The Bailiff:

Bearing in mind the purpose of question time is not to impart information but to request it, do you wish to have a question Dean or not?

10.10.3 The Very Reverend M.R. Keirle, B.A., Dean of Jersey:

Is the Member aware that the figures in his written answer are incorrect regarding the Anglican Church? **[Members: Oh!]**

The Connétable of St. Clement:

If they are, I was not aware of that. If they are, I sincerely apologise to the Dean, and will have a correction made and distributed if that is the case.

The Bailiff:

A final supplementary?

Deputy C.S. Alves:

No, thank you.

10.11 The Connétable of St. Helier of the Minister for the Environment regarding the prospective relocation of the Planning and Building Section: [OQ.77/2018]

Is it the Minister's policy that the Planning and Building Section of his department should be relocated in order to release the site it occupies at South Hill for housing and, if so, what is the timescale to achieve this?

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

The States-owned site at South Hill is managed by the Department for Infrastructure through Property Holdings. It is in the built-up area and has long been identified as suitable for alternative use, and housing development being the preferred use. This site will be included as an opportunity site within the draft new South-West St. Helier Development Framework, which will be shortly published by a public consultation I think in September. The South Hill offices are presently occupied by 3 departments: Planning and Building, Met Office, and some of the D.f.I. (Department for Infrastructure) team. I support their relocation, subject to suitable premises being identified, particularly ensuring public access to Planning and Building offices in future. Property Holdings, D.f.I., informed my department yesterday that there is no plan currently in place, but they are in the process of considering possible interim options for relocation, which would allow early redevelopment opportunities of South Hill to be taken.

10.11.1 The Connétable of St. Helier:

I am just intrigued by the reference to the South-West St. Helier Development Framework. Is this the new planning which has been so far organised on States days so that a lot of Members, certainly elected Members for St. Helier, have not been able to attend? If it is being published in September,

will he make sure that his officers do consult with the elected Members for St. Helier and indeed their elected Roads Committee so they can have some input into this important framework?

Deputy J.H. Young:

The Constable makes some excellent points. I find myself in a position being a participant in this process and, funnily, finding myself with my hat on being responsible for it, and so the detailed arrangements they would have made. But it is the intention that this new South-West St. Helier Planning Framework will be published for public consultation, and that includes all the things that the Constable proposed. It is the intention if that is accepted it will in fact replace the current Esplanade Quarter Masterplan which has been issued by the former Minister. I will certainly undertake to look at the details. It is certainly, as far as I am concerned, public consultation, full involvement, absolutely essential if this plan is to be robust, and that is a basic principle of urban planning. One cannot achieve a good plan without that.

10.11.2 Deputy M. Tadier:

I have heard it said, and I do not know if it was officially, or a private remark, that the South Hill site was too good for social housing, the implication being that it should be put to private development, possibly luxury flats. Is that a sentiment with which this Minister agrees and, if not, would he explain?

Deputy J.H. Young:

This has long been an issue. The South Hill site has got spectacular views, some of the finest in the Island. Having lived there in my civil servant days for 13 years I can confirm it is a super place to be. But I think the reality is, is that we have got one joined-up government now and I think the role of the Minister for the Environment will be to produce a development brief for that site, setting out the design options for it. There are parts of the site which have magnificent views; there are parts of the site which face the rockface. Therefore, I think my own thoughts are, having heard the views that the Deputy has spoken of, they are still current, they are pretty well current on every site that comes up, my preference is to have a mix: to have some open-market housing and some affordable housing so that the development works as a whole. But that is my personal view, it will be up to the joined-up Government and the new Minister for Housing and his team to make those decisions.

10.11.3 Deputy M. Tadier:

I hope that I do not read incorrectly in between the lines suggesting that the mixed development would have sea views for private residents and that any social tenants would be facing a sheer rockface. **[Laughter]**

Deputy J.H. Young:

The Deputy is absolutely right. I was simplifying the issue so you can see that not everybody will get the same facilities on the site. This is what design is all about. I think the principle of mixed-use is right. How it is divvied up, I think that would be a question for the procurement process which is well downstream. At the moment we are: new planning framework; we will go to consultation. When there is a development brief that will also be public consultation, there will be plenty of opportunity for these decisions downstream. All I have done in my answer is give you an immediate heads-up on the issues that exist on the site.

10.11.4 The Connétable of St. Helier:

I am in danger of straying a bit off the question but the Minister did talk about replacing the Esplanade Quarter Masterplan with this new South-West St. Helier Development Framework. Can I remind the Minister, and ask him his reassurance really, that the Esplanade Quarter Masterplan which was

extensively debated by this Assembly, extensively amended by Members, is not simply going to be ...

The Bailiff:

That is out of order, Connétable.

The Connétable of St. Helier:

It is moving out of order?

The Bailiff:

It does not relate to this question.

The Connétable of St. Helier:

Fair enough. Well I am just going to take it back, if I may, slightly concerned that the consultation the Minister is proposing for this South-West St. Helier Development Framework is going to pick us all up, the elected Members I referred to, the Roads Committee and the elected Deputies and Constable of St. Helier, as part of a consultation exercise. Can I urge him to meet with us in early course to make sure that we can give our backing to this development framework before he goes out to consultation?

Deputy J.H. Young:

I am in some difficulty because, from my recollection, this process was started by the previous Minister some long months ago. I think I will need to look at the details of that but my officers say to me at the moment they believe we will be ready for publication in September. I will look at the need for a meeting because I think the Constable is right, that we have to make sure the Constables go. But a consultation document is still inviting comments and responses; it is not a final document.

10.12 Deputy M. Tadier of the Minister for Health and Social Services regarding the re-scheduling of cannabis to allow for medicinal usage: [OQ.80/2018]

Has cannabis been taken off Schedule 1 (under Misuse of Drugs legislation) and put on to Schedule 2 to allow for medicinal usage; if not, will the Minister explain why not and state whether it is still the intention of the department to do so and what the timescale is for it to happen?

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

There are no proposals to reclassify cannabis from Schedule 1; however, there are some small changes which are to be made with regard to certain cannabis-based products. Last year in the U.K. a report was produced which has become known as the Barnes Report on the possible use of certain cannabis products for medicinal purposes. That was considered in Jersey by our Misuse of Drugs Advisory Council, which advises the Minister for Health and Social Services, and the council suggested it would be appropriate in Jersey to reclassify certain cannabis-based products in order that they can be used for medicinal purposes, and my predecessor Minister accepted that proposal. The council was of the opinion that any such product that might be reclassified must be produced to good manufacturing practice standards and should only be imported by the hospital Pharmacy Department for supply against a prescription written by a hospital consultant. The reclassification of those particular products will mean that appropriate controls can be exercised over their availability. The council recommended that 2 specific products be reclassified: one was Bedrocan and its associated products which are produced by the Bedrocan company in Holland under licence from the Dutch Government Office for Medicinal Cannabis. The other products were Tilray oral solutions and

capsules containing various strengths and combinations of the active ingredients in cannabis and that is produced by the Canadian company Tilray.

10.12.1 Deputy M. Tadier:

Part of the reason I asked this question is it has been a long-running issue; it is back in the news again in the U.K. with the story of a young boy who is deprived of a vital medicine, and I do not want the same thing to happen in Jersey; I am sure other Members feel the same. I refer the Minister and Members to written answer 16 where the Home Affairs Department said that in the event of the recommendations of the advisory council to reschedule from 1 to 2, that there would be nothing to stop the importation of these products into Jersey. In fact, it says there will be no legal basis to prevent their importation into the Island. Given the fact that that same written answer told us that the medical advice from the Misuse of Drugs Advisory Council was given to the former Minister on 28th December, that products Bedrocan, Bedrobinol, Bediol and Bedica were all recommended for reschedule, why has this not been done already? Will the Minister make sure that this is done with immediate effect with a Ministerial Decision and, if not, why not?

[12:30]

The Deputy of St. Ouen:

A Ministerial Decision has been taken to reclassify these cannabis-based products. A law drafting instruction has been given and that is being worked on by the Law Drafting Department, and I can assure Members I will bring forward the order to reclassify those specific products as soon as I am able to do so, and I will chase that also. I should assure Members that we are ahead of the U.K. in this respect. In January, a licensed medicine known as Sativex was made available on free prescription, that is a cannabis-based medicine, which was previously available on a paid prescription basis but is now available publicly if dispensed through the hospital pharmacy. So that is one option available to residents of the Island at present. Then we are also ahead of the U.K. in having already decided to reclassify these other products, Bedrocan and Tilray, that I have spoken of and the issues are the drafting of the necessary order, which I am chasing, and the question of the importation to the Island. Because of course these products from Holland and Canada would usually come through the U.K. where they are still illegal and that is a difficulty for the U.K. Customs; they have told us so. The matter is being taken up through the Minister for External Relations and the Government of Jersey's London Office, and it has also been taken up in the Cabinet Office. I hope that now they have seen and made the special arrangements for the young gentleman who needed that urgent treatment recently, that they might understand this is an issue that is moving forward and allow us the necessary permissions to bring these products into the Island.

The Bailiff:

Minister, where possible if you could remember there is a 90-second rule for answering questions.

The Deputy of St. Ouen:

Certainly.

10.12.2 Deputy G.P. Southern:

Just a brief question; brief answer, I hope. When were the law drafting instructions given?

The Deputy of St. Ouen:

Yes, the Ministerial Decision was made on 12th February 2018. A drafting brief was to be provided by the Chief Pharmacist which followed, I believe, in March. Sorry, here it is, 2nd March; that is what I am aware of.

10.12.3 Deputy M. Tadier:

Written answer 16 today sheds light on the fact that the hurdles around importation of medicinal cannabis seem to be a red herring. I quote again, it says: “In the event that products recommended by the Misuse of Drugs Advisory Council are rescheduled to allow their importation into Jersey, officers from the Customs and Immigration Services would have no legal basis to prevent their importation on arrival in the Island.” What that means is that the only thing stopping these products coming into Jersey is the fact that they have not yet been rescheduled from Schedule 1 which says “products of no medical value” to Schedule 2 which are “products of medical value”. This decision, it seems to me, could easily be made. If it has been made, which we are being told by the Minister, already then there is nothing to stop any G.P. (General Practitioner) prescribing these products and there is nothing to stop anybody who wants to, in the Island, bring these products in for prescription and proper dispensation under that agreement. Is that not the understanding of the Minister and does he think that there has been a conflating of issues within his department to make this issue much more complicated than it truly is?

The Deputy of St. Ouen:

I think there were 2 questions there: one is about the bringing into the Island and the other is who may prescribe. What has been the subject of the Ministerial Decision is that these products will be reclassified for dispensing by the pain clinic and neurology departments only and not for dispensing, at the present time, by GPs. Because it should be realised that these are cannabis products; they are not authorised or licensed medicines and they have not undergone the same comprehensive clinical trials that medicines have, but nevertheless they are to be licensed. As to the importation, yes, of course, because of the order that will be made, the Jersey Customs will have no basis to prevent their importation. But the same order does not exist in the U.K. and they would normally be brought to the Island through the U.K. and that is what we are trying to address. I am advised that there has been no confusion that there is that issue which must be the case of getting the thing from Holland through the U.K. to Jersey, or Canada through the U.K. to Jersey. It would be the same if we tried an importation route through France where the products are also currently not legal.

**10.13 Deputy G.P. Southern of the Chief Minister regarding the reduction of income inequality:
[OQ.82/2018]**

Is it the Chief Minister’s policy to reduce income inequality across all sectors of the economy and, if so, what measures does he have under consideration in order to do so?

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

The Council of Ministers has started to develop its common strategic policy, but it is already clear that Ministers are concerned about social inclusion. We want all Islanders to benefit from economic growth and our children obviously to have the best start in life. We are also all concerned about the cost of housing. I am keen to work with States Members on those issues as the Council develops the new strategic policy.

10.13.1 Deputy G.P. Southern:

Does the Chief Minister consider that in order to attempt to reduce income inequality he must first have a measure of income inequality?

Senator J.A.N. Le Fondré:

What I have said, and the Assistant Minister will know, and I have committed to, we want to understand the interactions between income support, income tax, obviously taking out the supplementation, disregards and all those types of things, and so to an extent that will then feed into

the definitions that the Assistant Minister is seeking. I know he is going to come back at me with another supplementary.

10.13.2 Deputy G.P. Southern:

If you are going to do something about income inequality you must first be able to measure income inequality, is that not the case?

Senator J.A.N. Le Fondré:

Yes, and that is the point; we do need to get the measures I was talking about in place to do something.

10.13.3 Deputy G.P. Southern:

Thank you. In that case, why does the Chief Minister in answer 11(b) admit that the funding for an Income Distribution Survey earlier than anticipated has not yet been identified? If he wants to do something about income inequality, will he first arrange to measure it so he knows what the starting point is and find the funding for a new Income Distribution Survey? Will he do so?

Senator J.A.N. Le Fondré:

Yes, I believe that is the second part of 11(b) which says: "The current Council is clear that policy-making requires a strong evidential basis", which is what I was referring to and: "We will be discussing with the Chief Statistician the earliest possible running of the survey and reviewing the budget allocation of the States Treasury." That is an intention; that is not necessarily a commitment at this stage, but it is an intention.

The Bailiff:

A final supplementary? No? Are we done? We are done.

Deputy R. Ward:

I do not know why, but we received a letter on 22nd June answering this after the question was lodged and, although I was going to ask the question, the supplementary I had in mind has already been answered by the Minister, so I do not see the need to proceed with the question any longer. Thank you.

The Bailiff:

Withdrawn, thank you.

10.14 Senator S.C. Ferguson of the Chief Minister regarding staff appointments at the Jersey London Office and the Channel Islands Brussels Office: [OQ.72/2018]

What staff appointments have been made at the Jersey London Office and the Channel Islands Brussels Office in the past 6 months?

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

In the last 6 months only one appointment has been made. That was in the London Office for a U.K. Affairs Attaché and that individual has come from a background of working in the Houses of Parliament.

10.15 Senator S.Y. Mézec of the Chairman, Comité des Connétables regarding a review of the honorary system: [OQ.73/2018]

Will the Comité commit to holding a review of the honorary system to determine what can be done to improve recruitment to the Honorary Police and secure its future as an important part of our community?

Connétable D.W. Mezbourian (Chairman, Comité des Connétables):

I thank the Senator, not only for his question, but for his welcome recognition of the value of our Honorary Police. **[Approbation]** As well as that recognition, he acknowledges the need to secure its future as an important part of our community. I am sure his view is endorsed by all Members of this Assembly and I welcome approbation again. **[Approbation]** Thank you. The Connétables are accountable for the efficient and effective policing of their Parish. It almost goes without saying therefore that we are committed to reviewing how we can improve recruitment to ensure that persons of suitable calibre are recruited and elected. However, it is fair to say that the recent election of 6 Centeniers and one Vingtenier to this Assembly as Connétables and Deputies has left several Parishes with the need to fill these roles. As Connétables, we are already committed to and continually review the system to determine not only how we can improve and promote recruitment to the Honorary Police, but to promote the benefits they bring to our community.

10.15.1 Senator S.Y. Mézec:

I heard use of the word “review” but not “a review” which is not necessarily the same thing. Of course I have raised this question because of the issues that were raised by 2 former Centeniers about this. I see lots of commentary provided by current and former Honorary Police officers who have made a range of constructive and well-meaning suggestions, which they believe would make the system more effective, more modern and allow more people to get involved. Does the Comité believe that having a wider review rather than something internal or per Parish, but a wider conversation with the public about what can be done to improve engagement with the system, is worth having?

The Connétable of St. Lawrence:

Yes, I do, as do my fellow Connétables. To that end, we are beginning a formal review by having a workshop on 14th July at which we intend to discuss recruitment and the involvement of the wider community, as the Senator has suggested.

10.15.2 Deputy J.H. Young:

Will the chairman of the Comité des Connétables’ review include a review of the age restriction on membership of the Honorary Police? Is she aware of a number of persons who have expressed an interest being over the age of 69 who feel they could do certain tasks to assist in preparing prosecution papers and so on? Would that review include that matter?

The Connétable of St. Lawrence:

Yes, I would expect it to be a wide-ranging review and that matter has been raised before. I am aware that persons of the age of 70 who are already in office are able to continue to serve to complete their term of office but that there is an age restriction, an upper age restriction, on people who are able to join. It seems that the Honorary Police has to adapt to modern-day needs and as people live longer and are healthier potentially than they were at that age in years gone by, I would not rule out looking at that.

10.15.3 Senator S.C. Ferguson:

The chairman will recall the breakfast meeting with the finance industry some years ago to point out to the industry that the qualities developed in the Honorary Police are those required in management by the industry. Does the chairman not think it is time for another of these events to market the Honorary Police to the wider world?

The Connétable of St. Lawrence:

Yes, I do not disagree with the Senator. The personal benefits that an Honorary Officer can gain from the role are readily transferable to the workplace and they include skills such as problem-solving, decision-making, team-building, leadership, responsibility, safeguarding knowledge, communication skills, to name but a view. I do recall the breakfast briefing that was held some years ago and have already arranged to put in place another such briefing in due course, but hopefully within the next few months.

[12:45]

10.15.4 Deputy M. Tadier:

Over the weekend I was approached by someone. I did not solicit the answer or initiate the conversation but he said that he had been working in the Honorary Police for some 10 years, now retired, and he did say that it was obviously rewarding in some ways; he said it was challenging in other ways. He said the part that he did not find he was comfortable with was the presenting cases in the Magistrates' Court. He said that he thought consideration should be given to removing that ability for the Centenier to prosecute. With that in mind, and given also Advocate Sinel's recent comments about the value but also the changes in evolution that might have to happen in that regard, can she assure us that the issue of whether Centeniers charge and who indeed brings charges in Jersey will form part of that review and, if not, why not?

The Connétable of St. Lawrence:

That review was carried out some years ago by a former Education and Home Affairs Scrutiny Panel, and I refer the Deputy to it. At the moment, I do not see that a review of the Centenier presenting cases in the Magistrates' Court would form part of our review. They present guilty cases only and they receive training to do that. The view expressed by the Deputy is clearly one individual.

10.15.5 Deputy M. Tadier:

May I ask a supplementary? It seems very strange that we have a review going on about the Honorary Police and clearly this one individual, I suspect there may be others, and a senior advocate who have advised that people may be put off joining the Honorary Police because they wish to serve the community but simply do not wish to act as a prosecution agent, which in other jurisdictions would be done by an independent function. Surely it is particularly closeminded of the chairman of the Comité not to even allow that to be part of a review and refer to a political review which took place many years ago.

The Connétable of St. Lawrence:

That review remains as pertinent today as it did then and I am certainly not closeminded at all. **[Approbation]** The role of the Centenier in the Magistrates' Court is as flexible as all the other positions that the Honorary Police are expected to undertake. Any Centenier who does not want to or is not able to present in the court is permitted to make that decision. Indeed, in St. Helier, as far as I am aware, they take the view that some of their Centeniers only present in the Magistrates' Court and others undertake other functions. We need to be as flexible as we can in order to recruit and retain the right calibre person to do the job.

10.15.6 Deputy K.F. Morel:

Will the review, as discussed, include a look at the possibility of an Island-wide pool of Honorary Police officers that could be used to provide policing where needed on an *ad hoc* basis?

The Connétable of St. Lawrence:

No. We are not there to supplement the States of Jersey Police, which I believe is what the Deputy is indicating.

10.15.7 Senator S.Y. Mézec:

The Connétable mentioned a workshop that is due to take place. Could you just give us more information about what format this is going to take, how it has been advertised? Is it being facilitated by a professional body? When will they report back and who will they be reporting to?

The Connétable of St. Lawrence:

It is not a workshop that is open to the public. I see the Senator grimacing at that comment. However, it is a starting point - one of our regular starting points - to review all parts of the honorary system. It is being held in conjunction with the States of Jersey Police, the Chefs de Police ... I should say the Comité des Chefs, the Comité des Connétables and the Honorary Police Association. The professional body chairing it is the Attorney General.

Senator I.J. Gorst:

I propose that we continue for the last Oral Question and then break for lunch.

The Deputy Greffier of the States (in the Chair):

Fine. If that is the agreement of Members, then that is what we will do. Then we move on to the final question, which is a question from Senator Moore to the Chief Minister.

10.16 Senator K.L. Moore to the Chief Minister regarding prospective changes to immigration rules ahead of Brexit: [OQ.84/2018]

In light of the U.K. Home Secretary's recent announcement that he plans to relax immigration rules for skilled workers ahead of Brexit, does the Chief Minister intent to follow suit?

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

The U.K. has not relaxed its immigration rules for skilled workers in terms of qualifying criteria, but they have made some exemptions in respect of doctors and nurses from the overall migration cap and they have initiated a review of shortage occupations. We will be considering the results of that review once it has concluded and otherwise the Council will determine any wider policy for Jersey as we develop our common strategic policy.

Senator K.L. Moore:

I thank the Chief Minister for his answer.

10.16.1 Deputy G.P. Southern:

Surely the Council of Ministers or the body that supervises this particular aspect is already intent on reducing the number of registered workers coming to the Island and thereby promoting those who are licensed and therefore higher earners with higher skills to come to the Island instead. Surely that policy is already in place.

Senator J.A.N. Le Fondré:

The actual question was did we have any plans to relax immigration rules, so therefore I think the Assistant Minister is very clear as to what is referred to as H.A.W.A.G. (Housing and Work Advisory Group). That body has recently been reconstituted and obviously will be moving forward under present policies and obviously revised policies when they become due.

The Deputy Greffier of the States (in the Chair):

Very well. There are no other supplementary questions. That is the end of Oral Questions.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Greffier of the States (in the Chair):

The adjournment has been called. The States stand adjourned until 2.15 p.m.

[12:52]

LUNCHEON ADJOURNMENT

[14:18]

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS - resumption

11. Appointment of the members of the Privileges and Procedures Committee - resumption

The Bailiff:

We return to that part of the Order Paper which deals with the election of members of the Privileges and Procedures Committee. We have 3 nominations for the ministerial 2 spots: Deputy Maçon, the Connétable of St. Helier and Deputy Tadier. I am so sorry, I knew it was the Constable of St. John, but I wrote down St. Helier: the Constable of St. John and Deputy Tadier. We will proceed to that. It is a secret ballot and ballot papers will now be distributed. There are 2 spots to be filled and so each Member has 2 votes; you write down the names of the 2 people.

Deputy R. Labey:

Could I ask if this is a secret ballot or do we have to put our names on ...

The Bailiff:

It is a secret ballot and you do not therefore need to put your names on the top.

Deputy M. Tadier:

Just for clarification, people can use up to 2 votes, but do not have to use both votes.

The Bailiff:

You can use up to 2 votes. Has every Member got one - but only one - ballot paper? All right. If you have all had the opportunity to write up to 2 names on the ballot paper ... if you have put your names on it, do not worry about it, it will not be read. The Greffier will eat the evidence later. Very well, then I am going to ask the Assistant Greffier and the Usher to withdraw and count the votes. Chairman, while that is being done, have you had the opportunity of consultation with the president of the Chairmen's Committee to nominate a member of the Chairmen's Committee over lunch? That sounds like a hesitation.

Deputy R. Labey:

Yes, not a deviation, a hesitation. I did have a communication from the Chairmen's Committee that they would like to nominate the Constable of St. Brelade as their nominee. This was before the election of the president of the Chairmen's Committee.

The Bailiff:

Standing Orders require you to have consulted with the president of the Chairmen's Committee. I take it that has not happened.

Deputy R. Labey:

Am I allowed a moment to just check that I have properly consulted?

The Bailiff:

Maybe she can give you an encouraging smile if she agrees with what you have just said.

Deputy R. Labey:

No, can we just continue for a moment and allow me to consult? Apologies.

QUESTIONS - resumption

12. Questions to Ministers without notice - The Minister for Infrastructure

12.1 Deputy K. Pamplin of St. Saviour:

The Minister's predecessor, who had political responsibility for the demolition of the sites at Fort Regent, said funding for the demolition had been secured and work would start towards the end of 2018. As I understand it, in total up to £4.55 million will be available from States contingencies for the demolition project, which was more than double an estimate provided to the States in 2011. How does the newly-elected Minister seek to ensure us and the public the estimate is justified, given such an increase, and can he confirm the start date of the demolition work?

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

The demolition of the upper cable car at Fort Regent will be going out to tender shortly, so we are not sure what the actual price is going to be yet, but it will be competitively tendered and demolition will be starting this year.

12.2 The Connétable of St. Brelade:

Would the Minister confirm that the States road infrastructure has been severely underfunded for years and he will give it a priority to catch up on a programme which has left our roads no better than some third world countries? I would draw his attention to La Route des Quennevais and La Route des Genets in my Parish.

Deputy K.C. Lewis:

Yes, I would agree with the Constable of St. Brelade. There has been chronic underfunding for some time now. We do have a pretty good budget for the end of this year and beginning of next year, but to catch up we would need £6 million a year for about the next 13 years to put everything exactly as it should be, but we are endeavouring to repair roads and infrastructure as quickly as we can. We are using a substance called Gripfibre, which a lot of people do not like. I can see the Constable of St. John grimacing, but this is a road repair until such time as we can get around to asphaltting the whole road, the difference being with Gripfibre it is sprayed on the road, the road is cleaned and sprayed, and that prolongs the life of the road by between 10 and 15 years, but that does not replace asphalt where the asphalt is rolled. That is still in our programme and will still take place.

12.3 Connétable P.B. Le Sueur of Trinity:

Is the Minister aware of the surface water flooding problem that occurs regularly outside of Trinity School during periods of heavy rain?

Deputy K.C. Lewis:

Yes. I was not aware that that was still happening, but I know there have been problems in the past and I know the culvert had a lot of work done on it a few years ago. I was not aware that it was still a problem. The department probably is, but if not, I will bring it to the department's attention.

12.4 Senator S.C. Ferguson:

While we are on the subject of roads, can I bring the Minister's attention to Mont Sohier, which has been the subject of a great deal of very heavy traffic? I wonder if the lorries are over-full of spoil. But passing on from that, there is a French machine which can resurface a road almost as you watch it go along, so why we are not investigating things like that?

Deputy K.C. Lewis:

The first question first: the heavy overloaded vehicles, if it is dangerously so, then D.V.S. (Driver and Vehicle Standards) will be interested to know about that, and I will bring it to their attention so that can be monitored. Regarding the machinery, we do not have the infrastructure demand for that kind of machinery. We do not have thousands of miles of roads, as the French have. I think the Senator is talking about some considerable investment there. Once upon a time we had about 4 or 5 asphalt companies. Now we only have one, so that is subbed-out, but we are always looking at new ways, hence the Gripfibre. Many companies have come over and offered different systems, but more than happy to look at any system that is going.

12.5 Connétable D.W. Mezbourian of St. Lawrence:

I recognise that the Minister has only had a couple of weeks to be briefed on everything, but I wonder whether he is aware of the Plastic Free Jersey campaign and, if he is, whether there is any way that his department is able to commit to the ideas within that campaign.

Deputy K.C. Lewis:

I fully support the plastic campaign. A lot of these campaigns are Parish-led, which is excellent initiative. We have all seen *Blue Planet*, we all want to cut down on plastics entering our oceans. I would support any initiative of that type.

[14:30]

12.6 Deputy M. Tadier:

The Minister spoke earlier about underfunding within the budget for roads to the tune of several million pounds. Will he therefore be putting a bid into the M.T.F.P. for extra funding and, if so, to what amount?

Deputy K.C. Lewis:

I am not sure if I mentioned it. I believe I mentioned we have the funding for the end of this year, beginning of next year, which is going to be well on our way to getting back on track. It will take a few years to catch up and a lot of investment, but we are on the way.

12.7 Deputy J.M. Maçon:

Following on from this morning's theme on sustainable transport, can the Minister please tell us what his plans are to address the hideous amount of school traffic that the Parish of St. Saviour has to deal with?

Deputy K.C. Lewis:

Yes, the hideous traffic in St. Saviour is very much on my mind, as I am also a St. Saviour Deputy. It is quite horrendous. We are trying to cut down on it. A lot of things are happening at the moment. We are trying to encourage more youngsters to get on to school buses and we try to expand that wherever possible. We do have a lot of parents coming into town to go to their place of work and doing a loop around, possibly up Mont Millais, dropping one off maybe at Vic College or Jersey College for Girls and around the corner to maybe Hautlieu or one of the other schools and then back

into town. It is that loop that creates a lot of problems, indeed. We are trying to get more and more people on to buses and I would support any initiative to do that, including walking.

12.8 Deputy J.H. Perchard:

I would like to thank the Minister for his speedy response to my questions about this issue and just follow on from something that we have discussed by email. It has been confirmed by the department that they will be reviewing safety around St. Saviour's Primary School during 2019. I was just wondering if the Minister could tell us if the public will be consulted as part of that review and when roughly in the year that might take place.

Deputy K.C. Lewis:

It is very much ongoing. We have the St. Saviour School transport action plan; that is still ongoing. We have done a lot of work with the Parish. We have been working very closely with the Constable and we have had a few crossings put in just to make it safer to go to the school. We have also got Chasse Brunet coming up very shortly, which will ease traffic. I am very conscious of youngsters walking to school - and very small children with parents - and it is that kind of danger that we are trying to alleviate. We cannot eliminate the traffic, but we will do our best.

12.9 Deputy K. Pamplin:

Keeping the theme of the St. Saviour love-in: will the Minister commit to meeting the roads committees of St. Saviour and St. Helier? We are discussing cycling routes as a method into St. Helier via St. Saviour, as well as his mentioning of the buses earlier.

Deputy K.C. Lewis:

Yes. I have already had meetings with the Constable of St. Saviour on this very thing and I will be attending the St. Helier Roads Committee in the very near future. I had an invite today.

12.10 Deputy M. Tadier:

Does the Minister wish to make car usage more convenient or less convenient?

Deputy K.C. Lewis:

I believe in the carrot, not the stick. I walk everywhere I can whenever possible and I notice a lot of people are doing that now. One only has to stand on the edge of town either east or west and see the processions of people walking into work in the morning. A lot of people now are walking because it is more and more convenient. I have no intention of penalising people, but if we can get more people into car sharing or using the buses to reduce the traffic flow, that would be good.

12.10.1 Deputy M. Tadier:

I once saw somebody put a carrot into somebody's exhaust pipe - I think it may have been on television - and that may have been a way of discouraging driving, using the carrot rather than the stick, but does the Minister not think that there is already enough of a disincentive, as he has alluded to, with the huge amount of traffic on the road? That while people are of course sitting in the car, they are part of the traffic, they choose to be part of the traffic and they cannot complain about it? But what steps will he and the department make sure that they introduce to make it more viable to not use your car and make other forms of transport more user-friendly, given the fact that LibertyBus are just about to increase their cash fares to £2.20, making a round trip fee from one part of the Island to another potentially £8.80, where a car journey may be significantly cheaper?

Deputy K.C. Lewis:

I have yet to have a meeting with LibertyBus in this particular session. I will look forward to doing so. I would encourage, as I say, more and more people to use their cars as less they can. I know

there is a price difference. A lot of people are using park and ride now, very impromptu park and ride. They are parking in the car park down in Grouville and getting on the bus and lots of people from the east end of the Island are doing that because parking in town is problematic. I think that in itself is a disincentive. I would not want to punish people any more.

12.11 Deputy K. Pamplin:

From Friday, 19th May this year, a Jersey Lifts app service, which was separate to a Facebook group, closed down. I am interested to see what the Minister's thoughts are going forwards with this service, which is still of concern to parents and members of the public.

Deputy K.C. Lewis:

If the Lifts are closed down, all I can say is that is good news, because these people are unregulated, they are unlicensed and there are no background checks. They could be possibly on drugs; they could possibly be intoxicated. There is no licensing; there is no insurance. I certainly would not want one of my family getting into a stranger's car; you do not know who they are. Heaven forbid, should there be a very bad accident resulting permanent injury, there would be no insurance whatsoever, because the person was offering themselves for hire or reward. There is a subtle difference if friends wish to get together and pool their money and share a car ride in, that is completely different, but somebody offering this kind of service is illegal and it is dangerous.

12.12 Deputy J.H. Perchard:

I was just wondering if the Minister was aware that the transport planner has committed to a review of the safety outside of St. Saviour's Primary School next year, and if he is aware, could he please tell me if the public will be consulted and roughly when the review will be?

Deputy K.C. Lewis:

Yes, I am aware. The public will be consulted, but I do not have a timeline for that at the moment, but I am more than happy to let the Deputy know when that is available.

12.13 The Connétable of St. Lawrence:

Is the Minister aware of the understanding that there was between the previous Minister and the Parishes to undertake reviews of speed limits in their Parishes? If he is, is he prepared to continue with undertaking that role?

Deputy K.C. Lewis:

Yes, I was aware of that, and yes, I am willing to proceed with that policy.

12.14 Deputy M. Tadier:

Does the Minister believe that Government has a role to play, in particular his department, in developing perhaps an application similar to Jersey Lifts for car-sharing purposes so that individuals who are known and registered may be able to carpool and car share more readily, but not for hire or reward?

Deputy K.C. Lewis:

Yes, excellent initiative. I do have some cards here which say quite a nice name "Love Jersey". I am not that technically minded, but I have put this app on my computer. Not only can you report any instance of road defects on the road, any holes in the road, any signpost down, that goes straight through to either the Parish concerned or the States of Jersey. It cuts out the middleman, you do not have to go through me - it goes directly - and either the Parish or the States are notified immediately. But it is the way we are going. We have cards and we have apps also for parking and that is the way forward.

12.15 Deputy R. Ward:

Can I ask the Minister: would you consider a car scrappage scheme promotion, particularly for older vehicles, and would you consider within such a scheme scrappage of cars in order to give a bus pass to remove a vehicle entirely from the road?

Deputy K.C. Lewis:

That is a very interesting idea. I had not thought of that, but that is something I am more than happy to discuss with my colleagues in the Council of Ministers.

13. Questions to Ministers without notice - The Chief Minister

13.1 Connétable J.E. Le Maistre of Grouville:

At the Grouville Senatorial hustings, a parishioner asked a question about the Armed Forces Covenant. I wonder if the Chief Minister could tell us what he knows about this and whether the States are keeping up the promises that are in that covenant.

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

Now I have been reminded, I do clearly remember the question. I have not had the opportunity to update myself, but I will do so and I will ensure the Constable and Members are communicated with on that basis.

13.2 The Connétable of St. Helier:

Does the Chief Minister agree with me that Jersey's current electoral system is gerrymandered and needs reforming?

Senator J.A.N. Le Fondré:

I do not like the word "gerrymandered", so no. I accept there is a need for change, but what that change looks like and whether it is acceptable to the public is a different matter. I am very clear that constitutional reform - any constitutional reform - should be a matter for a clear yes/no referendum. I think we will await the comments from the observers when they come through.

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

Will the Chief Minister please update us on inter-island relations?

Senator J.A.N. Le Fondré:

I welcome the question. We have had quite a few positive days. We had the British-Irish Council on Thursday and Friday, which was held in Guernsey, and where myself and the Minister for External Relations and the Minister for the Environment were able to meet our counterparts. Also yesterday we had possibly even a more constructive time, which was a joint working group with Guernsey. At the moment, Members will shortly, I hope, receive a press release in advance of it being made public - it will also be sent to Guernsey States Members as well - and that will give some indications as to what was discussed, so I will leave you waiting with bated breath for that, hopefully. I would consider it positive. It has been about identifying a pipeline of opportunities of working together in a more effective way looking forward. I will also say once the press release has been issued, there will be a formal statement at the next Assembly to Members. I believe that will be mirrored in the Guernsey Assembly.

13.4 Deputy K. Pamplin:

Next Tuesday will mark a year to the day of the Independent Jersey Care Inquiry report being released. One of the many statements that stood out was: "The well-being of vulnerable children had

been low on the list of Jersey priorities.” How will the new Chief Minister ensure the work based on the Inquiry recommendations will continue at the same level of priority since the report’s findings nearly a year ago?

Senator J.A.N. Le Fondré:

It is very clear that the work will continue. Just by way of example, I met with one of the care leavers’ groups on Sunday to discuss the aspects around a memorial plan. It was quite an emotional meeting, but it was a good meeting. Obviously, the key points will also fall under the Minister for Education or the - to be formed - Minister for Children, which will be Senator Mézec.

13.5 The Connétable of Trinity:

Would the Chief Minister inform the Assembly if his previously-held views regarding the importance of the Bailiff remaining as president of the Assembly have changed in view of his new political alliance?

Senator J.A.N. Le Fondré:

Very clearly, no. My views on the role of the Bailiff have not changed. This is one clear point I have made with the potential political alliance that the Connétable refers to. I have also been very clear it is a free vote in the Assembly, and as far as I am concerned, it remains a matter for a referendum.

13.6 Deputy K. Pamplin:

This year is a very important year for our third sectors and charities with the introduction of the Charities (Jersey) Law and the G.D.P.R. (General Data Protection Regulation) which has come in this year, which speaking to some of my former colleagues is proving very tricky. Will the new Chief Minister be thinking, as time goes on, of creating a Minister for Charities possibly with that portfolio? Has he had any consideration of this?

Senator J.A.N. Le Fondré:

The short answer is that the issue that is raised by the Deputy is very important, as are many issues that we are facing. The difficulty is one has to resist the urge of creating a Minister for everything, because one would end up with 21 Ministers and that could become problematic. However, it is an issue that we have to address in terms of ensuring that priority is given to keep the importance given to the third sector, but I cannot promise a Minister, I am afraid.

13.7 Deputy J.H. Perchard:

I was just wondering what action the Chief Minister intends to take to support the Diversity Forum’s pledge to eradicate discrimination in our society.

[14:45]

Senator J.A.N. Le Fondré:

The work continues, I believe, on the anti-discrimination legislation and obviously the work with the Reform Party on our normal ‘business as usual.’

The Bailiff:

Any other questions for the Chief Minister? Very well, that brings that part of the Question Time to an end. I can now announce the results of the ballot on the membership of the P.P.C. in relation to Ministers and Assistant Ministers: 42 members voted. Not all Members cast 2 votes. The outcome was as follows: Deputy Maçon, 32 votes; Connétable of St. John, 26 votes; Deputy Tadier, 17 votes. I declare therefore Deputy Maçon and the Connétable of St. John are duly elected. **[Approbation]**

Deputy J.M. Maçon:

May I thank Members for their support?

The Bailiff:

Chairman, are you consulted?

Deputy R. Labey:

The Chairmen's Committee is meeting right at this moment in the coffee room and so I expect to hear from them imminently.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

14. The Minister for External Relations - statement regarding engagement with the E.U. Code of Conduct Group on Business Taxation

The Bailiff:

Very well. The next item on the Order Paper - there is nothing under J for Personal Statements - under K, Statements on a Matter of Official Responsibility, the Minister for External Relations has a statement to make regarding engagement with the E.U. (European Union) Code of Conduct Group on Business Taxation. Minister.

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

Members will be aware that in December 2017, Jersey was identified as a co-operative jurisdiction by the E.U. Code of Conduct Group on Business Taxation. This finding followed an intensive year-long screening process by the Code Group, where the tax structures of over 90 global jurisdictions were subjected to detailed analysis. At that point, the Government of Jersey made a number of commitments to address concerns raised by the Code Group in relation to business in the Island as demonstrating economic substance. These concerns specifically related to a perceived lack of economic substance requirements that could lead to profits being registered in Jersey that do not demonstrate real economic activity. A detailed timetable was sent to the Chair of the Code Group in December 2017. That timetable set out the consultative and legislative process that the Government of Jersey would follow to address the concerns of the E.U. by December of this year. Our internal preparations and engagement with industry representatives and the Jersey Financial Services Commission and dialogue with the E.U. Code Group and the E.U. Commission has been an ongoing process for the last 6 months. In that time, Jersey has consistently called on the E.U. Code Group to provide further clarity on its expectations of jurisdictions, particularly on matters of economic substance, so that the necessary policy development and consultation can take place. On 11th June 2018, the Code Group published a scoping document containing guidance for jurisdictions who had made commitments to the group. This document was discussed at the meeting of E.U. Ministers for Finance on 22nd June this year. I thoroughly welcome the publication of this document and particularly I welcome the scoping document's reference to the application of methodology adopted by the O.E.C.D. (Organisation for Economic Co-operation and Development) Forum on Harmful Tax Practices, with its focus on a sector-by-sector assessment of what economic substance means. The publication of the E.U. scoping document was in part a product of the work that has been undertaken by Jersey and other jurisdictions with the Code Group and the E.U. Commission. While the guidance included goes some way to providing clarity as to the definition of economic substance, further dialogue is required between Jersey and the E.U. authorities to ensure that our understanding is aligned. Given the time that has already elapsed between the publication of the E.U. listing, I am hopeful that the required discussions will take place imminently so that we have the necessary time to meet our commitments to the E.U. Code Group by the end of 2018. It is the case that officials will be in Brussels later this week engaging in initial discussions concerning the scoping document. At

present, I am pleased to report that progress is being made broadly in line with the December 2017 timetable. While the timetable might be slightly refined, we anticipate bringing necessary legislation to the Assembly during the autumn session. I want to provide reassurance to this Assembly and to the financial service industry that appropriate time will be given to consultation and scrutiny to ensure that the legislation proposed balances our important commitments to the E.U. Code Group with Jersey's best interests. We are also in close engagement with the other Crown Dependencies with the express intention of seeking alignment on how to address common issues. I emphasise that we are committed, as a Government and as a jurisdiction, to the highest standards of tax transparency and financial regulatory compliance. This has been readily demonstrated in our leading international assessments by the O.E.C.D. Global Forum on Transparency and Exchange of Information for Tax Purposes and MONEYVAL. Equally, Jersey was an early adopter of the Common Reporting Standard and was one of the jurisdictions to make an early commitment to the O.E.C.D.'s Inclusive Framework on Base Erosion and Profit Shifting, referred to as B.E.P.S. I undertake to update the Assembly on the progress of our engagement with the Code Group following the summer recess.

The Bailiff:

The statement having been made, 15 minutes is permissible for questions. Deputy Higgins.

14.1.1 Deputy M.R. Higgins:

Can I ask the Minister to elaborate a little bit on one paragraph? He says: "In particular, I welcome the scoping document's reference to the application of methodology adopted by the O.E.C.D. Forum on Harmful Tax Practices, with its focus on a sector-by-sector assessment of what economic substance means." Can you tell us a bit more about the methodology and what economic substance means?

Senator I.J. Gorst:

Hopefully it is quite straightforward from what is written in the statement. I do not have either of those lengthy documents with me, but the Deputy will know that on previous occasions when I have updated the Assembly, I have been very clear about the need to involve the international standard setters. Therefore we are pleased that the Code Group is looking to the O.E.C.D. and international standards setter and the global work that they are doing, which is recognising that there are different sectors within any economy, different types of company undertaking different types of businesses. Those different types of companies undertaking different types of businesses will not and should not be expected to meet the same tests, but the tests should be tailored to the different types of businesses.

14.1.2 Deputy G.P. Southern:

In respect of the reference to providing a definition of "without economic substance" and definitions being supplied on a sector-by-sector assessment, can the Minister further elaborate how many sectors are being talked about here and what are those sectors? In each case there is apparently a different definition of "without economic substance." Can he give the definitions attached to each of these sectors?

Senator I.J. Gorst:

I am happy to answer the question about sector by sector, because I just have done so to Deputy Higgins. I wonder if the Deputy could point me to which paragraph it is that he is referring to. Is it...

Deputy G.P. Southern:

I understand the reference is in paragraph 9 of the statement made by the Minister for External Relations, but I was referring in my question to the statement, the second paragraph of section B made by the Chief Minister earlier on, where he talked about "without economic substance" and the

sector-by-sector assessments. The question stands as to how many sectors are there, what are those sectors and what are the definitions of “without economic substance” relating to those particular sectors?

The Bailiff:

The first question, Deputy, is whether there is a different test for economic substance according to which sector one is looking at. Is that correct? [Aside] I am not sure that is the same thing. Perhaps you can answer that question first, Minister, and then move on.

Senator I.J. Gorst:

It is not like you to be confused, it is like me to be confused. I stand by what I said in answer to Deputy Higgins by welcoming the work of the O.E.C.D. Forum on Harmful Tax Practices. It is that forum which is focusing on a sector-by-sector analysis, which is the case that we have made to the E.U., a case which the O.E.C.D. have made. It is not quite that straightforward, because as the Deputy knows, there are many different types of businesses, but we are broadly talking about trading companies, we are talking about investment holding companies within investment holding companies. There are different types of structure there. This is not an uncommon approach. We see this approach across the member states within the E.U. as well and substance requirements differ within the E.U. itself. But the important point that I am making here - and I am welcoming - is that the O.E.C.D., therefore the international standard setters, are recognising that there should be a different approach and that approach should be sector by sector, which we think is something that we have advocated for.

14.1.3 Deputy G.P. Southern:

If I may, if it is not a rare occurrence that you do sector-by-sector analysis, it should be fairly straightforward to inform this Assembly what those sectors are, how many of them are there and in what way the definition of economic substance varies from one sector to another sector. Surely, if the Minister for External Relations knows what he is talking about, he should be able to transmit that information to us.

Senator I.J. Gorst:

Will he do so? Here we get to the point. The Deputy is for ever wanting me to jump ahead to second-guess what the outcome of the E.U. Code Group’s continuing conversations might be. I have quite clearly said that we welcome this scoping document, we welcome the pointing to the O.E.C.D. Forum on Harmful Tax Practices, but we continue to work to seek further clarity from the Code Group. Officials will be in Brussels later this week seeking that further clarity around sector-by-sector analysis. For example, of the areas that we require further clarity about is intellectual property holding companies, because you could make a case for treating those very differently, dependent on where they are held and where profits are moved that arise from those intellectual property rights. So while the Deputy wishes me to pluck a number from the air and try and pretend it is all straightforward and lay all of my cards, as it were, before the Assembly I am not going to succumb to that challenge. Let us wait for the ongoing dialogue and conversation, then we will come forward with how we are proposing to address these concerns and therefore we will be able to give further clarity to this sector-by-sector analysis.

14.1.4 Deputy G.P. Southern:

Has the Minister, by any chance whatsoever, got a timetable by which he might think he can come to this House and say: “There are this many sectors, here is their label and here is, in each case, what economic substance means”? When does he expect to be able to do that or is that ongoing dialogue without end?

Senator I.J. Gorst:

Of course it is not ongoing dialogue without end. I have laid out a timetable in this statement. The timetable is the timetable that I laid out to the European Union when I gave the commitment at the end of last year. That timetable has not changed. I expect to be in a position to bring forward legislation for approval by this Assembly in the autumn session, thereby having made legislative changes as I committed to do, thereby meeting the requirement and the agreement that I made with the European Union to satisfy their concerns about whether businesses here had economic substance or not.

[15:00]

14.1.5 Senator S.C. Ferguson:

Given the recent report on cryptocurrencies by the Bank for International Settlements in Basel does the Minister not consider that setting up a cryptocurrency exchange will possibly affect our standing with our Code Group?

Senator I.J. Gorst:

I do not. I think that perhaps the Senator may not have fully understood what the M.o.U. (Memorandum of Understanding) was that was recently signed with a cryptocurrency exchange which wishes to operate out of Jersey. There are requirements and will be requirements around anti-money laundering and the countering of the financing of terrorism requirements when those cryptocurrencies are exchanged into what we might refer to as traditional currencies. We should not bury our head in the sand. The way that technology is transforming all areas of economies around the world cannot be stopped. We need to ensure that we use our internationally recognised regulation to work carefully with these new forms of currency while ensuring that they are not used inappropriately, and I think we should be pleased that these entities wish to come and set up in Jersey while recognising the risks but managing them appropriately.

14.1.6 Senator S.C. Ferguson:

Has the Minister read the report by the Bank for International Settlements? Does he understand that \$73 billion disappears into cryptocurrencies and that cryptocurrencies are the currency of choice for arms dealers, ransom dealers, money launderers and the criminal fraternity at large?

Senator I.J. Gorst:

Of course I understand that there are risks involved with cryptocurrencies. It would be foolish to say anything else. I also understand though that some of the traditional banking brands are struggling to come to terms with new technology, struggling to understand how they will bank providers of new technology. So while the case that the ... I am not sure it is directly related to this statement but I am enjoying it anyway ... so while the case that the Senator is making about cryptocurrencies and perhaps in some cases they are being used inappropriately, what we are talking about here with an exchange is the exchange of cryptocurrencies into Fiat or traditional - I will use that term so it is better understood - currencies so it is right that the traditional currencies are appropriately regulated by, in our case, the Jersey Financial Services Commission, and they meet A.M.L. (anti-money laundering) and C.F.T. (Combating the Financing of Terrorism) requirements. It is there that we will ensure that the concerns and the risks that the Senator has raised in her question are managed appropriately and mitigated.

14.1.7 Deputy G.P. Southern:

I hope for the last time, back to the sector-by-sector assessment. Is the Minister then telling this Assembly that he cannot give any further information until the autumn session - so we have one more meeting, then the summer break - and he will be bringing to us legislation, which he wishes to enact?

Will he at least commit to bringing a report before he tells what action is coming which tells us what sectors are included and what sectors are not, the sector-by-sector analysis, and the attached analysis that goes with that which says: “In this particular case this sector and this sector; what constitutes without economic substance”? Will he bring us nothing or something? Is this House, this Assembly, to go round in the dark until it sees enlightenment in the autumn?

Senator I.J. Gorst:

I now understand the issue that the Deputy has been trying to raise when he has turned on his head, the term, and the requirements to address the concerns of the European Union about whether businesses here have economic substance by using the terms “without economic substance”. It does not surprise me that the Deputy wishes to be negative about our financial services industry and wants me to suggest that they do not have economic substance. This is a process that we are entering into with the European Union to show those how we demonstrate where the economic substance is and how we prove it. We are working with industry, with some of the brightest minds in our community, to show how we meet the concerns that the Code Group have relayed to us and why it is important that the work that the O.E.C.D. is doing is because that shows a new global approach to economic substance. The Deputy knows from some of his very early questions there is no global standard on what economic substance means in any given sector, let alone in all of the sectorial divisions, and therefore we are working with the E.U. to alleviate their concerns where we can. If the Deputy wants me to lodge a report in September, prior to bringing the regulations later in the year, of course I am happy to do that and show some of our workings. I have no problem with that at all. But I would be absolutely clear, this is not only a technical detailed process, as I have said in this Assembly before, there is quite a strong overlay of politics and I do not want to lose that political debate by what Members of this Assembly, who, let us be honest, are not overly supportive of our financial services centre **[Interruption]** ... the Deputy is getting excited and upset ... are not overly supportive of it and therefore we have to do these things carefully.

The Bailiff:

Well, I think we have heard enough, Minister. Thank you ... Minister, thank you. Minister, thank you. Time expired about 2 minutes ago. I allowed it to carry on because I wanted you to answer the question and you did eventually. So that brings questions on the Statement on a Matter of Official Responsibility to an end.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS - resumption

15. Appointment of member of the Privileges and Procedures Committee - resumption

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

If I may, I might be able to assist the Assembly with the final place of the P.P.C. and although this process has looked somewhat disorganised it has been rather mature because the way that the committee is constituted with 3 different nominators you can end up with an imbalance, not least a gender imbalance although that is not the only consideration. So the Chairmen’s Committee have sensibly come to a decision and graciously, especially on the part of the Constable of St. Brelade, agreed to nominate Deputy Le Hegarat as their nominated member of P.P.C. **[Approbation]**

The Bailiff:

Is that proposition seconded? **[Seconded]** Are there any other nominations? Very well, then I declare Deputy Le Hegarat is appointed to the Privileges and Procedures Committee.

PUBLIC BUSINESS

16. Draft Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017 (Appointed Day Act) 201- (P.39/2018)

The Bailiff:

We now come to item L on the agenda and the first item of Public Business is the Draft Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017 (Appointed Day Act) 201-, P.39, lodged by the Minister for Home Affairs, and I ask the Greffier to read the Act.

The Greffier of the States:

Draft Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017 (Appointed Day Act) 201-. The States, in pursuance of Article 19 of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017, have made the following Act.

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

The Armed Forces (Offences and Jurisdiction) Law was adopted by the States as previously constituted. The law has now been granted Royal Assent and registered by the Royal Court. I now propose that it comes into effect by the Appointed Day Act on Armed Forces Day, which is 30th June. I propose the Act.

The Bailiff:

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

17. Draft Armed Forces (Vehicles and Roads - Amendments) (Jersey) Regulations 201- (P.40/2018)

The Bailiff:

We come next to the Draft Armed Forces (Vehicles and Roads - Amendments) (Jersey) Regulations, P.40, lodged by the Minister for Home Affairs and I ask the Greffier to read the citation of the draft Regulations.

The Greffier of the States:

Draft Armed Forces (Vehicles and Roads - Amendments) (Jersey) Regulations 201-. The States in pursuance of Article 18(6) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017, have made the following Regulations.

The Bailiff:

Minister, do you wish to propose the principles?

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

These draft Regulations will amend several laws, regulations and orders relating to the use of motor vehicles and roads in Jersey by the Armed Forces of the Crown and others. As Members may be aware, Jersey's road traffic legislation dates back to the 1940s and has covered the military through various means in different laws over the years. These Regulations will bring consistency and consolidation covering the permanent military presence on the Island, the Field Squadron, billeting members of a home force and those visiting from another country, any of whom may at some time need to drive a military vehicle. I will just highlight some of the key aspects of the Regulations. What they do is exempt motor vehicles used by a home British force from requiring insurance, as has always been the case, as would be the case if the vehicle were used for the same purpose elsewhere

in the U.K., because it is acknowledged that Her Majesty's Government will always, and always have, covered the cost of any incidents should they occur involving force's vehicles. Similarly, vehicles for use by the home force are exempted from the normal registration requirements provided that there is a clear indicator identifying the purpose for which the vehicle is being used. Additionally, a member of a home force posted to Jersey can continue to drive on their domestic licence if it was issued elsewhere in the British Islands. Usually a licence would need to be exchanged for a Jersey licence after one year but this would only apply providing the posting is not a permanent one. Amendments were also made that the same requirements are made of a home visiting force required in the construction of vehicles, how they apply for the relevant licence to allow the use of vehicles on Jersey roads. Before I propose the principles, I would like to thank the members of the Education and Home Affairs Scrutiny Panel, as previously constituted, who reviewed the Regulations and their conclusion was that they were able to support the Regulations as lodged. I propose the principles.

The Bailiff:

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

17.1.1 Deputy J.M. Maçon:

I would just like to thank the new Minister for his comments on the work of the previous Scrutiny Panel. It is just simply to say that we would just like to thank the officers for their co-operation; they addressed this matter speedily, we did not have much time to go into ... they co-operated greatly and that certainly helped with the process. We did a very quick health check. We double-checked to make sure that all the consultees had had an opportunity to talk and that is recorded in our comments.

The Bailiff:

Does any other Member wish to speak? I call on the Minister to reply if he wishes to.

The Connétable of St. Clement:

I just thank the Deputy for his comments.

The Bailiff:

All Members in favour of adopting the principles kindly show. Those against? The principles are adopted. A wind seems to be blowing you firmly in the right direction, Connétable, do you wish to take the Regulations *en bloc*?

17.2 The Connétable of St. Clement:

Yes, I would like to take them *en bloc* and as read and will attempt to answer any questions. I propose the Regulations *en bloc*.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the Regulations? All those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading?

The Connétable of St. Clement:

Yes, please.

The Bailiff:

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

18. Draft International Co-operation (Protection from Liability) (Jersey) Law 201-(P.54/2018) - deferred

The Bailiff:

We now come to the Draft International Co-operation (Protection from Liability) (Jersey) Law 201- but I am told, Chief Minister, that is to be deferred until 10th July.

Senator J.A.N. Le Fondré:

Yes, Sir. We have had a very quick discussion with Senator Moore, who is chairman of the Corporate Services Scrutiny Panel, and they wish it to be deferred for 2 weeks so they can just have a quick briefing, I believe, on the matter and then consider matters. I am very happy to do so.

19. Ratification of the Agreement and Exchange of Letters for the Exchange of Information Relating to Tax Matters between the Government of Jersey and the Kingdom of Spain (P.60/2018)

The Bailiff:

Then we come to the Ratification of the Agreement and Exchange of Letters for the Exchange of Information Relating to Tax Matters between the Government of Jersey and the Kingdom of Spain, P.60, lodged by the Minister for External Relations 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 ratify the Agreement and Exchange of Letters between the Government of Jersey and the Government of the Kingdom of Spain, for the Exchange of Information Relating to Tax Matters, as set out in appendices 1 and 2 to the attached report of the Chief Minister dated 26th February 2018.

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

You spotted that when we have historically sought ratification of such like agreements from the States Assembly it has been followed by amendments to the regulations listing said country on those regulations.

[15:15]

Today this is simply a ratification. The update of the regulation and a future change to those regulations to allow the Minister to update those regulations by order is in P.82, I think it is, and that will be before the Assembly at the next States sitting. I am hopeful that my Assistant Minister will navigate that through the Assembly at the next States sitting. He is looking unsure but I have every confidence in him so he does not need to be unsure at all. This agreement is in line with the O.E.C.D. model agreement and it provides for the exchange of information on tax matters in a similar and aligned way to all other O.E.C.D. Model T.I.E.A. (tax information exchange agreements) agreements that we have signed and I commend it to Members.

The Bailiff:

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

20. Pedestrian Crossing outside La Moye School: petition (P.61/2018)

The Bailiff:

We now come to P.61, Pedestrian Crossing outside La Moye School: petition, lodged by Deputy Tadier and I ask the Greffier to read the proposition. **[Interruption]** You would like it read as amended, Deputy?

Deputy M. Tadier:

No, Sir. I am not accepting the amendment.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Infrastructure to take the steps necessary to ensure that a pedestrian crossing is installed outside the entrance to La Moye School before 1st September 2018.

20.1 Deputy M. Tadier:

First of all, I would like to thank the individual and the people who signed this petition. It is one of those unusual things where normally as Back-Benchers, as we were, or as private Members when we lodged propositions, we do it because it is something we feel strongly about, and this was very much something which was initiated from the grass roots by a constituent. If Members will indulge me briefly. I met an individual called Garel Tucker, who some of us know fairly well now, but I did not know her at the time ... just around Christmas when I was doing some constituency engagement and she spoke to me and said: "I am trying to get consensus for a zebra crossing or a crossing outside La Moye School for these reasons", and she said: "What is the best way forward? I am thinking of starting a petition." So I encouraged her in that regard and she did that off her own bat and she managed to get lots of signatures from people around the La Moye area. What is quite clear is that there was appetite and there was need for some kind of crossing in the area, not just for the school, because it has to be said that there was - and I think still is - what one called in the past a lollypop person. I think it was a man. I am not sure if one is allowed to say that these days but there was some kind of traffic attendant who did pop-up there when people needed to cross the road but of course, as people know who visit or live in that area, the need for crossing the road is not just limited to school hours. It is a very well used area at Les Creux, the golf course, people who live at Clos Orange, *et cetera*, have lots of reasons for crossing that very busy road. I think there has already been a level of compromise insofar as we have accepted ... and I was very mindful of the fact I am not a road traffic expert, and perhaps not many of us in this Assembly are, and so I modified the wording of the petition slightly when I presented my proposition to allow for a pedestrian crossing rather than specifying a zebra crossing. One has to take into account the fact that it may seem counterintuitive but just introducing a zebra crossing or a crossing *per se* does not increase road safety necessarily. It can, in some circumstances, make it more dangerous therefore it was quite appropriate that the roads panel attached to the department that look at these kinds of issues considered it in the round. I am quite happy that what they are proposing, I understand, is a form of pelican crossing. It will be a button that you press so it would be very much on demand and I think there can be a risk of course with zebra crossings if they are placed in the wrong place by somebody putting their foot out where it is not really expected, so this will be very much an on-demand service. I think there are lots of other areas in the Island where Members might have ideas where that could also be an issue. My concern is the length of time that it seems to take. I appreciate that departments run on cyclical budgets and it seemed to me that the concern for my constituent, and I think more generally for me, is that this seems to take a long time. If it has been identified and agreed - as it had been in principle - that a crossing is desirable and that it can be done and delivered, it seems like it takes a long time to do what is a relatively simple job, and that is why I am not accepting the amendment. I have concerns that this is taking a long time and there will be examples. I know that we all can think of examples throughout the Island where we do need these kinds of crossings and there should be a way for these things to be given priority. I think it does tie-in with the sustainable transport because we need to get

to a mindset where we think of pedestrians first, cyclists second, and then car drivers third, bearing in mind the fact that at any one time we are probably all 3 of those things and it should lead to a position ... road safety and road issues seem to be unnecessarily controversial often. They do not need to be. I hope we can move to a position whereby we all learn that shared usage, especially in a small Island, is going to be a very vital part of getting on with each other on the roads and on the pavements. So I maintain the proposition. Again, I thank those who were involved and I thank the department for their work that they have done in it, and I think we agree on the principle if not necessarily the time.

The Bailiff:

Is the proposition seconded? [**Seconded**] Just in time.

20.2 Pedestrian Crossing outside La Moye School: petition (P.61/2018): amendment (P.61/2018 Amd.)

The Bailiff:

There is an amendment lodged by the Minister. I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2, for the words “1st September 2018”, substitute the words “1st September 2019”.

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

Deputy Tadier would like a crossing outside of La Moye School. We have carried out the necessary review and we agree that a crossing would be of benefit and we will be installing one. However, it is in the programme for 2019, not 2018. This is the reason for the amendment. Over the last couple of years or so the Department for Infrastructure has done a lot of work with the Parishes to develop ways to progress road safety initiatives. We have developed a process for dealing with road safety requests, which incorporates the necessary level of technical assessment with fairness in prioritisation. We consider all new requests at a monthly Road Safety Review Panel where officers review each request in association with any relevant available evidence to determine the most appropriate response to the concern. If an engineering solution is deemed necessary then these projects are included in the programme of works. Every autumn the programme is reviewed and prioritised taking into consideration the budget available. This crossing at La Moye School was requested in late 2017. The Road Safety Review Panel considered it soon after and it was prioritised in a programme for 2019. I do not think it is fair to bypass a process which is working well and has so much support. It takes about a year for a project of this type to be developed through to consultation. D.f.I. undertakes a robust process of research, consultation, and design. In fact work on this scheme is already underway. As there is still a lot of work to do, which we could not complete until at best the latter part of the year, missing the best possible construction time in the school summer holidays, indeed it is unlikely that all this preparation work could practicably be completed in time for construction in 2018. There is an effective crossing control in place outside the school and there is no road safety evidence that justifies this project to be promoted ahead of other projects currently in the programme for 2018. For these reasons I ask Members to support and accept the amendment.

The Bailiff:

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

20.2.2 Deputy J.M. Maçon:

The Minister has outlined that in the process of seeking a crossing it has only taken 2 years. Well, how my constituents would have liked that. We have had to be waiting 20 years down Longueville Road. **[Approbation]** I do love my Connétable. She is very passionate. Unfortunately it comes down to this: if the Minister's amendment is rejected it means that our project, which we have been waiting for 20 years, gets deferred yet again and it is exactly the same type of thing. It is school children. It is residents. The department acknowledges that Longueville is a dangerous road and it is not right to pit one Parish against another, I know that, but that is the practicalities of the way we are today. All that work is set in place. The differences, of course; at the moment there are arrangements for a crossing guard at least for the next year. I would ask Members that they support the Minister in this, allow it to go through for next September, have it done. I am an Assistant Minister for Education. I absolutely accept the importance and why this needs to be done but I would just ask Members, on behalf of my residents who have been waiting 20 years, please on their behalf support the Minister, support this proposition because they have been waiting so long.

20.2.3 The Connétable of St. Brelade:

I speak in support of the amendment to this proposition in that I would much rather see any infrastructure investment being put towards providing safer routes or paths to La Moye School from Corbière, Beauport and indeed the Les Creux areas, where I think a crossing would be much better placed. There are several housing estates in La Moye and we must devise ways of getting young children off busy main roads. I used to live a matter of yards away from La Moye School and consider the provision of the time speed restriction traffic lights, together with the crossing attendant, a sensible provision for the comings and goings from the school. I was not in fact asked to sign the proposition and I would have done, I think, given advice if that were to have been the case. In reality the Parish has more of an issue with indiscriminate parking by parents in the area. In conclusion, I would encourage Members to support the amended proposition.

20.2.4 Deputy K. Pamplin:

I would also like to echo the sentiments of my fellow District No. 1, the Deputy of St. Saviour, but I would also like to point out a crossing that has been waited for outside Headway Jersey to Springfield equally has been waiting a long time and again, given the concentrated use of that road, considering the use of the Springfield Stadium for members and the residents who live in the area as well. But I think what is also very key here and very important is that where this proposition has come from. We have to acknowledge that a constituent has stepped forward with something they are very passionate about and I think that has to be commended so we increase further engagement around the whole Island to say to people: "Yes, bring us things forward. Do not be afraid not to." Also in terms of what we are hearing, and being a parent as well who has got a little girl at St. Lawrence Primary School, and I know friends who have got children at other primary schools, this is an Island-wide problem for some of our primary schools or Parish schools so maybe I would like to suggest that there is an overall look at all the safety of all the primary schools in Jersey. That would seem counterproductive and cost effective because I know from St. Lawrence, where I pick my daughter up, it can be a bit of a nightmare. I know from colleagues, friends, in some of the other rural Parishes, St. Mary, Trinity equally as well, as our roads change, as our traffic increases, speeding and issues and use of shared space and pavements and stuff, I think this is just an Island-wide issue that maybe going forward we can all look at all our Parish schools. But I commend the constituent who brought it forward and I hope it encourages others listening and watching our work for the next 4 years to do the same.

20.2.5 The Connétable of St. Ouen:

I have great sympathy with Deputy Tadier. I understand the pressures that he is facing from the constituent that has brought this forward however I think all of us who are Constables will understand

that we encounter this all the time and we all have proposals that we would like Infrastructure to deal with. But unfortunately, I think we have to accept that they have to be prioritised and dealt with in order because unfortunately if one proposal, and as the Deputy there suggested, jumps the queue then others fall to the back of the queue and I think that would be unfortunate for those that have waited a long time. We in St. Ouen face the same situation. So I too would support the amendment.

20.2.6 Connétable J. Le Bailly of St. Mary:

I feel a great sympathy for the Deputy of St. Brelade. It takes about 16 weeks to build a house and yet it takes the Infrastructure Department anything between 10 and 20 years to put in a simple zebra crossing.

[15:30]

There is something drastically wrong. I am just glad they do not build houses.

20.2.7 The Connétable of St. Saviour:

I would like to thank Deputy Maçon because he knows as well as I do how hard we have had to work in St. Saviour, having most of the schools, and how the traffic is a nightmare. I would also like to say that Senator Vallois, on the back, when I first joined here in 2011 she and I tried very hard to get these. It has been going since 2011 and I finally have a headway and if I have to lose any part of it for a crossing that is just being developed I will be very angry, and I do mean that most sincerely. As reference for you, yes, you have not seen me when I am angry. **[Laughter]** As for the Headway at Springfield, that is also in the pipeline that we have been working on and, trust me, I have worked very hard along with the Deputies and along with Senator Vallois, so I would urge everybody to please ... nobody jumps the queue. We all have to wait. There is a gentleman or lady who does help the children across the road. We need all the things that we have possibly asked for since 2011 so please do not let the Parish of St. Saviour down that houses most of the schools and most of the traffic coming through.

20.2.8 Senator S.W. Pallett:

Out of respect for my former Parish colleague, Deputy Tadier, I was more than happy to second his proposition because I know the amount of time and effort that his colleague went into collecting names and consulting parents and children that live in the area of La Moye. We certainly want more safe travel routes around schools. We are lucky in St. Brelade that we have got the space to be able to do that. In built-up areas it is very difficult to provide cycle routes and provide walking routes but in St. Brelade we have been fairly fortunate with places like the Railway Walk to be able to do that. Clearly moving forward we have got to encourage more children and parents to walk or cycle to school. That has got to be good for them and it has got to be good for traffic and the environment, but what I would urge Deputy Tadier to do - and listening to other Members here - is accept the fact that the amendment is probably the right route to go. It can wait. The crossing there, I know from my own personal point of view, is safe, it is monitored - although we do need a proper crossing there, and I accept that - but there is a process to go through and it has already been through a safety review, and that was dealt with fairly quickly. I think it is only right that those that have waited for some considerable time for a crossing to get those crossings first and as much as being a true St. Breladite, I want things at the top of the list. I think in this case I would just ask Deputy Tadier to maybe reconsider and accept the amendment so that we all feel that we have done the right thing. His colleague was quite right, she did not do it for some of the reasons that some people are suggesting. She did it for all the right reasons and that she wants to keep her children and other children in La Moye and St. Brelade safe, but I think we can wait and I would just ask him to reconsider about the timing on this.

20.2.9 Deputy G.J. Truscott:

I would like to ... I was obviously involved in the election with Garel and admire her for what she did and brought this proposition forward to the parishioners in the hustings. It is an important issue, road safety. We can all obviously relate to that. Obviously very familiar with the school; we both went there. We know the junction quite well. There is a speeding issue along the La Route Orange. There is a bend where you come out of it and a lot of people accelerate out of it it seems, so there definitely needs to be something done in that area. Obviously, there are things in place at the moment. As much as I would like to support you in this particular one I think practically, listening to the Minister, I just do not think it is possible for him to deliver what you are asking for in the given time ...

The Bailiff:

Through the Chair please.

Deputy G.J. Truscott:

I think my only message to the Minister is to do it sooner rather than later. Obviously, there are other priorities that are ahead of us and, as I say, those 158 parishioners that supported this, the head mistress also, I think all the Deputies will be on board with this as well, including the Constable, and, as I say, the sooner we can do this the better and I urge Members to support the amendment.

Deputy M. Tadier:

Well, first of all, this is really I think the first controversial debate that we have had of the new Assembly so welcome to the new States Assembly and how it works. One turns up to work sometimes thinking you are going to have a straightforward debate about a crossing in St. Brelade and all of a sudden you are not debating that; you are debating a crossing in St. Saviour and I am being told that this crossing has been waiting for 20 years in St. Saviour and that this proposition is going to adversely affect the crossing in St. Saviour, which has already waited for 20 years. No, I am sorry, if you have to wait 20 years for a crossing to be built in your areas there is either something wrong with D.f.I., which was formerly T.T.S. (Transport and Technical Services) or was a committee back in 1998 when this was originally asked for, or there is something wrong with the representation in that area if it takes 20 years. Admittedly none of the incumbents here were there at the time so I am not blaming them and I know that they have been fighting. Deputy Maçon is right, this is not a time to pit one Parish and one constituency against another and I will give Members 3 reasons why I think that we should reject this amendment and why you should support the original proposal. The first is that this sets a precedent about what we think is acceptable for our constituents when it comes to road safety and road calming measures throughout the Island and in our constituencies. We are saying to the Minister and he said: "Oh, it was only brought to my attention at December 2017 and we are going to implement it in September 2019" which by my estimation is 21 months. So we are saying from the point of contact ... and we know that the Road Safety Panel met virtually immediately and they were on to it. We are saying it is okay to wait 21 months for an issue, which has already been agreed is necessary and desirable to be implemented. So if that is the minimum waiting time that we are now setting - we talked about waiting times for the hospital earlier - then we can all expect that there is going to be a minimum of effectively 2 years before you can implement an issue to help your constituents. As I said earlier, we can all name places. I know a place down by the White Horse, down at St. Clement, on that side, probably in St. Saviour as well, which is desperately in need of a crossing there because it is such a touristic area. It is such a busy area with young people with families, old people crossing the roads, dogs, and the build-up of traffic there and somebody is going to say: "I think we need a crossing there" and it is going to take 2 years to do that. Is this speedy ministerial government that we have all come to expect or is it the fact that there is some kind of malaise which could be underfunding, which is stopping the delivery of effective public services? That is the first reason. Now, if the Minister said: "Well, I cannot deliver it by September 2018" then

he could have come back, and he has talked about the holidays and they need enough time to build it, why not do it in the December holidays, in the Christmas holidays 2018, when perhaps there are not as many tourists who are going to be going up to Corbière before that. No, you build it in the summer when there are lots of tourists who will be going to St. Ouen Bay and to Corbière visiting and there is more traffic even in the summer. It could have been done at Easter 2019 but there was never that offer. The second reason I cannot do this is this is not my proposition. As a constituency representative, this is what the people in my constituency have asked for. This is what the petitioners have asked for. They have given a reasonable run in time and they did not know that, for whatever reason, the department is under-resourced or that the system is so inefficient that it is going to take 21 months to deliver. I need to respect that and I would ask the other representatives of that area to also support those constituents. The third reason is that is not just a school issue. This is an issue that affects the elderly in the area. We know that Clos Orange, for example, is used and many people will come across there and they will need to cross to go to the shop. It is something that is used on a very regular basis. The traffic crossing person is not around there. They are specifically there for school times and this is an issue which they have also lobbied on and also petitioned on and they are going to be told: "I am sorry you have to wait 21 years." Well, some of those residents will not necessarily be living in the area anymore after 21 months of having to wait. So I think for all of those reasons we can say to the Minister: "No, we expect you to deliver this sooner rather than later". If you need more resourcing ... and I do not want to leapfrog St. Saviour. I was not even aware of that issue and I am not even sure that that would necessarily knock it off the list, but I think we need to show solidarity among Parishes and say to the Minister: "We expect better from your department in future. If you tell us what the issues are we can make sure that you have more resources and that you can have these amenities delivered more quickly in the future because that is for the benefit of our constituents. So I would encourage Members to level-up. We know that in reality Ministers tend to historically ignore what the States Assembly ask them to do anyway. We saw an example of that today with the zero-hours' contracts and Ministers tend to work within their practical remit. So if it is the case that we have set too high a target and the Minister might say: "Well, you know what, I think we can deliver this by December. I think we can deliver this by early 2019"; that would be the message that this Assembly is sending out and also saying to people: "We will listen to what you want and we can deliver these kinds of issues", which might seem trivial. They might seem parochial and nimbyistic to some but I hope we do not think like that. They are issues which are important to all of us and to all of our constituents so I do ask Members to reject the amendment from the Minister. Let us set a high target as one of these first votes in the Assembly as what we expect from our Ministers so that they can go away and say to their civil servants: "No, we expect you to go the extra mile and we want you to meet your targets and if you cannot meet those targets tell us what you can do." Let us be a "can do" government, a "can do" Assembly even on something as perhaps relatively minor but important for those who have signed the petition on these kinds of issues.

20.2.10 The Connétable of St. Helier:

I was not going to speak on this matter because after having a somewhat troubled relationship with the Minister's predecessor, which I will mention briefly in a moment, I do not want to get off on a bad foot with him. But there is a risk that the Minister who is returning to his old job feels that the problems faced by users of our roads can be cured by downloading the Love Jersey app about which he referred a couple of times today. Clearly that is not going to help here, any more than it is going to help people who are coming off their bicycles on the ring road because of the potholes. We do have problems with this Department. We have had problems - certainly as a Parish I can only speak for St. Helier - for a long time. I do hope that there will be a better relationship between the new Minister and the Parish of St. Helier, the capital of the Island, than there has been in the last 3½ years. The relevance of this to the proposition before us, I can illustrate by talking about a major scheme that has been approved by the States on a number of occasions, that is in the last 2 Island Plans. They

were put before the Future St. Helier Group, on which the Minister for Infrastructure, the former-Minister sat, and that was a refurbishment and a major road safety improvement to Midvale Road.

The Bailiff:

This is relevant to the date, Connétable, is it?

The Connétable of St. Helier:

It is relevant, Sir.

The Bailiff:

It sounds pretty tangential at the moment.

The Connétable of St. Helier:

The problem is that this scheme which had passed all of the monthly meetings and checks that the Minister referred to, was on the list of jobs for this year and it was simply struck off by the previous Minister, who thought he would spend the money on other things. I have no confidence in the Minister's arguments that he cannot do this crossing that the Deputy and the petitioner have asked for in short of order. I believe that he can and that he should do and that he really does need to look at his departmental record, in terms of delivering schemes that the Parishes and the Deputies have asked for. I urge Members not to accept the amendment, but to support Deputy Tadier and so simply expect the Minister to ask for more resources to do more work around the Island, because there are so many schemes. We have heard about schemes in St. Saviour that have been waiting for 20 years. I could point to schemes in St. Helier that have been waiting longer. The fact is, the Minister is going to have to go into that department with a new broom, find efficient ways of doing things, do more schemes and satisfy the public. The D.f.I., Public Services as was, Transport and Technical Services as was, is a can-do organisation that meets the needs of the people. I urge Members to reject the amendment and to support the proposition.

[15:45]

20.2.11 Deputy J.H. Young:

I think the Deputy has done a service bringing a proposition which raised the huge issue of road safety, which has come out of all the elections, no question; it has come out of all the briefing meetings that we had as new Members; and that I received as a new Member of the Council of Ministers about the results of all the various surveys. There is a real issue about road safety in this Island. It is not just a question of a local issue. It is pretty well, I think, the majority of the Island. There is a strong relationship between that and the transport strategy. Now, I think the Deputy has put that on the agenda firmly; full marks. But, I really can sympathise with the Minister for Infrastructure. He has, I think, mission impossible; to do that scheme and produce it out of the woodwork in 2 months. We cannot turn the Titanic round that quickly. I am really hopeful that our new Council of Ministers - Deputy Lewis and I are Members of it and we have other new Members - can put some real beef, huge energy into the Council of Ministers and up the level of resource. That is what it requires. Instead of having divisive debates: Is St. Brelade? Is it St. Saviour? Is it St. Clement? Is it who shouts the loudest? Let us have a proper programme. I would still hope, it is not too late, for my colleague Deputy of St. Brelade No. 2 District to accept the amendment. It would be such a shame that we have a divisive vote. Whereas, I think, if this Assembly gives a boost to the new Council of Ministers, sending the message: road safety, interventions, up there in the priorities and there has to be more resources. Now, if the Minister for Infrastructure can deliver that programme, he does not have to wait until the 1st September 2019 under this amendment, I cannot see any reason why he cannot get it done during 2019 or as early as possible. I am going to support the amendment.

20.2.12 The Connétable of St. John:

I must take issue with the previous speaker when he says that road safety here on the Island is a major issue. Everyone has 2 visions; a perceived vision and the real vision. I am afraid perception is unfortunately possibly taking over from reality. I have recently had a traffic survey and when meeting the managing director of the company who did the traffic survey in St. John, his opening words were: "You are lucky on this Island, because you do not have a traffic safety issue. The roads in Jersey are very safe." So, I think, having heard that, I felt I just should rise and raise that issue. My biggest concern is that we do have limited resources, however they are dished out. Therefore, there is bound to be a pecking order and there is bound to be bottlenecks and queues. I think it is for individuals to make their cases, but it is also for those who unfortunately do not find themselves in the position in the queue that they want, need to accept that they need to wait just a few more months for delivery. I would urge Members to support the amendment.

20.2.13 Senator J.A.N. Le Fondré:

Just briefly. If my maths is correct, if this proposition is adopted unamended the department will have 11 weeks to get a crossing in place. I would not have thought that was realistic. I am familiar with some of the logistical problems the department faces and I think the whole issue around queue jumping, as correctly identified by the Connétable of St. Saviour, for one, is highly relevant to what we are dealing with. On a more positive note, I would hope that if we adopt this amendment that Deputy Tadier can turn around and say: "There will be a crossing and it will be happening fairly swiftly." I agree, we would all like to speed it up, but it is a matter about resource allocation. But, you will have achieved a crossing within relatively short order. I think you should take comfort from that. I will be supporting the amendment and I hope it is adopted.

20.2.14 Deputy K.F. Morel:

I would just like to briefly respond to the Constable of St. John and point out that road safety perception is everything as well. When you are walking down the road and a very large vehicle comes tumbling past you at 40 miles per hour it makes you feel unsafe, it makes you fear for your children's safety, even if they get past you without hitting you, without any incidents. The fear that that strikes into you on a daily basis, as you seek to cross the road to go to school, is an issue, even though it does not create a statistic, which affects Islanders every day. I am not sure whether I will be supporting the amendment or not, but I just wanted to tell the Constable that.

The Bailiff:

If no one else wishes to speak, I call on the Minister to reply.

20.2.15 Deputy K.C. Lewis:

I thank everyone who has spoken, either for or against. Deputy Maçon started off by saying about his crossing he has been waiting a long time for. He has been promoting the crossing for a while. That one is happening in September. I thank the Constable for her assistance. The Constable of St. Brelade mentioned the pathways. They are indeed being looked at. That will be in the programme too. I mentioned this earlier, the Safer Routes to School Plans. That is my priority. I said that in my election speech and I follow that up. School safety is my priority. The Constable of St. Ouen, the Constable of St. Mary and Senator Pallett all spoke about the need for this. This is absolutely true. People do complain when speed limits are reduced or crossings are put in. I have been criticised in the past for that. I reduced the speed limit outside of a school and was heavily criticised for that. You try to explain that to a mother why you are not doing it, whose young son was run over and killed, and say why there is not going to be a speed limit there. I have had that. It is not pleasant. The Constable of St. Helier; I have worked with the Constable of St. Helier in the past. I thought we got on quite well. I hope we can work together. I thank Deputy Young for his comments; likewise

the Constable of St. John and the Chief Minister and Deputy Morel. The problem we have at the moment is one of funding. If I can get more funding, we can bring it forward. If there is a gap we can get to it earlier than planned. As it is at the moment, there is a lot of work to do. You do not just paint a zebra crossing on the road. It is not just a £5 pot of paint. The road engineers have to work out the safety lines. If it is a pelican crossing, there are cables that need to be laid and trenches to be dug. The crossing poles themselves, the pelicans, cost about £65,000 plus another £8,000 to put it in. It is not cheap, but it does need to be done. I am not going to be displacing anyone else's crossings at all. If anyone has any problems they are more than welcome to come in and see me and we will talk them through it. I would like to thank firstly Deputy Higgins, who had his proposition there. He came in to see me. We talked through it. We explained that it is in the programme and he had my word that it would be seen to. He was content with that. I thank him for that. I will not labour the point any more. It is in the programme. If we can do it earlier, we will do. It is in the programme for 2019. As the Chief Minister said, it is only 11 weeks away. So, please hold on and vote for the amendment and we will push it through. I ask Members to support the amendment.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the amendment of the Minister for Infrastructure to change the dates for the works from 1st September 2018 to 1st September 2019. I ask the Greffier to open the voting.

The Connétable of St. Ouen:

Sorry, Sir, matter of order. Could we just be clear that we are voting for the amendment first?

The Bailiff:

You are voting for the amendment only; this is only on the date.

POUR: 35		CONTRE: 9		ABSTAIN: 0
Senator I.J. Gorst		Senator S.Y. Mezec		
Senator L.J. Farnham		Connétable of St. Helier		
Senator S.C. Ferguson		Connétable of St. Mary		
Senator J.A.N. Le Fondre		Deputy G.P. Southern (H)		
Senator T.A. Vallois		Deputy of Grouville		
Senator K.L. Moore		Deputy M. Tadier (B)		
Senator S.W. Pallett		Deputy K.F. Morel (L)		
Connétable of St. Clement		Deputy R.J. Ward (H)		
Connétable of St. Lawrence		Deputy C.S. Alves (H)		
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. Ouen				
Connétable of St. Martin				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St Ouen				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

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

Deputy K.C. Lewis:

Sir, may I just thank everyone who has voted and assure Members that school safety is my priority and it will have my full attention.

20.3 Pedestrian Crossing outside La Moye School: petition (P.61/2018) - as amended

The Bailiff:

We have not yet decided whether we are going to have the crossing at all. **[Laughter]** So, we now return to the proposition, as amended, does any Member wish to speak on the proposition as amended? Very well. Deputy, there is nothing to respond to really, but if you would like to respond briefly you can.

Deputy M. Tadier:

I think one sums up, does one not, Sir.

The Bailiff:

Well, only when somebody has said anything about the proposition and they have not.

Deputy M. Tadier:

We have, Sir. We debated and then we had the amendment, so I think we are back to the original proposition now.

The Bailiff:

Theoretically that is not true, but if you would like to say something very briefly you can.

Deputy M. Tadier:

Sorry, Sir, am I missing something?

The Bailiff:

Nobody has spoken on the proposition as amended.

Deputy M. Tadier:

No, that is right, Sir.

The Bailiff:

That is why there is nothing to reply to.

20.3.1 Deputy M. Tadier:

Presumably, I do not speak and then reply to myself, so I will just stick to the one speech, because we only get one speech, of course. Just a little bit of levity. It is not often that you realise that debates in this Assembly, even about road crossing, are never quite black and white, even about zebra crossings. But, I will stop. I will not make any chicken jokes, because that might make some people cross and we do not want to compel people to cross when they may not wish to. We know that did not always end well for the chicken. First of all, I am glad we have got to a position where in just over a year, we should have a form of crossing outside La Moye School or in that area, because I think it is generally seen that it is needed. Again, if I can thank those who lobbied for it; it goes to show you do not have to be a States Member in order to exert political influence in Jersey. You can be outside of the States Assembly and still control policy in various ways. Even if you are just a grass roots activist and you have people around campaigning for change in the constituencies. I think that is something that we should all be supportive of for our constituents. That is something that we could encourage. We may see more of it with the introduction of e-petitions, which makes it easier for those to be implemented. I do take slight exceptions with the time that this takes to introduce. First of all, this is not simply about, and I reiterate this, school crossings. If it were about school crossings, there is already somebody there to ensure school safety. I partly sympathise with the comments of the Constable of St. John about road safety. It is not either just about road safety. This is about making people's lives easier. If you go to that part of the constituency, let us say, at 5.00 p.m. or 6.00 p.m. or perhaps 10.00 a.m. in the morning, you will not see any school children there, because they are probably inside, but you will see elderly people, who are trying to cross the road, but they cannot always do it. You will see people who are walking dogs on that corner where traffic can come round quite fast. They will not necessarily be able to cross safely. There is a fear factor there as well. I am glad that this issue has been brought forward. Generally, I was slightly intrigued that the Minister said that if we had more funding we could bring this forward. So, it is not a simple question of the fact that this has to wait its turn. It is that if we had somebody who could throw £30,000 at this or if you could raise it as a community, £30,000 to £50,000, or if somebody was a benefactor and said: "There you go, do the crossing" you could potentially have it in a few weeks. So, is it not simply that it has to go through that period. It is the fact that his department is under-resourced. To make one final general point, which I think is going to affect all areas, it is really easy when you have been on the doorsteps, for those of us who have contested elections and even those who did not, to still engage with people in the community. We try and promise and sympathise with all of these different issues, whether it is health, environment or it is T.T.S. We say: "Yes, I know. It is terrible. We need to do more." But, then if we do not vote for the money and if the individual Ministers do not make those bids in the M.T.F.P. and the budgets that are coming up, then we will get poorer public services. We need to get to the point again in this relatively niche and minor issue, you could argue, is a microcosm of the malaise that affects Government. We cannot do all of these things. We cannot have excellent public services if we are not willing to pay for them. When we are paying for these public services we need to be honest and do it in a way which is transparent, which is hopefully progressive, or at least proportionate, and which is not cutting back on those vital services.

[16:00]

We cannot have it both ways. We will be tackling bigger issues than this. I think this sets the precedent. If we are willing to accept these kinds of delays and the lack of funding in the small things then we may be willing to accept them in the big. I do not think that is a healthy position for us to be in as an Island. If I can thank the Minister finally for his co-operation in this area and I look forward to perhaps being invited to walk over the crossing. It could be a multi-coloured crossing. I noticed they did that in France. They opened the first multi-coloured crossing to celebrate diversity and those kinds of issues. I am not suggesting it should be in that area, but would it not be great to have a multi-coloured crossing in Jersey, which perhaps Liberate could open. It would bring a bit of colour to the Island.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on the pedestrian crossing outside La Moye School by 1st September 2019. I invite the Greffier to open the voting.

POUR: 41		CONTRE: 3		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. Lawrence		
Senator L.J. Farnham		Connétable of Grouville		
Senator S.C. Ferguson		Connétable of St. John		
Senator J.A.N. Le Fondre				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mezec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St Ouen				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

The Bailiff:

There will be a change in the Chair for the next 2 items.

21. Draft Financial Services Commission (Amendment No. 7) (Jersey) Law 201- (P.74/2018)

The Greffier of the States (in the Chair):

We now come to the Draft Financial Services Commission (Amendment No. 7) (Jersey) Law, lodged by the Chief Minister. That is P.74. If he has found it, I ask the Greffier to read the citation.

The Assistant Greffier of the States:

The Draft Financial Services Commission (Amendment No. 7) (Jersey) Law 201-. A Law to further amend the Financial Services Commission (Jersey) Law 1998. The States, subject to the sanctions of her most Excellent Majesty in Council, have adopted the following Law.

Senator J.A.N. Le Fondré:

Both P.74 and P.75 will be taken by The Minister for External Affairs.

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

The Draft Financial Services Commission (Amendment No. 7) (Jersey) Law provides for the implementation of 2 amendments in relation to the establishment and functions of the J.F.S.C. (Jersey Financial Services Commission), as the Island's financial regulator. In short, the draft law does 2 things. Firstly, it extends the current civil penalties regime operated by the J.F.S.C. to allow the J.F.S.C. to impose a civil financial penalty on a principal person. Previously, of course, the regime only operated to allow civil penalties be imposed on registered persons. They are firms rather than principal persons, which are individuals. So that is an extension of the existing regime. When we brought in the existing regime about civil penalties for registered persons, we said at that point that we might consider and we would probably in due course bring forward this change. Secondly, it amends the position of the Director General as Commissioner of the Commission to make the Director General's appointment *ex officio*, but with full voting in court quorum rights. It equally reduces the total time eligible to be served by a commissioner to 9 years, being an initial term of 5 years, renewable by another 4 years. Both of these amendments are proposed further to guidance recently received from the Jersey Appointments Commission. I will not go into further detail at this point, but I will endeavour to answer any questions that Members may have. I propose the principles.

The Greffier of the States (in the Chair):

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? If not, those Members in favour of the principles kindly show. Those against? The principles are adopted. Deputy Morel, this falls to your Scrutiny Panel. Does your panel wish to call it in? That is the one.

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

It is fine by us, yes. No need to bring it in.

The Greffier of the States (in the Chair):

That is a no. Thank you. Articles, Senator Gorst?

21.2 Senator I.J. Gorst:

Yes, I will propose them *en bloc*. They, in effect, deal with the issues that I previously mentioned. Members will see from their reading of them that they are, I hope, reasonably straightforward. Again, I will endeavour to answer any questions that Members may have.

The Greffier of the States (in the Chair):

Are the Articles seconded? [**Seconded**] It is a really good idea to say something rather than to move around. Thank you. Does any Member wish to speak on the Articles? In which case those Members

in favour of the Articles kindly show. Those against? The Articles are adopted. Third Reading, Minister?

Senator I.J. Gorst:

Yes, if I may, Sir. Thank you.

The Greffier of the States (in the Chair):

Seconded? **[Seconded]** Does any Member wish to speak on Third Reading? If not, all those Members in favour of Third Reading kindly show. The appel is called for on Third Reading. I ask Members to return to their seats. The vote is on Third Reading of P.74. I ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondre				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mezec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
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 R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				

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

22. Draft Proceeds of Crime (Amendment No. 3) (Jersey) Law 201- (P.75/2018)

The Greffier of the States (in the Chair):

We move on to the Draft Proceeds of Crime (Amendment No. 3) (Jersey) Law 201-, P.75, also lodged by the Chief Minister. I ask the Greffier to read the citation.

The Assistant Greffier of the States:

Draft Proceeds of Crime (Amendment No. 3) (Jersey) Law 201-. A Law to further amend the Proceeds of Crime (Jersey) Law 1999. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

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

I hope Members will forgive me for speaking slightly longer on this amendment. The Draft Proceeds of Crime (Amendment No. 3) (Jersey) Law 201- proposes amendments to the Proceeds of Crime (Jersey) Law 1999, following the publication of MONEVAL's report on Jersey. This draft law is lodged further to recommendations by the Jersey Financial Crime Strategy Group, which makes recommendations to the Government on financial crime policy for Jersey. The definition of criminal property in Article 29 defines criminal property for the purposes of the 1999 law. The MONEVAL report of Jersey, paragraphs 205 and 246, recommended amending the definition to cover property obtained through the commission of an offence consistent with the definition of criminal property in Article 1(e) of the U.N.T.O.C. (United Nations Convention against Transnational Organised Crime), also known as the Palermo Convention. Proceeds of crime shall mean any property derived from or obtained directly or indirectly through the commission of an offence. There has also been recommended by the Financial Crime Strategy Group that the definition should be further widened to include instances where property is used in or intended for use in unlawful conduct. The draft law therefore amends the definition of criminal property in Article 29 of the 1999 law as follows: (a) to include property obtained directly or indirectly through the commission of an offence, and (b) to include property that is used or intended to be used in criminal conduct. The law also makes various amendments to the legislation on assumptions, as to criminal conduct that can be used for the purpose of confiscation. Under Article 5 of the 1999 law, assumptions as to criminal conduct are only available if the defendant is being sentenced for at least 2 qualifying offences, i.e. offences which attract a maximum penalty of one or more years imprisonment and where the court is satisfied that they are offences from which the defendant has benefitted; or he or she has in the previous 6 years been sentenced for one or more qualifying offences. The MONEVAL report criticised this. In order to meet the concerns of MONEVAL and to enhance the effectiveness of confiscations it has been recommended by the Financial Crime Strategy Group that a one qualifying offence threshold should apply for the assumptions in Article 5 of the 1999 law. The draft law therefore amends the position, so that the assumptions should be made available to the court, when asked to do so by her Majesty's Attorney General or on its own motion, to make those assumptions to determine if the defendant has benefitted from criminal conduct and, if so, to what extent when a defendant is being sentenced for one qualifying offence. To finish, I can confirm that the draft law has been developed in full consultation with the J.F.S.C. and, of course, the Financial Crime Strategy Group, as I said earlier. I am also grateful to the newly formed Economic Affairs Scrutiny Panel, who I understand had a constructive meeting with officials from my department last week. I am grateful for their input as well. I propose the principles to Members, Sir.

The Greffier of the States (in the Chair):

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

22.1.1 Deputy J.M. Maçon:

I wonder if the Senator could advise, given the timescale of this particular law and how many judgments have been made since, could he explain what kind of a full review has been done on the legislation over that period to make sure that it is fit for purpose and does follow best practice, given the length and scale?

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the principles? If not, Senator Gorst.

22.1.2 Senator I.J. Gorst:

That is an interesting question, because what we could say is although I am not aware that we in the department have done the wide-ranging review that the Deputy is wondering about, that is the work of MONEVAL. They look in 2 ways at what we do. One is the legislative base. So, they have looked at the legislation and suggested that this change or this area of that law does not currently meet best international standards and therefore we should make these changes to clarify this and take away that what is, in effect, a too high a threshold and that the court should be given its latitude, as I said and the Attorney General, when making these changes. They also, of course, look at practice and what is happening in practice. So, in that regard, while we have not done a full review that I think the Deputy is talking about within the department, MONEVAL themselves have done that review of our legislative base to see if it meets best practice in the international arena, and with these amendments we are confident that it will.

The Greffier of the States (in the Chair):

All those Members in favour of the principles kindly show. Those against the principles being adopted? Deputy Morel, does you Panel wish to call this in?

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

As the Minister mentioned, we have received a comprehensive briefing on this and P.74, as a matter of fact, last week. We saw no reason to take it any further, so we are happy.

The Greffier of the States (in the Chair):

Senator, how do you wish to deal with the Articles?

22.2 Senator I.J. Gorst:

I will deal with them *en bloc*, Sir. I will not add anything further and seek to answer any questions that Members may have.

The Greffier of the States (in the Chair):

Are the Articles seconded? [**Seconded**] Thank you. Does any Member wish to speak on the Articles? If not, those Members in favour of the Articles kindly show. Those against? The Articles are adopted. Third reading, Senator?

22.3 Senator I.J. Gorst:

If I may, Sir. Thank you.

The Greffier of the States (in the Chair):

Is Third Reading seconded? [**Seconded**]

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

I think I may have spotted an error in the drafting of the amended law.

The Greffier of the States (in the Chair):

Just in the nick of time, Attorney?

The Attorney General:

I follow that. In relation to the amendment brought about by Article 2 and the repeal of paragraph 3. Without wanting to be difficult, bearing in mind, the law itself is tidying up an error previous made in another statute, I would not have thought a law this short to contain an error. It may be that I have not quite properly understood what is intended here. But, I think I may have seen an error in the drafting, which I would like to reflect upon. I know that this is the last bit of business for the Assembly today or almost the last. It is not quite the last. I do not know whether you could make an order, Sir, for the Minister proposing this to put this back to the end of the list, if that is possible. Maybe it is not.

The Greffier of the States (in the Chair):

We are in the middle of the debate on the Third Reading.

The Attorney General:

Yes, I follow that, Sir. It is only a small point. I would not want this to go through with there being an error in the drafting, which I may have seen. If it is an error, it is an error which we can correct at this stage, possibly. I do apologise, Sir, for bringing it up at this stage, but I thought I should do now, as opposed to not bring it up.

The Greffier of the States (in the Chair):

Well, I think normally people make propositions as to what is going to happen. If you are suggesting that the debate on the Third Reading adjourn, so somebody has the opportunity to come back to it later.

The Attorney General:

Yes, well, I am not sure I can advance the ...

The Greffier of the States (in the Chair):

I am not sure you can, but that might be a ...

The Attorney General:

... proposition as not being an elected Member.

The Greffier of the States (in the Chair):

I see Deputy Tadier looking lively.

Deputy M. Tadier:

Is it worth asking for Third Reading to come back at the next sitting? Bearing in mind that we do not know what the error is, but we take the Attorney General's advice and it would seem prudent to act on that.

[16:15]

The Greffier of the States (in the Chair):

The other option would be to move to next business. That would allow the item to be relisted for the next sitting. My colleagues are reading the Standing Orders and looking satisfied. Is that a proposition?

Deputy M.R. Higgins:

Can I ask what the procedure is? We have already gone through and accepted all the Articles? How do we amend the law at this stage when we have gone through the Article stage and we are now coming just to sign it off?

The Greffier of the States (in the Chair):

Well, we are where we are. We are in the middle of the debate on Third Reading. It is, really, primarily, up to the Chief Minister and the Minister for External Affairs to decide, as it is their proposition what they wish to do. There are a number of options, but clearly it is a difficult stage and there will be some further discussion needed as to how to deal with it. But that discussion cannot really take place at the moment.

Deputy J.M. Maçon:

Can I make the proposition then we will move on to the next item of business?

The Greffier of the States (in the Chair):

I think it might be better to just check with the Minister that that is what they wish to do.

Senator I.J. Gorst:

Sir, I am happy, if that is procedurally possible, having agreed both the First and Second Reading and being in Third Reading. I am sure that neither the Attorney General, nor myself, wish to be embarrassed, so we do need to find a way through this. I think it is coming down to, perhaps, a procedural reading of Standing Orders. If we move to the next item, do the first 2 readings remain and we come back simply for the Third Reading? The other alternative is that we continue with the Third Reading and bring forward an amendment. I am personally satisfied with either approach. So, moving to the next item, I am satisfied with it, if it is procedurally possible.

The Greffier of the States (in the Chair):

Can I just deal with that question? It is procedurally possible. The first 2 readings have been done. So, if we move to next business at this point, it will be relisted on the next Order Paper for Third Reading, we will not go back to the start. Having said that, Deputy Higgins has raised the issue of if it requires amendment, how does that need to happen? I think that is the sort of issue that is best not resolved immediately, because there will need to be some further conversations about how to deal with that, but whatever happens it cannot be done at this moment in time. I do not think it can pass into Third Reading and then decide not to send it to the Privy Council. That is not a great idea, because the Standing Orders really require that as an automatic procedural step. So, it will be much better to stop here and take stock than to proceed, in my view.

Senator I.J. Gorst:

Of course, the counter-argument, which I would not wish to argue with the Chair in this public way, Sir, is that nothing goes to Privy Council without a covering detailed report from the Law Officers saying exactly why it should be approved by Her Majesty. But, notwithstanding that counter-argument, I do think the best approach for today is to move to the next item and to resolve the issue of whether an amendment is required before we come back to the next reading at the next sitting.

The Greffier of the States (in the Chair):

Before we do that, another light went on.

Senator L.J. Farnham:

I just wanted to ask, Sir, would it be possible to suspend Standing Orders if an amendment was required, so we could do that at the next sitting, technically?

The Greffier of the States (in the Chair):

That is the kind of conversation I would like to have outside of the Assembly and not right at the moment. There must be some options that can be dealt with, but this is not the right time to make those decisions.

The Attorney General:

Merely if the error is - as I think it is - I remind the Assembly of the power under Standing Order 75 to correct clerical errors, or oversights, in Third Reading.

The Greffier of the States (in the Chair):

Fine. Which might be very helpful, though, of course, since the Assembly does not really know what the error is I do not think they can proceed with this at the moment.

The Connétable of St. John:

Would a 10-minute adjournment assist the Attorney General at all?

The Greffier of the States (in the Chair):

We have a proposition to move to next business to deal with first, I think. I see no other lights on, so the proposition from the Chief Minister was to move to next business.

Deputy M. Tadier:

I do have a question for the Chair. I am just wondering, in terms of proper procedure for transparency, although it seems to be implied that it is a technical reason, we need to know, as States Members who are making the decision either to move on, or to take this today, or not take it today perhaps what the reasons are. Could I ask the Attorney General if he could summarise what the problem is with that? It seems to me, Sir, just asking the Chair, that there are obviously different mechanisms by which we could defer, or delay, this. One of which could be a reference back; another could be a reference to Scrutiny. I am not sure how moving to the next item would set this in terms of bringing it back, or whether the item would just fall. Perhaps, first things first.

The Greffier of the States (in the Chair):

A move to next business simply puts it on the next sitting's Order Paper. So, it will be listed for 10th July 2018. It gives a breathing space for all involved to decide how to proceed. The other things you mentioned have different consequences. So, it is up to the Member. There is a proposition to move to the next item. That is the one that will be dealt with first. I think, possibly, take the Attorney General, if he is ready, just to answer the point, to explain a little bit more about the nature of the problem.

The Attorney General:

I may be incorrect in this, but it arises by virtue of the amendment to Article 5 of the main law at Article 2 of the amendment. As the Minister proposing the amendment told the Assembly, the purpose of the amendment to Article 5 is to reduce the number of qualifying offences from 2 to one. Indeed, by way of background, the reason that is necessary is because there was a mistake in an amendment to this law some years ago, which increased the number of qualifying offences from one to 2. So, simply restoring the law to how it was for the purpose of considering and triggering confiscation orders, under Article 5, which applied to a course of relevant criminal conduct. Article 2 of the new law amends Article 5(1) to reduce the number of qualifying offences from 5 to 2. It also deals with the now no longer necessary alternative of either one offence now before the court, or at

least one previous occasion during the relevant period. So, that is removed, as is Article 5(3), which refers to ‘relevant period’. But, relevant period is in Article 5 for 2 separate purposes. It is not merely for calculating when an offence was committed for the purpose of triggering the effect of Article 5. The relevant period is also defined, namely a period of 6 years, ending when the proceedings, to which the Article applies, were instituted against a defendant. But also the relevant period definition is in the Article for the purpose of calculating how far back the assumptions go under Article 5(5) for the purpose of considering someone’s benefit from the proceeds of crime. I was concerned that the repeal of sub-paragraph (3), for the purpose of dealing with a qualifying offences issues, also may have had the inadvertent effect of affecting the assumptions that are required under Article 5(5). That is the issue which I think I need to look at briefly. It is not a simple issue, as the Assembly might appreciate.

The Greffier of the States (in the Chair):

Thank you for clearing that up, Attorney General. **[Laughter]**

The Attorney General:

I hope that answer leaves everyone better informed.

The Greffier of the States (in the Chair):

Well, we are better informed, if not more knowledgeable.

Deputy J.H. Young:

That does seem to make the case very, very clearly that we should move to the next business and give the Attorney time to sort it out, if I may say. **[Approbation]**

The Greffier of the States (in the Chair):

Thank you. Is the proposition to move seconded? **[Seconded]** Does any Member wish to speak on it, or have you spoken enough? The appel has been called for on the move to next business. I ask Members to return to their seats and I ask the Greffier to open the voting. This is a vote on the move to next business. The effect would be to list it on the next Order Paper.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondre				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mezec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				

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

The Greffier of the States (in the Chair):

So, the item will be on the next sitting's Order Paper at Third Reading. No doubt we will hear more about how to resolve the issue that the Attorney General has identified.

23. Draft Official Publications (Amendment No. 2) (Jersey) Law 2017 (Appointed Day) Act 201- (P.79/2018)

The Bailiff:

We come next to the Draft Official Publications (Amendment No. 2) (Jersey) Law 2017 (Appointed Day) Act, P.79/2018, lodged by the Chief Minister. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Official Publications (Amendment No. 2) (Jersey) Law 2017 (Appointed Day) Act 201-. The States in pursuance of Article 4 of the Official Publications (Amendment No. 2) (Jersey) Law 2017 have made the following Act.

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

Yes, I hope this is a lot simpler. This is purely an Appointed Day Act, which basically activates, for want of a better expression, a decision of the previous Assembly. Essentially, it means that up to now the Official Publications Law requires minimum requirements for publishing official notices and that up until now had to be placed in a newspaper. This amendment will mean that these notices will no longer have to be placed in the specific newspaper named. They will be in the Online Gazette. Notices can still be placed in paper form, in the newspaper, if departments and Parishes think that is the best way to reach people. The objective here, as approved by the last Assembly, was to save some money, which would be up to around £100,000. On that basis, I make the proposition on the Appointed Day Act.

The Bailiff:

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

23.1.1 Senator S.C. Ferguson:

Yes, I would just like to register, yet again, my protest at taking this particular means of notifying the public purely into the electronic range, plus, perhaps, a few Parish Halls and so on, and neglect the fact that not everybody in the Island has a computer and, therefore, may not know what is going on in the *Gazette*. I have made the protest before and I make it again.

The Bailiff:

We are not going to debate again the proposition which has already been debated, but Senator Mézec...

23.1.2 Senator S.Y. Mézec:

That is quite right, Sir. It is simply to point out that, of course, there will be nothing stopping the *Jersey Evening Post* from voluntarily publishing the *Gazette*, if they would like to. So, it can still appear.

The Bailiff:

Does any other Member wish to speak? Chief Minister, do you wish to reply?

23.1.3 Senator J.A.N. Le Fondré:

I note the concern. I remember sharing exactly those concerns with the Senator at the time. I think we voted the same way on it. The Assembly took a different view. This is now implementing the decision of that Assembly. Thank you, Sir. I maintain the proposition.

The Bailiff:

All Members in favour of adopting the proposition kindly ... the appel is called for. I invite Members to return to their seats. The vote is on whether to make an Appointed Day Act in relation to the Draft Official Publications (Amendment No. 2) (Jersey) Law. I ask the Greffier to open the voting.

POUR: 38		CONTRE: 0		ABSTAIN: 1
Senator L.J. Farnham				Senator S.C. Ferguson
Senator J.A.N. Le Fondre				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mezec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				

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

24. Police Complaints Authority: appointment of member (P.80/2018)

The Bailiff:

We come next to P.80/2018, the Jersey Police Complaints Authority: appointment of member, lodged by the Minister for Home Affairs. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 2 of, and the Schedule to, the Police (Complaints and Discipline) (Jersey) Law 1999, to appoint Mr. Graham Jennings as a member of the Jersey Police Complaints Authority for a period of 3 years, commencing on 2nd July 2018.

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

As the Greffier just said in reading the proposition, this is to ask the Assembly to agree to the appointment of Mr. Graham Jennings as a member of the Jersey Police Complaints Authority. The recruitment process, which led to Mr. Jennings being recommended, was undertaken by the Authority earlier this year in accordance with the Jersey Appointments Commission procedures. We have included a biography of Mr. Jennings in the proposition and his background and experience indicates to me that it is likely that he will be known by quite a number of Members but also, for those who do not know him, I think it demonstrates the skills that he will bring to the authority. He will be, I am sure, an excellent member and I am pleased to recommend his appointment and make the proposition.

[16:30]

The Bailiff:

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

25. Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (Appointed Day) Act 201- (P.87/2018)

The Bailiff:

We come now to the Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (Appointed Day) Act 201-, P.87/2018, lodged by the Chief Minister. I ask the Greffier to read the draft Act.

The Greffier of the States:

Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (Appointed Day) Act 201-. The States in pursuance of Article 29 of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- have made the following Act.

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

The law was adopted by the Assembly on the 1st of February 2018. It was granted Royal Assent on 23rd May and registered in the Royal Court on 1st June. Now, it is obviously for the Assembly to, hopefully, adopt the Appointed Day Act. It is again purely similar to the one I have just brought. This is implementing a decision of the previous Assembly. The slight variation on this is that all of the law, apart from Article 22, will come into force on 1st July 2018. Article 22 will come into force on 31st July. The reason, as I understand it, is that Article 22 makes it an offence for the Superintendent Registrar to issue a marriage schedule where there is less than 25 clear days between a couple giving notice and getting married. So, a wedding cannot take place unless a marriage schedule has been issued and, therefore, in theory, anyone who had planned a July wedding would be forced to cancel that wedding because of this issue around the 25 days. However, the Superintendent Registrar has taken steps to compensate for the curtailed notice period in July and apparently has asked, I believe, all couples to give notice on a voluntary basis as if the amended law was already in force. My understanding is that everyone has already done so. On that basis, in practical terms, as soon as it is brought in all the various provisions under the Marriage Law can take place. I am sure we wish everybody who is affected by that law all the very best. On that basis, I make the proposition.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak? All those in favour of adopting the ... the appel is called for. I invite Members to return to their seats. The vote is on whether to make an Appointed Day Act in relation to the Marriage and Civil Status (Amendment No. 4) (Jersey) Law. I ask the Greffier to open the voting.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondre				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mezec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				

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

26. States of Jersey Elections: pre-election procedures for States meetings and the lodging of propositions (P.88/2018) - as amended

The Bailiff:

We now come to P.88/2018, the States of Jersey Elections: pre-election procedures for States meetings and the lodging of propositions, lodged by Deputy Maçon. Deputy, do you wish this read as, taken as, amended?

Deputy J.M. Maçon:

Yes.

The Bailiff:

Then, Greffier, if you can read the proposition as amended, please.

The Greffier of the States:

The States are asked to decide whether they are of opinion: (a) that the Privileges and Procedures Committee and the Comité des Connétables should ensure that the Assembly does not ordinarily meet in the week before the week in which election candidates are nominated; (b) that the lodging of propositions, other than amendments, should be prohibited during the period from 2 months before the date on which election candidates are first nominated until the date of the election; (c) that the prohibition on the lodging of propositions does not extend to the lodging of propositions that concern rescinding Ministerial Decisions, or Orders; propositions relating to land transactions under Standing Order 168 and propositions lodged alongside petitions; (d) that a procedure should be devised for enabling a proposition to be lodged and debated, in an emergency, during the period when lodging is ordinarily prohibited; (e) to request the Privileges and Procedures Committee to bring forward amendments to Standing Orders to give effect to these changes; and (f) to request the Privileges and Procedures Committee to undertake a more general review of the purdah rules applying to the

Assembly, Scrutiny Panels and committees and Ministers and to present a report with recommendations to the Assembly on purdah.

26.1 Deputy J.M. Maçon:

It may feel counterintuitive to some Members to begin in this term discussing aspects towards the end of the term, but given how we proceeded towards the dying days of the last Assembly, I thought perhaps it was better to try and tackle this at the beginning, rather than to carry on for 4 years and find ourselves in the same situation right towards the end of this Assembly. So, what am I trying to do? I would explain it in 3 parts. The first one is looking at the States sittings in relation to the nomination days. Now, when I first lodged this, it was just to ask the Privileges and Procedures Committee, only to be alerted that it is the Comité des Connétables that sets the dates when the nomination nights occur. So, in my first part, what I am asking is that perhaps there is a bit of liaison between the 2 groups and we do not have a situation whereby the States are sitting on the same night as we had last time before nomination night. Why is that a bad thing? Because we were rushing propositions because we did not even get to the end of the Order Paper, in some cases, and some Members did not have propositions heard. It just seems to be not a good process when we all then had to cut everything off and run off to nominations. So, what I am trying to do is ask Members if they think that, perhaps, we should have a bit more of a break between those particular 2 events; that is the first part. The second part then is looking at how we deal with the workload. Now, to new Members, just to let you know, when we get towards the end of a term, Ministers and committees are thinking perhaps we might not be here again, perhaps we might not have the same position, so Members are looking to finish off all their pipeline bits of work. Quite understandably, that is quite normal, but the problem is, of course, it means just before the dying days of a States Assembly we get a huge mountain of work to get through. Now, of course, in our time we had significant pieces of legislation: the Sexual Offences Law, the Criminal Procedures Law, and we had huge amounts of work to get through in the way of Scrutiny that - when you have a 4-week period to deal with right before the end of a States Assembly - it really seems much more sensible that we then, perhaps, say to the Ministers and other committees that maybe you need to look at your work programmes and perhaps be a bit more organised in when you bring things forward. Of course, that is not forgetting now we are moving to a 4-year term when previously it was 3½, so Ministers will have even more time to finish off their plans, which should not be forgotten. But when I did lodge this initially, I forgot that, of course, some of the protections that were brought into Standing Orders such as, as I talk about, a Member's ability to lodge propositions to cancel Ministerial Decisions, *et cetera*, they were taken out, because that was a safeguard that Members could lodge propositions to this Assembly. Now, of course, if we run into that period where Members cannot challenge those decisions made by Ministerial Decision, that means that potentially you are looking at 6 months before a Member can challenge a Ministerial Decision. Of course, if that comes to very time-sensitive matters of a Ministerial Decision, I did not want to remove those rights. That is why I brought the amendment, to bring those rights back to States Members. So, that is why I have incorporated those kinds of exceptions. Of course, there are perhaps some that the Privileges and Procedures Committee will have to look at and perhaps an emergency provision, so I have to work on the wording of that. The final part, which I am asking for, part (f), is looking at the Privileges and Procedures Committee more generally to look at the purdah period, to look at Ministerial Decisions, when they can and cannot be made. Should we, for example, be like in other Parliaments that when an election is called you stop being your title, you then just become a candidate like they do, for example, in the U.K.? Again, I am just asking for a consultation on this; I am not asking for the committee to go in any particular way. But again it is just looking at some of the feedback around those particular processes. Some have feared that I am looking to stop Government for about 7 months. This has been on the Twittersphere and everything that this is what I am looking to do. It is not what I am looking to do. There are lots of processes that can still carry on that will allow the Government ... States committees

currently do a lot of work. It is just trying to get a more organised process going forward, so that we, as States Members, do have to look at ourselves and say: "Right, how are we going to organise things in a much better way?" Just one final part which I would say: although in part (b) I have asked for a period of 2 months, usually in the Standing Orders we do things in the way of sittings. So, if after a bit of consultation with Scrutiny it might be better for it to be 5 sittings as opposed to 2 months, I am not prejudiced about that. I am quite happy for that to be looked at, because what that means is under the Standing Order mechanisms it means that Scrutiny, therefore, has the ability to pull an item. It then has to report back in 4 sittings, so that does mean by the very final sitting Scrutiny will then have that ability to report. So, I hope Members will see this more as a matter of housekeeping rather than Deputy Maçon trying to stall Government for 7 months, and I make the proposition.

The Bailiff:

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

26.1.1 Senator L.J. Farnham:

This is a very sensible proposition, of which I am generally supportive, but I wonder are we not just being perhaps a little bit too hasty? We do have 4 more years until the next election and I would be more comfortable to be having P.P.C.'s comments with this proposition. I know the Deputy is referring aspects of it to P.P.C., but this is also an instruction to them to make some changes. So, I am just wondering if we should just consider this and the ramifications a little bit more before we go through with it. I would be interested in the Deputy's comments.

26.1.2 Deputy J.H. Young:

As a new Member, or a returned Member, to this Assembly, I experienced, like other candidates in the elections, the effect of the purdah period. I think that the Deputy's last part of the proposition is particularly important, that there is a review of the rules and regulations of what goes on during the purdah period. In particular, I refer to 2 matters. I suppose, in particular, it is the Ministerial Decisions. That is quite a long period. The last Assembly was on 10th April. The election day was on 16th May, I think, and the new Members did not get an opportunity to be sworn in until 1st June. So we had 2 situations. We had current Members of the Assembly being able to lodge propositions during that period and new Members, after election, were not able, under the rules, to lodge propositions until they were sworn in. That particularly had an effect on any opportunity - it denied an opportunity - for those affected by those restrictions to lodge either a rescindment, or some proposition, in respect of a land transaction. In particular, I think we have in the Standing Orders, Land Transaction Standing Order No. 168 that we have delegated all land transactions to Ministers. Once upon a time those propositions all came to this Assembly and were discussed, but for a long time now they have been delegated. The procedure is that the transaction appears on the Order Paper and the Standing Order requires 15 days. It cannot be implemented for 15 days and I think the intention of that was that Members would be able to bring propositions or rescindment and take action if that was the case. I myself did so in the case, when I was previously a Member, for Piquet House. I think Members may know about the history of that one. I think other Members may have done the same on similar transactions. So, the way that purdah has operated this time, for all that long period, I think disqualified people, because they could not lodge propositions in response to those Ministerial Decisions that were effected in that period and new Members, that had a mandate from the electorate, were not able to do so either. I think that was fundamentally wrong. It also affected, in particular, the transactions of the States of Jersey Development Company where under the rules there ... and this was not under Standing Order 168, this occurs under the rules that were agreed by this Assembly in 2008, which were the rules for the conduct of land transactions between the States of Jersey Development Company and third parties that need sanctioning by the Minister for Treasury and Resources. The memorandum of understanding, which set the rules, required again that those

transactions could not be implemented for 15 days after the Ministerial Decision was made. Of course, that 15 days expired before the end of the purdah period, which effectively meant there was no opportunity for anybody to take action on that. So, I flag those 2 things up. Myself, I think I was intending to bring a proposition, but I decided against it - I have enough on my plate now; I will leave it to other Members - that I think the 15-day rule under Standing Order 168 is just not enough and I think the 15-day order should be extended to 28 days. If Members agree, perhaps somebody might take that forward, or maybe include it in the review. Also, I think that the memorandum of undertaking on the S.o.J.D.C. (States of Jersey Development Company) should be reviewed, because it has been in place for 10 years. I think the rules of Standing Order 168 should apply equally to those transactions.

[16:45]

With that, those are the points I want to make in respect of the last item on the Deputy's proposition, because there were an awful lot of Ministerial Decisions, which I think were worthy of challenge and they were not really business as usual. They were very considerable new statements of policy and I do not think that was right. I am pleased with the review and it is good that if this proposition is passed it is going to be looked at.

Deputy J.H. Perchard:

I just have a quick question; it is probably under a point of order. Forgive me again for my ignorance; this is my first sitting. Would it be possible for Members to vote on this proposition by paragraph, given the points already made by Senator Farnham and Deputy Young and the flexibility offered by Deputy Maçon regarding paragraph (b) and the 2-month period? It just might be prudent to allow us to do that. Is there provision in Standing Orders to allow it?

The Bailiff:

It is a matter for the proposer. I am sure he will indicate, in due course, whether he agrees. Do you wish to take it by paragraph?

Deputy J.M. Maçon:

I am quite happy to take it in parts for Members. I have grouped them, so if it will help the Deputy, for my eyes part (a) is standalone; (b), (c) and (d) go together; part (e) is standalone; and part (f) is standalone, if that helps.

Deputy J.H. Perchard:

Thank you. Am I to respond to that directly? May I?

The Bailiff:

You raised a point of order, so if you wish to carry on speaking, you can carry on speaking, but you only get one speech.

26.1.3 Deputy J.H. Perchard:

Just to finish my one opportunity, I would just like to add that the reason for my request is simply that part (f) seems to be something that there is general feeling and agreement about: the idea that we would like P.P.C. to review the process and give recommendations. I was mostly driven by that thought.

26.1.4 Deputy K.F. Morel:

I just wanted to speak in support of ... well, now I would say paragraph (b), but in general Deputy Maçon's proposition I think is a wise one. In the Economic Affairs Scrutiny Panel, we found ourselves scrutinising legislation that was brought in in March, April, May. We were not even sure

at the beginning whether it had been scrutinised. We had to discover all this all ready for debate today. You can see with P.75 the kind of mistakes that rushed scrutiny can make, as we failed to spot ... the Attorney General's eagle eye, he picked up on what we missed. I have to say that the idea that we have a period, where there is no legislation being brought in, will make it much easier in future for Scrutiny Panels and new Members to get to grips with the job at hand and not to pass bad legislation, or ill-drafted legislation, as a result.

26.1.5 Senator I.J. Gorst:

I can understand, as the Deputy said, that some had accused him of wanting to bring Government to a standstill for several months prior to the election. I do not for a moment believe that is what his aim is. Two months sounds, perhaps, a long time, but the vast majority of Government business has to be lodged before, or laid before, this Assembly for 6 weeks anyway. My experience is this: that if we and P.P.C., when they do their work, do see a 2-month window of no lodging of Government business prior to the nomination meeting, my experience is that officials and departments will just lodge in the 2-month period prior to the 2-month period. Therefore, that will give time for Scrutiny Panels to do their work. What happened at the end of the last Government was that even where pieces of legislation had been lodged in good time, it was pushed - because the agenda was so lengthy at the last States sitting - over the period so that Scrutiny Panels who have been constituted now are having to pick up work from the previous Government. I think that this is a sensible proposal. If we do not deal with it now, I think the Deputy is right, it will get lost over the course of the next 3 years. Somebody will think about it in a year before the election and P.P.C. will be busy with other work and will not be able to do the work. It seems to me eminently sensible. It creates in Standing Orders the barrier that Ministers have tried to put before their officials anyway. It will give clarity to the President as well, because I know there were interpretation issues, which differentiated between your chair, Sir, and the departmental officers' understanding and the Greffe's understanding of Standing Orders. This will bring clarity about when Government business can be lodged and when Scrutiny reports can be lodged, because we had the situation where Scrutiny reports were lodged right throughout the election period by members of Scrutiny that were facing an election. It is going to give clarity to all in the Assembly. It will give clarity to the public. Importantly, it will give clarity to Government officials, so I think it is absolutely eminently sensible and I hope that P.P.C. will consult as they bring forward the changes to Standing Orders. I congratulate the Deputy on grasping the nettle, as it were, right out of the gate. Perhaps I would add to the agenda of issues learnt at the last Assembly and I hope that Members will be thinking about those issues, not least of which, I think, is the need to introduce a deposit. If we do not grapple with them now, out of the gate of the election, they will get lost and they will become impossible to do the more and more we get into this parliamentary session.

26.1.6 Deputy G.P. Southern:

As one who experienced the complete logjam that was the end of the last session, the last term, I understand the reasons why Deputy Maçon should want to bring something to bring at least a modicum of order to that chaos where we were literally snowed under and meeting until 9.00 p.m., unnecessarily dealing with endless, it seemed to me, initiatives that piled up from ministerial departments in that time. But, there is a world of difference between wanting to do something effective about that situation and just doing something for its own sake in order to attempt to make sure that it does not happen again. Where we have gone wrong here, I think, is that while (a), probably (e) and (f) are perfectly sensible things to do - basically they are looking at the rules around what we can and cannot do - I am afraid I think that (b), (c) and (d), certainly (b), fall into the latter category, doing something for its own sake. It is fairly simple to work out that if you have a gap of 2 months before the date on which election candidates are first nominated, it is perfectly possible that that stops propositions, but does not stop Ministerial Decisions. If I am a Minister and I am exploiting this

system ... not that I am saying people have in the past; they might be tempted in the future. If they were to try and get round this proposition they could very, very easily. An M.D. (Ministerial Decision) does not count as a proposition. An M.D. just gets decided and needs to be rescinded by some highly active person in the Assembly, in order to put that check in place. That is perfectly possible to happen. While the majority of the material that was brought before us in that time came from departments and some of it, one has to admit, must have been (a) useful and (b) appropriately timed, much of it was not. But, if you want, for example, to do something extremely controversial, what you do is just park it before the 2-month limit. Get it lodged so that it comes in just short of the 2-month limit and there is still an election running. If that particular proposition is, for example, like we should support a living wage, I defy anybody in this room, or previously, to say: "Oh, yes, when I am going into an election period and I am going to be elected, I am definitely going to oppose moving to the living wage, am I not, because that will get me lots of votes ... not." So, the mechanism for avoiding the 2-month limit is wide open for Ministers - they can make an M.D. any time they like - and fairly open, it is a pretty much open gate, with an electorally sensitive proposition parked at the right place that is leading into an election. So, one way, or another, I do not think I can support (b) and onwards. (c) again has the ... sorry. No, sorry, (d) I should be on. It contains the seed of doubt again, because who is to declare that I am bringing this proposition, as a Minister, because it is an emergency? Who defines emergency? Why, the Minister does - it is urgent, it is an emergency - and not the Back Bench. While I can understand and praise the motives behind this proposition, I do not believe I can support the bulk of it. I think I can - since it is to be taken separately, I understand - support (a) and probably (e) and (f), but (b), (c) and (d), I am afraid, are too full of holes to be worth saving.

26.1.7 Senator J.A.N. Le Fondré:

I agree with a lot of the sentiments that have been expressed already. The logjam we had in the last few days and weeks of the last Assembly was not something I particularly enjoyed when on the Scrutiny side, and I do not think I would particularly enjoy it on the ministerial side, either. For the sake of good order, it should be avoided as much as possible. So, from that point of view, I definitely support what Deputy Maçon is seeking to achieve. I have to say I am minded at the moment to support every part of the proposition, but I will be listening, because the comments that Deputy Southern has made are kind of relevant. However, the other point I will make, and I have forgotten the exact terminology now, but what I refer to as the engagement code, or the engagement protocol between Scrutiny and the Executive, which the Assembly just put in place before the end of the last Assembly, does, I think, make reference to using best endeavours to avoid significant pieces of legislation being lodged ... and I am going to say 4 months before the end, I am not too sure, so the thing about that would be checking that P.P.C. look at the interaction between that and what Deputy Maçon is doing. So, I shall reserve my judgment on part (b) and I think part (c) which then essentially ties in, the rest of it seems eminently sensible. I endorse, absolutely, the comments made by Senator Gorst on the deposit scheme. I hope that Deputy Labey will at least look at that. The other thing I would just say - might as well put it on record - I know there are a lot of exit interviews held, it would be no harm to have possibly, what I would call, entrance interviews run by P.P.C. for new Members, and even people who have gone into new positions, about the process we have all gone through from nomination day onwards. Feedback now, while it is fresh in people's minds might be useful. That it is not strictly relevant to the proposition, but it is about getting our ducks in a row for the next time round. On that basis, I am certainly supporting part (a), I will certainly be supporting (f) definitely and I think it is (b), (c), (d) and (e), if that is the right grouping, I shall listen to, but I shall probably be supporting.

26.1.8 Senator K.L. Moore:

Without wanting to repeat what has already been said, because I do largely concur with the sentiment of Senator Gorst and his eloquent explanation of those thoughts, I would like to elaborate on a couple of points that I do feel have some relevance. Firstly, it is to congratulate Deputy Maçon for bringing this to the Assembly at this early point when the elections and the end of the last term is still fresh in our memory. It is the perfect time for us to consider these issues and to deliberate upon them and discuss how we can best improve our processes.

[17:00]

I will be voting for (a), (e) and (f), because I think it will be eminently sensible for P.P.C. to consider in the round, with greater thought and negotiation between the Executive and P.P.C. and Scrutiny also, these very important issues. It is also important to note that, despite the fact that there are 2 Members on P.P.C. representing the ministerial side, neither of those people, with respect, have ministerial experience and so I would ask them to cast the net a little wider. I take on board what Deputy Maçon said when he said that the Executive needs to be a little more organised. However, of course, I find myself now on a slightly different side of the fence, but I recall that complex legislation is just that. It is, of course, a time-consuming process, both for the Executive and for Scrutiny members. So, perhaps, the sensitive word of resources is what also needs to be addressed in the round here. I think it is important that that word is raised because with complex legislation there is a time-intensive process and an incredible amount of work that needs to be done. If the Assembly wishes it to be done quicker, it is not simply a matter of organisation, or gerrymandering, or devious thought and action, to bring the Assembly into a situation where it has a lot of legislation to consider at one time, it is simply, and often, a matter of the time that it has taken to get to that stage. Therefore, I would ask P.P.C. to deliberate upon the resources that are dedicated to the process of legislation and its construction. I think that covers the points that I wish to make. I thank Deputy Maçon for bringing this proposition.

26.1.9 Deputy M. Tadier:

Some of this is uncontroversial, and let us just go through that. I think part (a) is fine, that is preferable. We all know how busy it can get before an election, in the week before an election, especially if you are running 18 candidates and you have to run around trying to get nomination papers filled in. One would much prefer to be concentrating fully on one's party members than to have to sit in the States with rushed legislation on often very important issues, which are being rushed through by the Council of Ministers. So, I think that is quite right. I think part (b) is not as straightforward as we might like to think. There are unintended consequences to that. First of all, Deputy Southern has alluded to the point already, which is ... and before we talk about that, what is the problem that we are trying to resolve here? If it is a problem about bottlenecking of propositions and legislation at the end of a term, which I suspect is one of those issues, then that does need to be looked at and addressed. That, by and large, happens because of ministerial legislation, which is being lodged late, let us be honest about that. It is also being lodged late, because it does not allow for sufficient time for scrutiny. I firmly believe that whenever Ministers lodge propositions - and I am an Assistant Minister and I will apply this to my department- I would encourage my Ministers to lodge propositions in time so that they can allow for every proposition to get pulled in for scrutiny. So you figure that in, even if it is the most important legislation. If it is that important, first of all, you do not bring it late in a term and, secondly, you allow time to be built in for the scrutiny process. We know that we cannot take the Assembly and Scrutiny for granted, so you have to presume when you are lodging legislation that it may get pulled in either at First Reading, or that something might happen in the Third Reading, or references back. We know that there is a maximum time period for that to happen. So, Ministers should be working to that longer time period rather than cramming. Secondly, if the motive is to stop people grandstanding before an election, then what this does is it penalises Back-Benchers and non-Ministers and non-Assistant Ministers from being able to

grandstand, if that indeed is the motivation for lodging propositions. We should start off with the presumption that we are all in this Assembly and that when we lodge questions, or in particular when we lodge amendments and propositions, they are not to get our face in front of a camera and to get a bit of air time, they are to present an important issue that we feel passionately about, that we may have stood on for election, or to represent our constituents. Quite frankly, that does not change 2 months before an election. It is fair enough to say that there are provisions in what is being proposed here for emergency propositions but, again, who decides what an emergency proposition is? No doubt Ministers will get preference for that, but what about important issues that come up at any time during the ordinary term of an office? We are the ones best to judge which are the important propositions. I might have had more sympathy if it said: "You are not allowed to lodge your first proposition 2 months before the date on which an election is held", or: "You are not allowed to lodge your first question within the 3 months before an election is held." But that is not what we are talking about. We know that issue has come up. I do not think it necessarily works. I could lodge a proposition 5 months before the election period and I could delay it and say: "Actually I want to debate this at the last sitting, because I need to consult with my constituents" if my motives were perfidious. So, if we are starting from a presumption that we are all lodging propositions for nefarious and perfidious reasons, self-interested reasons, then we would stop people from doing that. I think we are making heavy weather of it. But, there is a flip side to the coin, because what you could also do is, you may wish to lodge a proposition 2 months before an election, which does not get debated until after the election. Therefore, the public can decide whether the proposition is worth debating. I can give an example of this. In 2014 - and it was a more important issue, arguably, than crossings, it was to do with an issue that has still not been resolved on the agenda to this very day - on 8th September 2014 ... in fact it was earlier than that, because that was an amendment. On 16th July 2014, I did present a petition to this Assembly and an accompanying proposition, which asked for 3 Island residents to be prescribed Sativex, Bedrocan and another form of medicinal cannabis, which was debated in this Assembly. I defy any Member to say that those were not important propositions. They may not have been an emergency and I do not think I would have got the consent of the House to debate those were there an issue with that being contested, but these were important issues which mattered to the individuals in question. They were the ones who presented a petition and it was debated, but it was debated after the election. So, I was able to go to the electorate ... and there were various reasons why I did not want to debate those at that time, because I thought that it was right that the new Assembly debate it, there were technical issues that needed to be looked at and I know that having faced an election I could say: "Look, I have a mandate." Incidentally, one does not lodge propositions relating to cannabis in a conservative constituency a few months before an election to try and court popularity. One does that because one thinks it is an important issue that needs to be addressed. My proposals were lodged well more than 2 months before an election, they sat on the table all over the election period and it was only after the election that I was able to bring it to the new Assembly as one of the first debates. So, what Deputy Maçon is asking for does not really address the issue that some people fear for. Incidentally, during that election period, where you perhaps as a new Member, or Members who are not necessarily on the ministerial or on the Executive side, will be prevented from lodging important propositions that might only come to your attention a few months before an election, because that is when your constituents are thinking about these issues, they might think: "Actually, why are you not doing something about this? Lodge a proposition." That right will be taken away from you but, of course, Ministers will be able to make those Ministerial Decisions. Assistant Ministers will easily be able to get their face in front of a camera, again if that is the motive that people are looking at. An Assistant Minister can just put his hand up, phone up the Communications Department and say: "Can you get an interview with all these people today, so I can talk about ..." I do not know, something to do with Jërriais, or something to do with the arts, or if you are working in a different area. Those individuals will still be able to court popularity and misuse the media, if, indeed, that is what is going on. Other Members will not be able to do that. I

see that the Deputy has put an amendment in to try to safeguard, if you like, all Ministerial Decisions, so ... his amendment to part (c) says: "The lodging of a proposition does not extend to the lodging of propositions that concern rescinding Ministerial Decisions, or Orders, relating to land transactions under Standing Order 168 and propositions lodged alongside petitions." So, he has addressed the petitions issue, which is good, but there are lots of Ministerial Decisions that do not relate to properties. What we saw, during this last election period, was a Ministerial Decision which changed the rules for buying property called 2(1)(e)s, which is very controversial and which certainly got comment from some of the lobby groups out there. We also saw decisions being made about the finance centre, which were not challenged and which, I suspect, would have been challenged were the States sitting ordinarily, because they were controversial decisions about the ownership and about the future of the Jersey Finance Centre, which, certainly, would have attracted amendments, I suspect, if the States were ordinarily sitting. The amendment should say that any Ministerial Decisions can be challenged because, at the end of the day, we may not be here all the time, but we would expect whoever the States Members are to be empowered right up until the final point of their term. To say that just moving it back by 2 months does not really solve the issue that some are trying to solve here. I would urge caution, even with the amendment, that we should not be supporting (b), because it does not do what it purports to do. I think the safeguard in all of this is part (f), which asks Privileges and Procedures to undertake a more general review of the purdah rules applying to the Assembly, Scrutiny Panels, Committees and Ministers to present a report with recommendations. They can really flesh out the issues that Deputy Maçon, quite rightly, is trying to address here. So, I think the Deputy should not be too put out if he loses part (b). I would, perhaps, encourage him to not proceed with part (b), but he may not wish to do that, he may even win it. The point I am making: I would encourage P.P.C. to look at this holistically because there are so many issues by which the intent of this could be subverted, if that was the intention. I finish by making a final point, that we are all parliamentarians and while we might disagree with each other on what the important issues are and our personal politics might be different, we must start off from the position that we are all in this Assembly, and any future people who are in this Assembly, for the right reasons and to make positive change for the Island and for our constituents. When we start presuming the motives for which people lodge propositions and amendments and we make, perhaps, unnecessarily constrictive rules surrounding that, then we are not doing ourselves any favours. It is right to debate this early on in the Assembly, but it is perhaps not right to start with that tone. I think it is more important to focus on the good that we can achieve and we should not be unnecessarily hampered in doing that, no matter for which period, whether it is the beginning, middle, or end of the term.

26.1.10 Deputy R. Labey:

I am very interested in all the contributions to this debate and I am not sure that we need to make too heavy weather of this, or go through it with too fine a toothcomb, because Deputy Maçon is asking P.P.C. to look at this and bring it back with appropriate amendments to Standing Orders. I am happy to accept the entire proposition from Deputy Maçon. Just because it has now been referred to P.P.C. I say to Members, it does not mean that it goes into a conclave that Members cannot continue to have a say, or that we cannot continue to consult with Members. P.P.C. have been very good at consulting with Members, in my experience of that committee in the past, not being on it. Deputy Tadier brings up some very pertinent points, as have all the speakers. I think we should keep this discussion ongoing and I would like to give the Assembly that assurance that we should continue to consult with the Assembly, continue to take ideas and issues about the last months of the last parliamentary term. Let us not forget this is borne out of the chaos of the last few weeks of that term. Occasionally, it was good fun, but it was not necessarily the correct procedure, the right way of going about things, and also it is borne out of the frustration of some of the Ministerial Decisions, or some of the things that happened during purdah, while we were fighting the election, or just after it. Do not forget that

this Assembly makes a little bit of history being the first Assembly ever to sit for a 4-year term, or at least in living memory and certainly to my knowledge, so we have 4 years to sort this out.

[17:15]

It is great news that we have had this spur from Deputy Maçon to start looking at it now. I will give the Assembly assurances that on these matters, which are deeply felt by all Members, and especially experienced Members, that I would like the committee to continue to consult with Members on these issues which are so pertinent to us and on these issues that we care so much about.

26.1.11 Deputy M.R. Higgins:

I will be quite brief. One of the things that concerned me about the last parliamentary term at the end was that, as others have said, it was all being rushed at the end. We were spending an awful lot of time into the evening trying to get through things. Two of the laws in particular, one was the Criminal Procedures Law, if I remember correctly, and the other the Sexual Offences Law. I was really concerned about the amount of scrutiny that was done on them. I need to go back to the Criminal Procedures Law, but I think we may have made some bad law, we may have made some bad decisions. When I do get the chance of going back through it I may bring back an amendment to that law. Certainly, it was rushed because when the issue of whether we have jury trials, or we have the Bailiff with 2 Jurats sitting in rape cases, the only people who had actually been referred to, or consulted, was Jersey Action against Rape. We all think rape is horrible and everything else, but you do not bring in policy based on one group of people giving you advice. With the Criminal Procedures Law I also felt ... we were told it was very much based on the U.K. law. I wanted to know more about the U.K. law and see where ours was compatible and where we were different. We did not get that scrutiny and so, therefore, we are in danger of making bad law if we rush things, we have too much at the end, States Members get fed up, they get hungry - I know we had a break for pizza one night, or a half hour break, or whatever it was - but it is a recipe for bad law. I congratulate Deputy Maçon for bringing this forward and I do hope that P.P.C. will look at it in detail and we can come back with a far better procedure.

The Bailiff:

Does any other Member wish to speak? Then I call on Deputy Maçon to reply.

26.1.12 Deputy J.M. Maçon:

I thank all Members who contributed to this debate, in particular those that were complimentary, that always helps. First of all, just to remind Members, at the moment, for a ministerial law proposition, for example, there is a 6-week lodging period. What I am fighting for is an 8-week lodging period and yet we have heard everything is awful, the sky will fall down, Deputy Maçon is asking for too much, you are not ruling out all the political procedural devices that anyone can devise in order to get around something. It is not perfect, I am not pretending that it is perfect, I am just saying: look at the processes and procedures that we have at the moment and in order to deal with the logjam and the bottleneck that is inevitably going to happen at the end of the term, if we have more time ... if we do have a bit of a guillotine where we say: "There has to be a break so that Members of this Assembly in the dying days of an Assembly can process all of that, Scrutiny can be able to do its work within a realistic timeframe" that is what I am asking for. All I am asking for is a couple of extra weeks over what we already do. Senator Farnham asked me: are we doing this too soon, without the Privileges and Procedures Committee looking at this, before they have had a chance to comment on it. We have had some consensus over part (a), we have had some consensus over part (f), so I will not go on about that. The meat is around the lodging periods and the Ministerial Decisions. I think you just have to take a view on that. As the chairman of P.P.C. said, I am asking for the P.P.C. to look at this. Members have gone: "But, you know, you have not completely defined out what an emergency is, you have not said that." Well, of course, I have not said that, that is what I am asking

P.P.C. to go and do. That is why I am asking them to do it, because more work needs to be done. Of course, we need to consult with other Members to devise how that should be. As Deputy Tadier said, if we are the best people to decide that, fair enough, that is what we will come to conclude. If it should be done by P.P.C. or some other mechanism, fair enough. New Members will learn, you can die 2 deaths in this Assembly. If you are not prescriptive enough, people will say: “Oh well, you know, you have laid it out, I could not possibly vote for this” or you get the other side of it: “You are being too prescriptive, it does not give enough wiggle room and, therefore, we are going to vote this down as well.” So you can see which are the traps that I have fallen into. What else have we had? The issue around Ministerial Decisions, and that is why I put part (c) back into it, and it does not just apply to property transactions, it applies to any Ministerial Decisions, because you are absolutely right, you could have, potentially, Ministers abusing the system by issuing a huge amount of Ministerial Decisions, without the ability of Members to be able to challenge them. So, that is why I put that back in. I think that is very important and essential because that is part of our system. That needs to link with part (f) about how we relook at purdah and how that is going to work, because what we had in the past was almost like a period of soft purdah and then hard purdah and how that worked. I accept that Members will lose a little bit of power, a little bit of influence, because what we are saying is that Back-Bench Members will not be able to do this either. Now, if Members think after 4 years of being in this Assembly, having a manifesto to work forward, if in the last 2 months they have not managed to lodge what they wanted to lodge by then, then you do have to question how vital the propositions that they were waiting to lodge really were. Famous last words, perhaps. I am happy to take my proposition in parts. Of course, if Members do vote (b), (c) and (d) down, that does always give me the opportunity in 4 years’ time to say: “I did tell you so.” Anyway, it is down to Members and I call for the appel on the relevant parts.

The Bailiff:

The relevant parts? So all of them?

Deputy J.M. Maçon:

In the relevant sections, I beg your pardon: (a), then one on (b), (c) and (d), and then one on (e) and one on (f).

The Bailiff:

Very well. The appel is called for. I invite Members to return to their seats. The first vote is going to be on paragraph (a) of the proposition and I invite the Greffier to open the voting.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondre				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mezec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				

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

If the Greffier can reset the voting, the next vote is going to be on paragraphs (b), (c) - which is the amendment - and (d), which used to be (c).

Deputy M. Tadier:

Could I ask Deputy Maçon if he would consider taking (c) separately? (b) and (c) are mutually exclusive and it seems to me that people would want to vote for one, or the other, and may be forced to vote against the whole lot.

The Bailiff:

I do not think (b) and (c) are mutually exclusive.

Deputy M. Tadier:

But the point I am saying, Sir, is that (c) is not necessary if part (b) does not go through, so (c) is consequential. Many of us might like to support (c) if (b) were to go through, but we do not like (b). It is entirely Deputy Maçon's choice, I am just explaining the rationale for asking.

The Bailiff:

I think the point being made is that (b) might not go through and if it does not go through (c) cannot exist. So, if you wanted to vote against (b) you might have a difficulty. It is up to you.

Deputy J.M. Maçon:

But if (b) does not go through then (c) does not go through anyway. It is consequential so, surely, they go together.

The Bailiff:

Very well, it is entirely your choice.

Deputy M. Tadier:

I do not wish to get into a debate. The point is that we may not like (b) but if (b) goes through then people might like to vote for (c) as a safeguarding measure, while not supporting (b) in the first place. It puts Members in an invidious position. That is all I am saying.

The Bailiff:

It is the proposer's choice, Deputy, so you must vote as you feel. The vote is on (b), (c) in the amendment and what used to be (c) is now reworded as (d), and I ask the Greffier to open the voting.

POUR: 31		CONTRE: 11		ABSTAIN: 0
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Senator S.W. Pallett		
Senator S.C. Ferguson		Senator S.Y. Mezec		
Senator J.A.N. Le Fondre		Connétable of St. Helier		
Senator T.A. Vallois		Deputy G.P. Southern (H)		
Connétable of St. Lawrence		Deputy M. Tadier (B)		
Connétable of St. Brelade		Deputy M.R. Higgins (H)		
Connétable of Grouville		Deputy J.H. Young (B)		
Connétable of St. John		Deputy J.H. Perchard (S)		
Connétable of Trinity		Deputy R.J. Ward (H)		
Connétable of St. Peter		Deputy C.S. Alves (H)		
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St Ouen				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy K.G. Pamplin (S)				

The Bailiff:

I ask the Greffier to reset the voting and we will go now to paragraph (e), which requests the Privileges and Procedures Committee to bring forward amendments to Standing Orders to give effect to these changes. I ask the Greffier to open the voting.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondre				

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

I ask the Greffier to reset the voting and we now turn to paragraph (f), which requests P.P.C. to undertake a more general review of the purdah rules. I ask the Greffier to open the voting.

POUR: 43	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondre		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mezec		

Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy 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 R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Deputy J.M. Maçon:

I thank Members for their support.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

We now come to Public Business, the arrangement thereof for 10th July.

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

Sir, during your brief absence we had an interesting legal argument on P.75/2018, we moved on to the next item, so the continuation of the Third Reading of that draft law will now be on the next sitting, on 10th July. Another change to the Consolidated Order Paper is the addition of P.54/2018 to the July meeting, following its deferral today. The Minister for Home Affairs also informs me that he would like to defer P.38/2018 Explosives (Amendment) (Jersey) Law. Other than that it is as on

the Order Paper, which is a long list, so Members should certainly reserve 2 days for that debate and not make any drastic arrangements that they cannot break on the third day, I would say.

27.1 Senator J.A.N. Le Fondré:

Just to give Members notice P.50/2018, I am due to receive a briefing on and there is the possibility that that might be deferred, but we will let Members know as soon as we can on that. If it is not deferred, it may be a matter that gets referred to Scrutiny, but we will deal with it one day at a time.

27.2 Senator T.A. Vallois:

I wonder if I can indulge the Assembly and ask that P.78/2018 is taken as the first item of business on 10th July. I am being asked why. It is an extremely difficult debate that we will be having around this and it is one where, I believe, that we should have the debate as soon as possible, but also because I have an engagement with a secondary school at lunch time the next day and I am concerned that I will be late returning after the lunch. It is a leavers' assembly that I have been asked to attend. So, I was just asking the Assembly whether they would consider moving this up the Order Paper so that we can have the debate first on the Tuesday after questions. I seek the Assembly's acceptance of that.

The Bailiff:

Members are nodding approval.

Senator T.A. Vallois:

Thank you.

Senator I.J. Gorst:

I call for the adjournment then, Sir.

The Bailiff:

Thank you. The States now stand adjourned until 9.30 a.m. on 10th July.

ADJOURNMENT

[17:29]