

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 22nd SEPTEMBER 2015

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. H.M. Solicitor General – welcome to Mr. Mark Howard Temple The Deputy Bailiff:

Under part A, I would like to welcome the Solicitor General to his first sitting of the Assembly. He was, as Members recall, sworn in on 17th August, so this is his first opportunity to attend, and I am sure that Members will want to ensure that his first experience is nothing but an enjoyable one and will only ask him very easy questions indeed. **[Approbation]**

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

Thank you, Sir. I look forward to working with all States Members.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Appointment of the Bailiff's Consultative Panel

The Deputy Bailiff:

Before Oral Questions we come on to appointment of members to the Bailiff's Consultative Panel. A note is at the end of the Order Paper for Members concerning this. It explains the process. I would remind Members that in addition to the Chief Minister, the Minister for Treasury and Resources, the chairman of P.P.C. (Privileges and Procedures Committee) and the chairman of the Comité des Connétables, who are all members by virtue of their office there are 5 other members of the Assembly elected by ballot every 3 years to serve on the panel. As the term of office of the current 5 members has expired it is necessary today to appoint 5 new members to serve for 3 years. I would therefore invite nominations for the panel. Are there any nominations?

2.1 Deputy K.A. Moore of St. Peter:

I would like to nominate the Connétable of St. Lawrence.

The Deputy Bailiff:

The Constable of St. Lawrence. Is that nomination seconded? **[Seconded]** Any other nominations?

2.2 Deputy P.D. McLinton of St. Saviour:

I would like to nominate Deputy Mézec.

The Deputy Bailiff:

Deputy Mézec. Is that seconded? **[Seconded]** Are there other nominations?

2.3 Deputy R. Labey of St. Helier:

I would like to nominate the Deputy of Grouville.

The Deputy Bailiff:

Is that seconded? **[Seconded]**

2.4 Deputy M. Tadier of St. Brelade:

I would like to nominate Deputy Martin.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Any other nominations?

2.5 Deputy S.Y. Mézec of St. Helier:

I knew that Senator Ozouf wished to put his name forward to this but he is obviously away so could I propose him on that basis?

The Deputy Bailiff:

You are perfectly entitled to nominate Senator Ozouf, and is that seconded? **[Seconded]** Are there any other nominations?

2.6 Senator A.J.H. Maclean:

Sir, Senator Farnham, did you read him out as a member of the panel already and if not can I nominate him?

The Deputy Bailiff:

He is not a member of the panel, no.

Senator A.J.H. Maclean:

In that case could I nominate him then?

The Deputy Bailiff:

Is that seconded? **[Seconded]** Any further nominations? As there are more than 5 nominations and 5 available places we will proceed to a ballot and the 5 members receiving the most votes will be elected as members of the panel. I will ask the Usher and the Deputy Viscount to distribute the ballot papers.

Senator I.J. Gorst:

Could you be so kind as to remind us of those Members nominated please?

The Deputy Bailiff:

The Members nominated ... I will wait until the papers are around and then before anyone writes anything down I will remind you all of what the ...

Deputy J.A. Martin of St. Helier:

Could you remind me, is it up to 5 or 5 that everyone has to nominate?

The Deputy Bailiff:

I will give the directions in just a moment, Deputy.

[9:45]

Does any Member not have a ballot page? I think Deputy Maçon is in need of a piece of paper. The position is that Members can write down up to 5 names and the candidates are: the Connétable of St. Lawrence, Deputy Mézec, the Deputy of Grouville, Deputy Martin, Senator Ozouf and Senator Farnham. As I say, Members can write up to 5 names on the ballot paper. Does anyone need the names repeated? The Connétable of St. Lawrence, Deputy Mézec, the Deputy of Grouville, Deputy Martin, Senator Ozouf and Senator Farnham. If every Member has had the opportunity of writing up to 5 names on the ballot paper then I will ask the Deputy Viscount and the Usher to collect the ballot papers. Have all Members had the opportunity and put their ballot papers in the ballot boxes? If so, then I will ask the Deputy Viscount and the Solicitor General to retire and to count the votes.

QUESTIONS

3. Written Questions

3.1 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOME AFFAIRS REGARDING OPERATION WHISTLE:

Question

Further to her answer given on 8th September 2015 to oral question 8939, could the Minister inform members when the previously mentioned arrests were made in relation to Operation Whistle, how many suspects have been questioned, and whether anyone has been charged in relation to the investigation and, if so, how many? Could she also advise what steps have been taken to date to encourage potential alleged victims or witnesses of abuse to come forward, including press releases and press conferences, for example?

Answer

To date, there have been four arrests as part of Operation Whistle, which took place on 16th July, 3rd August, 11th August and 19th August 2015 respectively. In addition, two further suspects were interviewed under caution in the United Kingdom (UK) on 4th June and 27th August 2015. Two defendants have already been charged and appeared locally in court, whilst two remain on bail subject to charging decisions and two have been the subject of no further action (NFA). Further arrests and charges are anticipated as part of this on-going and complex investigation.

A small number of additional victims continue to come forward and make contact with the police. Operational Whistle is working to a documented communications and media strategy. Initial media engagement, including a witness appeal, was undertaken on 3rd June 2015. A further public and media update is due shortly. Key stakeholders, including the Independent Jersey Care Inquiry, are also being kept apprised of developments. Some victims have approached the police as a result of the media reporting of both the Independent Jersey Care Inquiry and the UK Operation Hydrant.

3.2 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE POTENTIAL ACQUISITION OF ST. SAVIOUR'S HOSPITAL BUILDINGS:

Question

What talks, if any, has the Minister and/or the Strategic Housing Unit had with Ministerial colleagues, Property Holdings, or any other relevant parties for the potential acquisition of the current St Saviour's Hospital buildings by Andium Homes? If none, can the Minister give an assurance that serious consideration will be given to maintaining the current site either in direct States ownership, or in the ownership of Andium Homes, for the exclusive purpose of building social housing, and she will resist any attempt to sell the site to a private developer?

Answer

The Strategic Housing Unit works closely with Property Holdings and all other relevant stakeholders to ensure that there is an adequate supply of sites to provide affordable housing.

The Assembly recently approved the Island Plan to bring forward over 1,000 new affordable homes to meet the identified needs over the next 5 years. My role, working with other ministerial colleagues, is to ensure that these new affordable homes are delivered to ensure that the Island's housing needs are met.

A review of the delivery of these affordable homes is under constant review and housing supply monitoring figures will be published in due course. If the review suggests that there may be a potential shortfall in the delivery of the targets, then this will need to be addressed. In these circumstances all States owned land, including any land which may be available at the time at St Saviour's Hospital, will be reviewed to address any possible shortfall.

Detailed discussions about the availability of any additional sites have not yet taken place, but the best sites for affordable housing are close to community facilities such as shops, bus routes and schools. This requirement will form part of any consideration of alternative sites for affordable housing should they be required.

3.3 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING OPTIONS FOR THE FUTURE USE OF THE ST. SAVIOUR'S HOSPITAL SITE:

Question

What plans, if any, are there for the disposal of the current St Saviour's Hospital site, and what discussions and offers have been made, if any, for the possible uses of the site? Moreover, does the Minister have a preferred option for the future usage of the site?

Answer

There are no definitive plans to dispose of the current St Saviour's Hospital site south of the La Route de la Hougue Bie, which is currently an operational site for Health and Social Services Department (HSSD). However HSSD is working with Jersey Property Holdings and aims to relocate the current operational service to improve the facilities for service users and free the site for redevelopment in due course.

Should it not be needed for future operational use, an alternative use will be identified that provides an appropriate return to the Public. The future use of the site will be a matter for consideration in the context of the location, topography and planning limitations.

The site to the North of La Route de la Hougue Bie, which includes Rosewood House and Clinique Pinel, will remain as a HSSD operational site for the foreseeable future.

3.4 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FUTURE USAGE OF THE LES QUENNEVAIS SCHOOL SITE:

Question

In the event of the successful relocation of Les Quennevais School, what does the Minister consider to be the government's preferred usage of the existing site, and can he give an assurance that views of local residents and representatives will be given sufficient weight and consideration before any future decisions are made?

Answer

If the timetable for the provision of a new Les Quennevais school is maintained the site of the current school will not be available for redevelopment until 2020 at the earliest, so any firm decision on future use is premature.

The current school site is located in a residential area and any future use will need to be compatible with its surroundings. In developing proposals for the site, full recognition will be taken of the need to address the delivery of States Strategic policies as well as the local community perspective. Any firm proposals for the development of the site will be the subject of an application for planning permission which includes a period of statutory public consultation and local residents and other interested parties will have an opportunity to engage fully in that process in due course.

3.5 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING TAX CONTRIBUTIONS MADE BY ISLANDERS TO THE CHURCH OF ENGLAND:

Question

Can the Chief Minister advise what services the Church of England offers to Islanders in return for their tax contributions and state what the total contribution by tax payers is, per annum, to the Church of England in Jersey, and what this works out to, on average, for every taxpayer in the Island?

Answer

The Office of the Dean of Jersey is specified in the Public Finances (Jersey) Law 2005 as a non-Ministerial States funded body. The Office receives public funds, as detailed in the Medium Term Financial Plan.

The annual amount specified within the Medium Term Financial Plan 2013-2015 (as amended) is £26,000. The amount allocated for 2016 is £25,800.

The Dean of Jersey is a member of the States and speaks on behalf of all the churches and faith communities, especially on the ethical and moral dimension of issues that come before the Assembly. The Dean is Chaplain to the States and is responsible for services to mark the great occasions of Island life.

Contributions from rate payers would be a matter for the Comité des Connétables.

3.6 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING MEETINGS HELD WITH UNION REPRESENTATIVES:

Question

Further to his answer to written question 8927 of 8th September, could the Chief Minister provide the dates of his face to face meetings, if any, with representatives from the following unions –

- Unite the Union
- National Union of Teachers
- Jersey branch of the National Association of Schoolmasters Union of Women Teachers (NASUWT)
- Jersey Nursing Association?

Answer

During that time the Chief Minister, in his capacity as chair of SEB, has personally attended three official meetings with Unite – on 13th December 2011, 18th November 2013 and 4th June 2015.

The Chief Minister has attended one meeting with the Jersey branch of the National Union of Teachers on 4th June 2015.

He has attended two meetings with the Jersey branch of the National Association of Schoolmasters Union of Women Teachers on 18th November 2013 and 4th June 2015.

He has attended two meetings with the Jersey Nursing Association (JNA) on 18th November 2013 and 4th June 2015 (On both these occasions the RCN Representative attended on behalf of the JNA supported by Unite)

As explained in the answer to written question 8927 operational employment matters are delegated to the Chief Executive and senior Human Resource Officers in the Chief Ministers Department. Officers acting on behalf of the Chief Minister and the SEB have held more than 200 face to face meetings with the named unions during this period.

3.7 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE PUBLIC SECTOR VOLUNTARY REDUNDANCY SCHEME:

Question

Further to his answer to written question 8926 of 8th September 2015, could the Chief Minister provide a breakdown of the pay grades of those public sector workers whose applications for Voluntary Redundancy/Early Voluntary Retirement/Voluntary Severance were accepted and an equivalent breakdown for those whose applications were not accepted?

Answer

The following table shows a breakdown of voluntary release applications received, approved and rejected, sorted by paygroup and grade.

Paygroup	Pay Code	Applied	Approved	Rejected
A Grade Civil Servants	A Grade	2	2	0
Civil Service	Grade 4	6	1	5
	Grade 5	12	4	8
	Grade 6	18	3	15
	Grade 7	17	6	11
	Grade 8	16	9	7
	Grade 9	21	12	9

	Grade 10	20	10	10
	Grade 11	16	3	13
	Grade 12	9	6	3
	Grade 13	6	3	3
	Grade 14	9	5	4
	Grade 15	2	1	1
Energy from Waste Operations	Grade	2	0	2
Family Support Workers	Grade	1	0	1
Law Officers	Legal Adviser	2	0	2
Heads and Deputies and Highlands Managers		4	3	1
Manual Workers	Grade 1	2	0	2
	Grade 2	4	2	2
	Grade 3	11	2	9
	Grade 4	27	8	19
	Grade 5	11	2	9
	Grade 6	18	8	10
	Grade 7	9	0	9
	Grade 8	12	4	8
Nurses and Midwives	Grade 1	9	1	8
	Grade 2	11	2	9
	Grade 4	13	1	12
	Grade 5	5	0	5
	Grade 6	4	2	2
	Grade 7	2	1	1
	Grade 8D	1	1	0
Prison Service	Prison Officer	1	0	1
	Prison Support Grade 2	1	0	1
	Prison Support Grade 3	1	0	1
Residential Child Care Officers	Grade 2+ 3	5	0	5
Doctors and Consultants	Associated Specialist	1	0	1
	Staff Grade	1	0	1
Le Geyt Centre		1	0	1
Lecturers	M.P.S. Scales	16	4	12

NB: grades have not been shown where an individual could be identified.

3.8 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF THE HIGHER RATE OF INCOME TAX ON HIGH EARNERS:

Question

Following statements he made in the Assembly during question time on 8th September 2015, could the Chief Minister provide details about what, if any, government commissioned research has been carried out on the potential economic impact of a higher rate of income tax for high earners? Could he further provide details of who undertook this research, what their terms of reference were and what conclusions were reached?

Answer

Government commissioned research has been carried out into this issue in the past. This research was not updated as the Medium Term Financial Plan focuses on making savings rather than increasing taxes. We have not looked at the impacts of any key income tax changes that might change the tax paid by different groups.

In 2010 the Fiscal Strategy Review investigated options for raising revenue. One of the options considered in the review was the introduction of a higher rate of personal income tax (30% on taxable income of more than £100,000). All the options considered were accompanied by detailed supporting research. This research was conducted by the Economics Unit for the Treasury and Resources Minister and the Fiscal Strategy Review Steering Group to help them consider the economic issues before a proposed consultation on the Fiscal Strategy Review. It set out the framework used for assessing the options for raising revenue and includes detailed analysis of the main tax options.

The report can be read at: -

<http://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20FSR%20Research%2020100621%20MM.pdf>

The findings of the research indicated that although a higher rate of personal income tax would improve the progressivity of the tax system, it would have a negative impact on efficiency and competitiveness when compared to the other options considered.

This analysis is consistent with the economic advice from bodies such as the OECD, the EU, the IMF and the Institute for Fiscal Studies.

3.9 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE EXPANSION OF JERSEY'S DIGITAL INDUSTRY:

Question

Since the government decided to make it official policy to expand Jersey's digital industry, could the Minister outline how much public money has been spent pursuing this objective, how many businesses have either started or relocated to Jersey as a result of this promotion and, specifically, how many jobs have been created as a direct result?

Answer

Since 2012, £3,142,398.95 has been provided by Government to establish and fund Digital Jersey. Digital policy is now at the centre of Government. Technology is unleashing a whole new way of working providing significant business opportunities for Jersey people, Jersey developers and Jersey firms to serve global markets as never before. The Council of Ministers, led by the Assistant Chief Minister, are taking the same approach to promoting and growing this industry as has been proved successful in Financial Services. As a promotional body, the role of Digital Jersey in this context is a combination of:

- Direct business development
- Collaborative efforts with other agencies, primarily Locate Jersey
- Supporting existing businesses, including with licence applications and access to funding

It is impossible to attribute individual pieces of business to a single initiative or efforts from one single Minister; the growth of the Digital sector, and other sectors, is down to the collective efforts of Industry, Government and the Regulators.

Digital Jersey keep track of all business development activities in the sector. Digital Jersey's information shows that during the first quarter of 2015 alone 116 new employees were employed in the sector (41 of which were employed in existing businesses). There is also a current pipeline of 248 jobs which are expected to be created in the next 12 months. Further detailed information is available at Digital Jersey's website (digital.je)

3.10 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING CUTS TO THE STATES OF JERSEY FIRE AND RESCUE SERVICE:

Question

What impact assessment, if any, has been carried out on the cuts to the States of Jersey Fire Service, specifically with regard to the impact on safety and fire prevention?

Answer

An impact assessment on a range of savings scenarios was undertaken by the Chief Fire Officer in February of this year. Public and firefighter safety were prioritised and the impact assessment was used to identify the posts that would be designated for vacancy management in 2015 and 2016 to enable the Fire & Rescue Service to deliver its savings targets.

The three vacant firefighter posts (two multi-functional firefighters and one fire prevention officer) are being managed by adjusting workloads and reassigning staff to limit the impact on the delivery of front line services. This has ensured that the number of firefighters available 24/7 to respond to any emergency is unaffected.

As part of the wider public sector reform programme senior fire officers have developed a change programme called 'JFR2020', the aim of which is to review all of the Fire & Rescue Service's functions and to redesign these so as to limit the impact of the cuts as far as possible. All personnel and the Fire and Rescue Service Staff Association have been briefed and indeed, Association officials have agreed to work with senior officers in the redesign process.

3.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING INFLATION-LINKED FUNDING:

Question

Further to the Minister's response to written question 8932 on 8th September 2015, will the Minister inform members what sums have been spent as part of the 2% inflation-linked funding referred to, on –

- staffing;
- rising drugs budget;
- commissioned local care packages;
- specialist U.K. care?

Will he further give details of the initiatives being delivered, including by which third party providers, under what terms, and with what savings to the department?

Will he also give details of the extent to which these services have been outsourced, what Service Level Agreements apply and how they compare with the previous in-house service?

Answer

2% Inflation-linked funding

In the MTFP 2013 – 2015 the 2% investment in service standards and healthcare inflation funding amounted to £10.5 million. This funding has been allocated as follows:

Staffing	£ 1.7m
Drugs	£ 1.8m
Local care packages	£ 2.7m
Specialist UK care	£ 3.3m
Insurance and other	£ 1.1m
TOTAL	£ 10.5m

Initiatives being delivered

Title	Provider	Agreement Type
Specialist Fostering	HSSD	Service Specification
Short Breaks	Autism Jersey, Les Amis, Tutela, New Horizons	Approved Provider Framework Contract
Family Care Co-ordination	HSSD	Service Specification
Community Midwifery	HSSD	Service Specification
Parenting Support (Mellow Parenting Programme)	HSSD	Service Specification
Children Centre Coordinator / Parent Engagement	Samares School	Service Specification
Sustained Home Visiting	FNHC	Service Specification

Community Detox & Relapse prevention	HSSD	Service Specification
Opportunistic Screening & Brief Intervention	HSSD	Service Specification
Alcohol Liaison	HSSD	Service Specification
Jersey Talking Therapies low intensity	Consortium led by Community & Social Services, MIND Jersey, GPs	Service Specification
Jersey Talking Therapies high intensity	Consortium led by Community & Social Services, MIND Jersey, GPs	Service Specification
Carers Support Services	Citizens Advice Bureau 10 providers on Adult Respite Approved Provider Framework	Grant + Approved Provider Framework Contract
Community Resources Centre (from 2014)	Community & Voluntary Sector	Grant
Older Adults Community Mental Health Team	HSSD, working with Jersey Alzheimers Association	Service Specification
Memory Assessment and Early Diagnosis	HSSD, working with Jersey Alzheimers Association	Service Specification
Mental Health Liaison	HSSD, working with Jersey Alzheimers Association	Service Specification
Community Specialist Team (Community Respiratory, Oxygen Therapy, Heart Failure)	HSSD	Service Specification
Pulmonary Rehabilitation	HSSD	Service Specification
Rapid Response & Reablement	FNHC	Agreement for Service

Specialist Palliative Care Team	Consortium led by Jersey Hospice Care, FNHC, HSS and GPs	Agreement for Service
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Please see Appendix 1 for a description of each service.

Commercial Terms

Agreements for Service are standard for all organisations; these are attached at Appendix 2.

Service specifications for each of the P82 funded services can be made available if required.

Funding arrangements are commercial in confidence and cannot be shared at this time.

Appendix 1 – Service description for P82 initiatives

Area	Title of Service	Provided by	Description
Children	Specialist Fostering	HSSD	An increase in the number of active accredited foster carers, through a combination of proactive awareness raising which will encourage more people to become foster carers, and targeted learning and development programmes (and additional payments) to encourage more foster carers for hard-to-place children.
	Short Breaks	Autism Jersey, Les Amis, Tutela, New Horizons	An increase in choice and availability of Community Short Breaks for children and young people (up to age 18) with complex needs, including those on the Autistic Spectrum and those with other disabilities. Community Short breaks are provided by a range of organisations who have been assessed as meeting the required standards to be included on a framework. The process and panel for assessing and recommending Community Short Breaks has also been improved.
	Family Care Co-ordination	HSSD	Care co-ordination for families of children in the early years with complex needs; with an identified practitioner as a single point of regular and consistent contact to offer support and information and co-ordinate services around the child and family, including: <ul style="list-style-type: none"> • A single care pathway for children in the early years with complex needs including social communication needs with co-ordination of multi-agency support including the community short break service and autism diagnosis when required. • A re-designed one stop autism and social communication clinic for school age children with reduced waiting time from referral to diagnostic feedback. Training for practitioners in early years settings working with children aged 0 – 3 years to promote children's communication development (Language for Life training).
	Community Midwifery	HSSD	Community Midwives provide care for women in the antenatal period, during birth and for 10-14 days following birth. They provide 'shared care' with GPs for women at low risk, and 'shared care' with GP and hospital Obstetrician for women at high risk.
	Parenting Support (Mellow Parenting Programme)	HSSD	Programmes for up to 30 families each year (3 programmes of 10 participants). Programmes last for 14-weeks, with attendance one day a week. Play work and video feedback is given which is aimed at improving the parent – child relationship. This is supported with therapeutic work on parent's own difficulties whilst their child is in a crèche. The day

			<p>includes:</p> <ul style="list-style-type: none"> • Review and reflection • Children, mothers and facilitators take lunch together followed by planned play activities • Children engaged in play work whilst the mothers share videotape material and work on parenting topics. <p>Links are made between the mother's own experiences past and present and their current feelings towards the children. Fathers are invited to evening sessions.</p>
	Improved Access to Primary Care		
	Children Centre Coordinator / Parent Engagement	Samares School	The Samares Child and Family Centre is a joint project with Education, Sports and Culture and Family Nursing Home Care, which will provide increased access to universal services such as Health Visiting and Early Years Education Services such as Parenting. The centre is an integrated part of the school, and a Parent Engagement Officer will work with families, including engaging with families who have children with complex needs.
	Sustained Home Visiting	FNHC	Targeted support to families who have additional needs, the programme begins in the antenatal period until the child is 2 years of age, aiming to promote parental confidence and attachment with child and child development. The programme involves health and wellbeing, support and information, including increasing aspirations and supporting family and social relationships. Services are initially provided within the home with a view to connecting the family to existing community resources. The programme is delivered as part of the universal health visiting service which reduces stigma and increases uptake of the programme.
Healthy Lifestyles Alcohol	Community Detox & Relapse prevention	HSSD	<p>Detox for individuals at home or in a community residential setting, with care planning and co-ordination of ongoing care._</p> <p>Opportunistic alcohol screening in a range of settings, predominantly in Primary Care, using validated tools by to assess alcohol consumption and inform subsequent advice, guidance and referral. 'Brief intervention' advice is provided on safe drinking and avoiding harm from alcohol, with onward referral to other services as appropriate, including detox and relapse prevention._</p>
	Opportunistic Screening & Brief Intervention		
	Alcohol Liaison		

			Community-based relapse prevention programmes, comprising of 6 – 8 sessions of individual motivational counselling, abstinence and Support Group programmes (maximum of 10 people in a group), social support to make lifestyle changes, such as housing, employment, family and social relationships; advice, guidance and support on accessing benefits, housing and accommodation, employment and return to work programmes and educational and or volunteering opportunities.
Mental Health	Jersey Talking low Therapies intensity	Consortium led by Community & Social Services, MIND Jersey, GPs	JTT aims to provide adults aged 18 and over with quick, easy, and equitable access to a range of accessible talking therapies, for individuals who are experiencing psychological difficulties, mainly anxiety and depression and includes those with alcohol issues. The service provides face-to-face or telephone assessments and 1:1 therapy. JTT also provide psycho-educational workshops and courses and individual Computer Based Cognitive Behaviour Therapy, run by Psychological Well Being Practitioners and Psychological Therapists. The service works closely with GPs, and is predominantly provided in GP surgeries and in a town location (not a health service building)
	Jersey Talking high Therapies intensity		
Adults & Older Adults	Carers Support Services	Citizens Advice Bureau 10 providers on Adult Respite Approved Provider Framework	Improved information and advice for carers, including a directory of services for carers. Jersey Online Directory (JOD) is an essential resource for Islanders on line, and holds useful information about services, where to go for help and links to organisations associated with health and social care.
	Community Resources Centre (from 2014)	Community & Voluntary Sector	This will provide multi use rooms that can be utilised for a range of activities including meeting room space for VCS organisations, health improvement activities, service user meetings and bookable space for other activities such as counselling.
	Older Adults Community Mental Health Team	HSSD, working with Jersey Alzheimers Association	A multidisciplinary team caring for people with a functional mental illness such as depression and psychotic illness and people with dementia, working through a single point of access with integrated, person-centred care planning and care for older adults and their carers living in their own home or within a community setting. An enhancement and expansion in capacity of existing services, which ensures that dementia is diagnosed as early as possible, in the mild stages of the condition, and supports service users and carers to make informed decisions and choices about care and
	Memory Assessment and Early Diagnosis		
Mental Health			

	Liaison		<p>support. People with dementia and their carers will have more information (being developed in partnership with Jersey Alzheimer's Association), to help them manage their care more effectively and understand how to access other assistance, with personal care plans to meet identified needs.</p> <p>A single point for information on any mental health issue for over 65's – at the hospital and in care homes, with training, support and guidance to hospital and care home staff – including delivering training, discharge planning and advising on the care of a patient / resident.</p>
	Community Specialist Team (3 new services)	HSSD	<p>Integrated care for individuals with long term conditions, working across different services, with agreed care pathways.</p> <p>Long term conditions management will be patient-centred, and will form an integrated part of the 'Out of Hospital' system following further P82 investment and service development in 2016 (subject to MTFP2 funding).</p>
	Pulmonary Rehabilitation	HSSD	<p>An increase in the availability of Pulmonary Rehabilitation programmes, for up to 208 people per year. These programmes last 8 and 16 weeks and comprise two sessions per week, of 1 – 1.5 hours each, with a range of education and exercise components to improve lung function and exercise tolerance for people with COPD and other chronic lung conditions enabling them to have improved health and reduced need for more intensive care.</p>
	Rapid Response & Reablement	FNHC	<p>An integrated system, which incorporates a Single Point of Access and includes Rapid Response, Crisis Support and Reablement. Care is provided by a multidisciplinary team, accessible during extended hours.</p>
	Single Point of Access		<p>The aim is to prevent admission to hospital, delay admission to Long Term care and facilitate timely transfers of care from the hospital, through co-ordinating a range of responses tailored to the individual's needs; the integrated system currently comprises:</p> <ul style="list-style-type: none"> • Clinical hub (Single Point of Access) • Rapid Response and Crisis Support • Short Stay Respite (Step Up Step Down) Care Home Beds • Home Care Reablement • Community Equipment

	Specialist Palliative Care Team	Consortium led by Jersey Hospice Care, FNHC, HSS and GPs	A partnership led by Jersey Hospice Care to ensure: <ul style="list-style-type: none"> • Good quality end of life care services available to all islanders irrespective of their condition • More Islanders dying in their preferred place of death • Better working between primary care, community, hospital and hospice providers • Clear pathways ensuring the right level of support to patients at the right time • Improved knowledge and capability in all providers including primary care and care homes • Improved clinical governance
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3.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING INCOME SUPPORT SAVINGS:

Question

Can the Minister confirm that the purchasing power of income support recipients has reduced since October 2008 by around 10% and that the proposal to freeze core components at 2015 rates for two years will reduce the spending power of pensioners and other Income Support recipients by some £9 per week and, if not, why not?

Can she also confirm that the change from a fixed to a percentage Income Support disregard for pension income for new single pensioners on a full States pension will reduce their income by a further £9 per week, and, if not, why not?

Can she further confirm that the proposals to reduce Income Support for those worst off pensioners in particular will reduce their income significantly, and may worsen the health of those affected, thereby increasing health interventions and costs on the part of the health department and, if not, why not?

Answer

No, it is not correct to assert that the purchasing power of Income Support recipients has reduced by around 10% since October 2008.

The Income Support system supports a wide variety of households and there is no simple calculation that reflects the purchasing power of all these households over time. A note on the calculation of purchasing power is provided as an appendix to this answer.

Income Support is designed to top up the income of households that have low incomes. The amount of Income Support claimed, and how long Income Support is claimed for, depends on a household's circumstances. At the end of 2014, only 15% of Income Support households were totally reliant on Income Support - the great majority of claimants have some other form of income such as earnings, pensions, other social security benefits or maintenance agreements. On average, these income streams have increased slightly more than RPI since 2008.

The amount of Income Support received by a household depends on both the components that they are entitled to and the disregards that are applied to their own income. Whereas some of the Income Support basic components have been fixed in recent years, the components for paying rent and child care costs have increased in line with inflation. There have also been significant

increases in the disregards applied to earnings and pension income. As an example, the table below shows that this combination of factors has led to the total income available to an Income Support pensioner not only keeping up with, but exceeding the rise in prices since 2008 by more than 7%.

Example: A single pensioner with a full Jersey pension, renting a 1 bedroom flat.

	October	October
	2008	2015
Pension income (full rate Jersey OAP)	172.83	199.99
deduct pension disregard	-27.09	-55.23
Pension income included in IS calculation	=145.74	=144.76
Income Support		
Adult component	89.32	92.12
Household component	+45.71	+51.31
Rent component	+148.82	+181.30
Total of all components	=283.85	=324.73
Deduct net pension income	-145.74	-144.76
Total Income Support	=138.11	=179.97
Total household income (pension + IS)	310.94	379.96
% change in household income 2008 -2015		22.2%
RPI % change 2008 – 2015 (see appendix)		14.9%
Improvement in purchasing power since 2008		7.3%

The measure to freeze core components at 2015 rates for two years makes a significant contribution to the total of £10 million in tax funded benefit savings required as part of the overall medium-term financial plan and it is inevitable that it will have some impact on Income Support claimants. However, as can be seen

above, improvements in Income Support disregards over the last few years have led to a real increase in total household income for many Income Support claimants and whereas it is never easy to restrict benefit budgets, this option helps to minimise the impact on individuals.

Without further details, it is difficult to comment on the assertion in the question that the spending power of an Income Support pensioner would be reduced by £9. The impact felt by individuals will depend on their other income and the overall cost of living in the island. At present increases in RPI are running at historically low levels - the most recent RPI figure published for June 2015 gave an annual increase of 0.9%, with an increase of just 0.4% for the RPI figure published specifically to reflect pensioner spending.

The proposed change in the method of providing an allowance, or disregard, for pensioners claiming Income Support only affects new claims from 2016 onwards. All existing Income Support pensioners will be allocated the higher of the existing fixed disregard or the new percentage disregard and will not see any reduction in their total income as a consequence of this proposal.

Promoting financial independence includes encouraging workers to save towards a pension for their old age. At the moment, if someone expects to claim Income Support in old age, there is little incentive for that person to maximise their future pension income. Under the current rules, the total income, including benefit, is the same for a household claiming Income Support whether it has a small amount of pension income, or a large amount of pension income. One aspect of the overall savings package is to align the treatment of pension income with the treatment of earned income within the Income Support system.

The proposed changes to the treatment of pension income will mean a fairer Income Support system in future, and Income Support households that have provided for their old age will be better off compared to those that have not.

From January 2016, a new pensioner claimant will keep 23% of their pension income outside the Income Support calculation (i.e. this amount is disregarded). With a standard single person's pension of just under £200 a week, this allows them to retain £46 per week in addition to the full range of Income Support components. Based on the example above, for a pensioner claiming Income Support in January 2016, the purchasing power of the total income for this pensioner will still be 4.3% above the 2008 level.

Pensioners currently receiving Income Support will see no reduction in their overall income as a result of these proposals. Subject to the approval of the States they are likely to benefit from an expanded 65+ health scheme and are also now able to receive support with long-term care costs through the new long-term-care benefit introduced in July 2014. This scheme is of particular benefit to pensioners who own their own houses but have a limited pension income.

The significant investment in health services included within the MTFP will improve the healthcare that is available to all pensioners. Income Support continues to support low income pensioners who have a long-term medical condition through personal care, mobility and clinical cost components.

Appendix – Purchasing power

Purchasing power is how much a household can buy with its income and it can be estimated by comparing household income with the cost of goods and services.

A household's purchasing power changes as its circumstances change, and in particular how its income and the costs of goods and services change over time.

It is mainly the growth in income, including earnings, pensions and benefits, which improves the purchasing power of households over time.

- The increase in prices is measured by the RPI which has increased by 14.9% between June 2008 and June 2015.
- The increase in earnings is measured by the AEI which has increased by 15.6% between June 2008 and June 2015.
- Average earnings have increased by 0.7% more than RPI since June 2008.

The purchasing power of households with earnings and Jersey pension income has increased slightly since 2008. The Jersey Old Age Pension has been uprated by the increase in average earnings each year, and since 2013, the States has guaranteed a minimum rise in any year in line with the cost of living for pensioners, RPI-pensioner (P15/2013).

3.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE CLOSURE OF COMMUNITY HOMES:

Question

Can the Minister confirm that over the past 4 years the following community homes have been closed and state how the support previously delivered to the clients is currently being delivered?

Special Needs Service

Admar
Telvika
Roseville Villas
Azola
St. Luke's

Elderly Care

The Limes (one wing closed, loss of 5 beds)
Beech Ward (reduction in bed occupancy)
Lavender Ward (closed)

Adult Mental Health

Clairvale recovery centre (8 beds lost)
Old Mill House (4 beds lost)
Maison Du Lac (8 beds).

Answer

I am pleased to outline the progress we have made and continue to make in moving from more 'institutional' models of care (now considered to be outmoded and inappropriate) to more tailored approaches where individuals are being supported in the community with personalised packages of care and support. This has involved a partnership approach with bodies such as Andium Homes, Jersey Property Holdings, and third- and independent sector providers to deliver improved outcomes for service users. They now have a greater choice of where they live and improved

quality of accommodation. Some of the buildings mentioned in the question had a range of issues which rendered them not fit for purpose and not of sufficient quality to deliver the 'right kind' of service in the future.

This policy direction is influenced by good practice and knowledge that, where possible, people want to live in their own communities in 'mainstream' housing and not in traditional residential, more 'institutionalised', accommodation. This revised approach makes clear that individuals are valued members of our communities regardless of their need. The introduction of long-term care benefit has introduced more choice in meeting care needs and promoted opportunities for the service user to decide how need is met, in what setting, and by whom. Work continues across care groups to build on the principles and values of personalisation. Critical aspects of personalisation are that: a service user's views are encouraged and heard; packages are bespoke to need; choice is increased; and innovation is encouraged and developed to maximise the individual's potential.

White Paper (P.82) investment has been used to develop community assessment which is less intrusive, less disruptive and provides greater accuracy than in-patient or residential assessment. In turn, this leads to improved service user experience.

The specific details in relation to the residential provision listed above are as follows:

Special Needs Service - (now Adult Learning Disability Service)

Admar, Telvika, Roseville Villas, Azola and St Lukes have all closed. This was part of the Adult Service Residential Strategy enabling individuals to be supported in 'houses for life' with personalised support.

Elderly Care

Lavender Ward that provided beds in Clinique Pinel closed in 2012 to allow refurbishment of the building. The environment was not conducive to the function of Lavender Ward and some users transferred to the independent sector which could provide quality service provision.

The Limes has closed one wing with a subsequent reduction of 5 beds. This followed the increased choice available to individuals following the introduction of the long-term care scheme, and because of challenges in the recruitment of staff. Those individuals who would have traditionally received care at the Limes are receiving services in the independent sector.

Beech Ward – there has been a small reduction (three) in the use of beds in Beech Ward in line with evidence of good practice and the desire to progress the aims of community-based services and assessment, as outlined in the White Paper/P82.

Adult Mental Health

Old Mill House is closed. The building was in a poor state of repair and not fit for purpose.

Maison Du Lac is closed with individuals moving to community-based accommodation with appropriate support.

Clairevale – the 24-hour component is currently closed while being reviewed and is planned to re-open after a redesign in early 2016. Service continues to operate in its other functions.

There has been an increase of mental health community-based residential provision of 18 beds in four different locations.

The move to smaller community homes rather than more traditional residential services is informed by sound policy and good practice. A partnership approach has been taken that places the service user at the centre of planning and focuses on meeting need in an individualised way. The individuals concerned have had more choice in where and how they live and have support plans in place delivered by appropriate providers. Some have managed to stay at home for assessment, which has enhanced their experience and contributed to a more comprehensive accurate assessment. Progress on this agenda will continue, underpinned by the principles outlined above.

3.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING GRANT AID TO FAMILY NURSING AND HOME CARE:

Question

Will the Minister advise members whether the withdrawal of the domestic cleaning service offered to elderly/disabled clients in need has been brought about by a reduction in the grant aid to Family Nursing and Home Care from Health and Social Services? Will he further inform members how many grade 1 domestic assistants have lost their positions due to this change and how many clients then needed to source alternatives?

Will he further inform members how much the Family Nursing and Home Care grant has been reduced by over the period 2014 to 2016 and whether any other services have been or are likely to be withdrawn?

Answer

HSSD provides funding to FNHC under an Agreement for Service, rather than a Grant. In 2015 the FNHC Agreement for Service was increased by £335,673 for sustainable home visiting and £754,900 for the delivery of Rapid Response and Reablement services, which are funded through P82. The core funding for the Agreement for Services was also increased by 4% to reflect the States of Jersey pay award and 2.5% for inflation; HSSD currently funds c83% of FNHC's costs; the remainder is funded through charitable means – including bequests, donations and income derived through investments.

In response to the financial challenges of MTFP2 and the changing funding arrangements for individuals with long-term care needs (the Long Term Care Scheme), the Health and Social Services Department is working with FNHC and other providers to ensure that the health and social care services that individuals need are made available, and that these are cost-effective and value for money. HSSD will be clear what services it will fund from 2016; these discussions are ongoing.

Organisations are also funded through the Long Term Care Scheme for those individuals who qualify for this benefit. All charitable organisations will also be making decisions about what services they wish to provide using their charitable income; decisions about these services and staffing arrangements are properly a matter for FNHC.

3.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CHANGES TO THE SERVICE DELIVERY IN THE DEPARTMENT:

Question

Notwithstanding his response to written question 8928 of 8th September 2015, will the Minister inform members what changes/reductions to service delivery are being “worked through” or are under consideration from the 12 areas listed on page 83 of the Annex to the Medium Term Financial Plan as well as any others to be delivered in 2016 or beyond and, if not, will he assure members that he will bring these measures to the Assembly before the MTFP is debated on 6th October 2016?

Answer

The Annex to the MTFP sets out a number of schemes that are intended to deliver savings at HSSD. Some are self-explanatory, but for a number further information is provided.

To remind members, the 12 schemes are:

- a review of non-pay budgets and reduction in usage of supplies (stock reviews; procurement savings; renegotiation of contracts for high cost consumables; improved inventory management)
- reducing spend on patient food services for inpatients (patient ordering; change of menu; reduction of waste)
- reducing the number of FTE in management and administrative support areas
- improving procurement of specialist care in the UK to reduce cost (by negotiating on price and reducing the number of contracts)
- requiring efficiencies in contracts for services with on-island providers including voluntary and community sector partners
- restructuring management of Community and Social Services (to reflect the creation of a single adult mental health service)
- closing hospital beds at the weekends where safe to do so (consolidating empty beds to enable one ward to shut at weekends)
- reducing staff travel costs and patient travel subsidies (reducing the amount of travel through better use of technology such as ‘webinar’ workshops and other e-learning; more stringent controls; reviewing the travel policy)
- reviewing the provision of patient transport services
- improving staff absence management and the spend on agency and locum staff (robust application of the absence management policy; better rates for agency/locum staff; rota management/e-rostering; vacancy management)
- reviewing provision of some low level care services (such as domiciliary care services)
- implementing recommendations from the review of private patient income by the CAG (price reviews; activity capture; greater use of patients’ medical insurance)

The department is seeking to deliver savings through sustainable efficiencies, service redesign and cost reductions. The intention is to deliver services in as efficient a way as possible; in terms of the impact on service delivery, any changes would only take place where safe to do so and would often involve working with partners in the voluntary/community or independent sectors to provide those services.

An example of improved services and improved value for money is the tendering of the off-Island Cardiology service. This approach will be expanded across other off-Island hospital services; it will save money and provide better services for patients. The grade and type of staff who deliver services is also being reviewed, for example for Older Adults Mental Health; this should result in

more co-ordinated care, with a more attractive career path for many staff who will be supported to expand and utilise their skills – for example, by supporting nurse prescribers and enhanced role practitioners. These service models have been proven elsewhere, and need to be considered and applied to Jersey as part of our system redesign, to deliver safe, sustainable and affordable services for Islanders.

These savings initiatives are being led by my senior management team, with involvement from all levels of staff, and using lean management techniques. They are principally internal operational matters and it would therefore not be appropriate to bring them to the Assembly before the MTFP is debated on 6th October 2015. Change is a constant at HSSD and it would not be appropriate or indeed practical to seek the assembly's approval for every such initiative.

3.16 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CANCER SURVIVAL RATES:

Question

Can the Minister advise what the five year survival rates are for –

- each of the ten most common cancers in Jersey, when measured using the same comparators as the U.K.; and
- each of the ten most common cancers in Germany, France and Spain, using the same comparators as the U.K.?

If there are different ways of measuring the survival rates can these be explained, along with the reason why they are different?

In addition, can the Minister advise whether there has been an increase in referrals for screening of asbestos related cancers in the past year and, if so, can he state whether this has resulted in an increase in diagnosis of asbestos related cancers compared to five and ten years ago?

Answer

Yes, these data are routinely monitored, collated and analysed on our behalf by the Knowledge and Intelligence Team (KIT) of Public Health England and are presented below with reference to the Deputy's question. The uniform methodology applied means that the data are robust, incorporating cancers diagnosed on the mainland as well as here in Jersey, and removing any double-counting (ie recording a new diagnosis more than once), and are directly comparable to equivalent data for England. It is also comparable to the methodology used elsewhere internationally, thus enabling international comparisons.

Looking at the overall picture, although Jersey has a 6% higher cancer incidence rate than England (the number of all new cancers diagnosed every year), the one-year and five-year survival in Jersey for all cancers is higher – i.e. better than the England average.

Returning to the Deputy's specific question, the first table shows that in almost all instances for the ten commonest cancers, from our most recent Channel Islands Cancer Report (data to 2011) 5-year survival rates for Jersey patients in relation to each 'top ten' cancer are either approximately the same, or considerably better (examples here are colorectal, lung, upper gastrointestinal), than those for patients in England.

Looking at the further tables including the requested comparisons with Germany, France and Spain, albeit these data are averaged over a slightly different time period, the same favourable comparison applies for cancer groupings with comparable headings (breast, prostate and lung): these are also three of the four commonest cancers in each of the countries.

Further information about patterns of cancer in Jersey are available in the regular Channel Islands Cancer Reports, as well as the 2013 *Cancer in Jersey* independent scoping report (available on the gov.je website), also commissioned by us from Public Health England to ensure robust external comparisons.

Five-year survival rates for each of the ten most common cancers in Jersey:

Top 10 cancers in Jersey with 5-year relative survival rates (%) for those diagnosed 2002-2006

Top 10 cancers by incidence	Jersey 5-year survival rates		England 5-year survival rates	
	Male	Female	Male	Female
Breast	n/a	85	n/a	86
Prostate	89	n/a	86	n/a
Colorectal	63	63	52	52
Lung	16	14	7	8
Malignant melanoma	88	91	84	93
Head and neck	65	72	59	71
Upper gastrointestinal	19	17	11	9
Lymphoma	82	67	63	64
Uterus	n/a	65	n/a	79
Bladder	62	37	58	44

Source: Channel Islands Cancer Report 2013 and Public Health England Knowledge and Intelligence team

Rates for the UK as a whole are not included in this answer because there is currently no equivalent UK-wide data available for survival of cancers diagnosed after 2004. For more information see the National Cancer Intelligence Network website www.ncin.org.uk

Five-year survival rates for each of the ten most common cancers in Germany, France and Spain

Data from EUCAN (a World Health Organisation unit providing estimates of cancer throughout Europe) shows for 2012, the most common cancers in France, Germany and Spain are very similar to our own and those for England (see tables below). The top four are the same in all of these countries, albeit in slightly differing order.

(Explanatory note: Large bowel is equivalent to colorectal, and ‘Lip, oral cavity and pharynx’ are the main cancers included in our ‘Head and neck’ numbers. Also ‘Corpus uteri’ is equivalent to our category ‘Uterus’. Pancreas (see Germany) and Stomach (see Spain) are included in our Upper Gastrointestinal category).

France

Top 10 most common cancers	
1	Prostate
2	Breast
3	Lung incl. trachea and bronchus
4	Large bowel
5	Corpus Uteri
6	Lip, oral cavity and pharynx
7	Kidney incl. renal pelvis and ureter
8	Non-Hodgkin lymphomas
9	Malignant melanomas
10	Bladder

Source: <http://eu-cancer.iarc.fr/eucan>

Germany

Top 10 most common cancers	
1	Breast
2	Prostate
3	Large bowel
4	Lung incl. trachea and bronchus
5	Bladder
6	Corpus Uteri
7	Kidney incl. renal pelvis and ureter
8	Malignant melanomas
9	Lip, oral cavity and pharynx

10 Pancreas

Source: <http://eu-cancer.iarc.fr/eucan>

Spain

Top 10 most common cancers	
1	Prostate
2	Breast
3	Large bowel
4	Lung incl. trachea and bronchus
5	Bladder
6	Corpus Uteri
7	Stomach
8	Kidney incl. renal pelvis and ureter
9	Ovary
10	Lip, oral cavity and pharynx

Source: <http://eu-cancer.iarc.fr/eucan>

Age-standardised 5-year relative survival for adult patients with cancer diagnosed 2000-2007 as per EURO CARE-5: (headings indicated with * are those which match three of the cancer types in our 'top ten')

	Stomach cancer	Colon cancer	Rectal cancer	Lung cancer*	Skin melanoma	Breast cancer*	Ovarian cancer	Prostate cancer*	Kidney cancer	Non-Hodgkin lymphoma
France	26	60	58	14	87	86	40	89	64	66
Germany	31	62	60	16	89	84	40	89	70	64
Spain	26	57	56	11	85	83	37	85	58	60
England	17	51	54	9	85	73	31	80	47	57

Source: De Angelis et al, 2014

Due to differences in time periods and groupings in the EURO CARE-5 study, it is not possible to directly compare to Jersey. It should also be noted that figures given for England rates in the table above will differ from those provided earlier in this answer, given the differing time periods which apply.

[Methodology for cancer survival](#)

Cancer survival rates are expressed as the percentage of people still alive after a specified amount of time, often 1, 5 or 10 years after a diagnosis of cancer at a specific time. It usually only refers to primary cancers and does not include secondary cancers or recurrences.

Problems of using survival statistics

What the survival figures don't show is the stage at which the cancer was first diagnosed, the time from noticing symptoms to presentation at a GP, the time from first presentation to diagnosis, the time from diagnosis to treatment - all of which impact on the overall survival rate.

The UK has been aware that its survival rates are lower than other jurisdictions and there is work currently going on looking at and trying to understand survival differences across countries.

There is ongoing global (global surveillance of cancer survival) & international (Cancer Research UK) research. Preliminary results show some differences in survival rates between jurisdictions but work continues to investigate the underlying reasons. For instance, both the UK and Denmark have lower survival rates compared to other countries. It has been suggested that this may be due to later diagnosis, which may account for differences in measured survival times from diagnosis.

Inequality in diagnosis and treatment and differences in the awareness and beliefs about cancer between countries are also being considered as possible explanations for differences in survival rates.

Has there been an increase in referrals for screening of asbestos-related cancers in the past year?

The only cancer which is strongly associated with asbestos is malignant mesothelioma. Because it is a relatively rare condition with no early or latent stage amenable to detection by a suitable screening test, there is no routine screening programme for the condition. With our relatively low population size, numbers of new diagnoses of malignant mesothelioma vary considerably from year to year, normally between one and four per year on average over the years. There has been no general trend either upwards or downwards. Our Channel Islands Cancer reports, as mentioned above, provide us with robust data retrospectively, after subjecting clinical and pathological records to a careful checking process that removes duplication eg if second or subsequent clinic attendances were to be recorded as 'new diagnoses', or if a case is counted twice both at clinical, and then at pathological diagnosis, there would be double counting. It is not possible from local hospital data to separately identify new diagnoses of a particular condition (as against any attendance for such a condition).

References

De Angelis, R., Sant, M., Coleman, M. P., Francisci, S., Baili, P., Pierannunzio, et al., (2014). Cancer survival in Europe 1999-2007 by country and age: Results of EURO CARE-5--a population-based study. *Lancet Oncology*, 15(1), 23-34. doi:[http://dx.doi.org.ezproxy.brighton.ac.uk/10.1016/S1470-2045\(13\)70546-1](http://dx.doi.org.ezproxy.brighton.ac.uk/10.1016/S1470-2045(13)70546-1)

EUCAN website <http://eu-cancer.iarc.fr/eucan>

Cancer Research UK website <http://www.cancerresearchuk.org>

National Cancer Intelligence Network website <http://www.ncin.org.uk>

International Agency for Research on Cancer website <http://www.iarc.fr/index.php>

Public Health England Knowledge and Intelligence Team, Cancer in Jersey Report 2013, available from www.gov.je

Public Health England Knowledge and Intelligence Team, Channel Islands Cancer Report 2013, available from www.gov.je

3.17 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING CONSTRUCTION COSTS FOR THE JERSEY INTERNATIONAL FINANCE CENTRE:

Question

Would the Minister confirm the most up to date amounts in respect of the construction costs on the Esplanade Car Park site of the Jersey International Finance Centre and would he also give the Assembly an indication as to whether the total costs incurred to date by the States of Jersey Development Company, specifically in respect of the contamination issues on the site for this year to date, are within anticipated costs and budgets?

Answer

The Minister met with SoJDC on 3 September and the performance against budget and programme for Building No. 4 of the Jersey International Finance Centre (JIFC) was discussed. Updates on live SoJDC projects are provided at each quarterly Shareholder meeting. The Minister has written to SoJDC specifically on the contamination issues and their effects upon the financial viability of the scheme.

To date, SoJDC have informed the Minister that the costs of dealing with contamination are excluded from the fixed price construction contract sum. As the excavations are ongoing SoJDC do not know with certainty at this point what the actual out-turn cost will be for this element of the works. The Minister is informed by SoJDC that this is the only part of the construction where SoJDC are exposed to cost variation and they have a contingency within their budget for dealing with the contamination.

The Minister is further informed by SoJDC that out-turn cost estimates to date are within SoJDC's budget and that the current development remains financially viable. The actual cost against budget will not be known until these works are complete and all bills are received.

3.18 DEPUTY T.A. VALLOIS OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING INVESTMENT IN SERVICES:

Question

Following the adoption by the States on 23rd October 2012 of P.82/2012, "Health and Social Services: A New Way Forward", could the Minister advise of any progress made to date in terms of deliverables and investment in services?

Answer

Work continues on P.82/2012 funded services to achieve the strategy outlined in “Health and Social Services: A New Way Forward”. Each service has a Service Specification, which contains metrics including activity and quality. Metrics are reported quarterly:

Services introduced through P.82/2012 funding:

- Children’s Community Short Breaks
- Family Care Coordination
- Community Midwifery
- Children’s Centre
- Sustained Home Visiting
- Jersey Talking Therapies low intensity
- Jersey Talking Therapies high intensity
- Community Resources Centre (under construction)
- Pulmonary Rehabilitation
- Rapid Response & Reablement
- Single Point of Access
- Specialist Palliative Care Team

Services enhanced through P.82/2012 funding:

- Specialist Fostering
- Parenting Support (Mellow Parenting Programme)
- Community Detox & Relapse prevention
- Opportunistic Screening & Brief Intervention
- Alcohol Liaison
- Carers Support Services (Jersey Online Directory)
- Older Adults Community Mental Health Team
- Memory Assessment and Early Diagnosis
- Mental Health Liaison
- Community Specialists – Community Respiratory, Oxygen Therapy and Heart Failure

Service highlights from Q2 2015.

- Children’s Short Breaks: Twice as many children now accessing short breaks
- Family Care coordinator: 42 children on the pathway (100% increase), 16 assessed for autism. Waiting time reduced from 7 to 5 months
- Community Midwifery: 52% of antenatal care now in surgeries (was 35%)
- Jersey Talking Therapies: Waiting time reduced 20 to 2 weeks (assessment)
- Carers support services: Jersey Online Directory had over 31,000 views between January - June 2015
- Pulmonary Rehabilitation: Waiting times reduced 12 months to 6 weeks (routine) and 2 weeks (urgent);
- Specialist Palliative Care Team: 92% of individuals achieved ‘Preferred Place of Death’

A list of all services including service descriptors and metrics from Q2 2015 is attached at Appendix 1.

Appendix 1 – Services and metrics, Q2 2015

Area	Title of Service	Provided by	Description	Q2 2015 Update
Children	Specialist Fostering	HSSD	An increase in the number of active accredited foster carers, through a combination of proactive awareness raising which will encourage more people to become foster carers, and targeted learning and development programmes (and additional payments) to encourage more foster carers for hard-to-place children.	32 foster carers - 21 at level 1, 12 at level 2 and one at level 4
	Short Breaks	Autism Jersey, Les Amis, Tutela, New Horizons	An increase in choice and availability of Community Short Breaks for children and young people (up to age 18) with complex needs, including those on the Autistic Spectrum and those with other disabilities. Community Short breaks are provided by a range of organisations who have been assessed as meeting the required standards to be included on a framework. The process and panel for assessing and recommending Community Short Breaks has also been improved.	4 providers on framework offering choice. Twice as many children now accessing short breaks
	Family Care Co-ordination	HSSD	Care co-ordination for families of children in the early years with complex needs; with an identified practitioner as a single point of regular and consistent contact to offer support and information and co-ordinate services around the child and family. Including: <ul style="list-style-type: none"> A single care pathway for children in the early years with complex needs including social communication needs with co-ordination of multi-agency support including the community short break service and autism diagnosis when required. A re-designed one stop autism and social communication clinic for school age children with reduced waiting time from referral to diagnostic feedback. Training for practitioners in early years settings working with children aged 0 – 3 years to promote children's communication development (Language for Life training).	Language for Life training delivered to 78 practitioners. 42 children on the pathway (100% increase), 16 assessed for autism. Waiting time reduced from 7 to 5 months
	Community Midwifery	HSSD	Community Midwives provide care for women in the antenatal period, during birth and for 10-14 days following birth. They provide 'shared care' with GPs for women at low risk, and 'shared care' with GP and hospital Obstetrician for women at high risk.	Covers 78 GPs. 52% of antenatal care now in surgeries (was 35%)

	Parenting Support (Mellow Parenting Programme)	HSSD	<p>Programmes for up to 30 families each year (3 programmes of 10 participants). Programmes last for 14-weeks, with attendance one day a week. Play work and video feedback is given which is aimed at improving the parent – child relationship. This is supported with therapeutic work on parent’s own difficulties whilst their child is in a crèche. The day includes:</p> <ul style="list-style-type: none"> • Review and reflection • Children, mothers and facilitators take lunch together followed by planned play activities • Children engaged in play work whilst the mothers share videotape material and work on parenting topics. <p>Links are made between the mother’s own experiences past and present and their current feelings towards the children. Fathers are invited to evening sessions.</p>	14 regular attending families, 9 accepted for the next group; 100% reported improved wellbeing
	Children Centre Coordinator / Parent Engagement	Samares School	The Samares Child and Family Centre is a joint project with Education, Sports and Culture and Family Nursing Home Care, which will provide increased access to universal services such as Health Visiting and Early Years Education Services such as Parenting. The centre is an integrated part of the school, and a Parent Engagement Officer will work with families, including engaging with families who have children with complex needs.	198 development checks completed, 25 families attending groups, plus 363 people accessing well baby clinic
	Sustained Home Visiting	FNHC	Targeted support to families who have additional needs, the programme begins in the antenatal period until the child is 2 years of age, aiming to promote parental confidence and attachment with child and child development. The programme involves health and wellbeing, support and information, including increasing aspirations and supporting family and social relationships. Services are initially provided within the home with a view to connecting the family to existing community resources. The programme is delivered as part of the universal health visiting service which reduces stigma and increases uptake of the programme.	46 infants in 44 families receiving services. 90% said they were able to cope better or much better; 67% felt more able to help themselves
Healthy	Community Detox & Relapse	HSSD	Detox for individuals at home or in a community residential setting, with care	19 detoxes undertaken in Q2; 263 clients

Lifestyles Alcohol	prevention		planning and co-ordination of ongoing care._	seen by alcohol liaison nurse in Hospital' 123 training sessions with staff
	Opportunistic Screening & Brief Intervention		Opportunistic alcohol screening in a range of settings, predominantly in Primary Care, using validated tools by to assess alcohol consumption and inform subsequent advice, guidance and referral. 'Brief intervention' advice is provided on safe drinking and avoiding harm from alcohol, with onward referral to other services as appropriate, including detox and relapse prevention._	
	Alcohol Liaison		Community-based relapse prevention programmes, comprising of 6 – 8 sessions of individual motivational counselling, abstinence and Support Group programmes (maximum of 10 people in a group), social support to make lifestyle changes, such as housing, employment, family and social relationships; advice, guidance and support on accessing benefits, housing and accommodation, employment and return to work programmes and educational and or volunteering opportunities.	
Mental Health	Jersey Talking Therapies low intensity	Consortium led by Community & Social Services, MIND Jersey, GPs	JTT aims to provide adults aged 18 and over with quick, easy, and equitable access to a range of accessible talking therapies, for individuals who are experiencing psychological difficulties, mainly anxiety and depression and includes those with alcohol issues. The service provides face-to-face or telephone assessments and 1:1 therapy. JTT also provide psycho-educational workshops and courses and individual Computer Based Cognitive Behaviour Therapy, run by Psychological Well Being Practitioners and Psychological Therapists. The service works closely with GPs, and is predominantly provided in GP surgeries and in a town location (not a health service building)	Waiting time reduced 20 to 2 weeks (assessment). 436 referrals were received in Q2 2015, 246 individuals completed treatment
	Jersey Talking Therapies high intensity			
Adults & Older Adults	Carers Support Services	Citizens Advice Bureau 10 providers on Adult Respite Approved Provider Framework	Improved information and advice for carers, including a directory of services for carers. Jersey Online Directory (JOD) is an essential resource for Islanders on line, and holds useful information about services, where to go for help and links to organisations associated with health and social care.	Jersey Online Directory live – >31,000 views in January - June 2015

Community Resources Centre (from 2014)	Community & Voluntary Sector	This will provide multi use rooms that can be utilised for a range of activities including meeting room space for VCS organisations, health improvement activities, service user meetings and bookable space for other activities such as counselling.	Due to open in 2016
Older Adults Community Mental Health Team	HSSD, working with Jersey Alzheimers Association	<p>A multidisciplinary team caring for people with a functional mental illness such as depression and psychotic illness and people with dementia, working through a single point of access with integrated, person-centred care planning and care for older adults and their carers living in their own home or within a community setting.</p> <p>An enhancement and expansion in capacity of existing services, which ensures that dementia is diagnosed as early as possible, in the mild stages of the condition, and supports service users and carers to make informed decisions and choices about care and support. People with dementia and their carers will have more information (being developed in partnership with Jersey Alzheimer's Association), to help them manage their care more effectively and understand how to access other assistance, with personal care plans to meet identified needs.</p> <p>A single point for information on any mental health issue for over 65's – at the hospital and in care homes, with training, support and guidance to hospital and care home staff – including delivering training, discharge planning and advising on the care of a patient / resident.</p>	213 new assessments and 476 follow up appointments for Memory Clinic; 48 Liaison referrals, 39.5% increase CMHT referrals
Memory Assessment and Early Diagnosis			
Mental Health Liaison			
Community Specialist Team (3 new services)	HSSD	<p>Integrated care for individuals with long term conditions, working across different services, with agreed care pathways.</p> <p>Long term conditions management will be patient-centred, and will form an integrated part of the 'Out of Hospital' system following further P82 investment and service development in 2016 (subject to MTFP2 funding).</p>	1,456 lung function tests in Q1 and 2 2015, 128 long term oxygen assessments, 142 exercise tests and 993 ECGs in Q2 2015
Pulmonary Rehabilitation	HSSD	An increase in the availability of Pulmonary Rehabilitation programmes, for up to 208 people per year. These programmes last 8 and 16 weeks and comprise two sessions	234 patients since 2014. Waiting times reduced 12

			per week, of 1 – 1.5 hours each, with a range of education and exercise components to improve lung function and exercise tolerance for people with COPD and other chronic lung conditions enabling them to have improved health and reduced need for more intensive care.	months to 6 weeks (routine) and 2 weeks (urgent); 79% improved 'walking test' in Q2 2015
	Rapid Response & Reablement	FNHC	An integrated system, which incorporates a Single Point of Access and includes Rapid Response, Crisis Support and Reablement. Care is provided by a multidisciplinary team, accessible during extended hours.	362 patients cared for in 6 months; >90% response within 2 hours for rapid response.
	Single Point of Access (linked to above)		The aim is to prevent admission to hospital, delay admission to Long Term care and facilitate timely transfers of care from the hospital, through co-ordinating a range of responses tailored to the individual's needs; the integrated system will comprise	
	Specialist Palliative Care Team	Consortium led by Jersey Hospice Care, FNHC, HSS and GPs	A partnership led by Jersey Hospice Care to ensure: <ul style="list-style-type: none"> • Good quality end of life care services available to all islanders irrespective of their condition • More Islanders dying in their preferred place of death • Better working between primary care, community, hospital and hospice providers • Clear pathways ensuring the right level of support to patients at the right time • Improved knowledge and capability in all providers including primary care and care homes • Improved clinical governance 	92 patients cared for at home in 6 months. >20% Hospice activity is non-cancer; 92% Preferred Place of Death

4. Oral Questions

4.1 DEPUTY L.M.C. DOUBLET OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING ALTERNATIVE EDUCATIONAL OPTIONS AVAILABLE FOR CHILDREN WITH MENTAL HEALTH ISSUES:

What alternative educational options are available for children suffering from mental health issues, such as social anxiety, which are severe enough to prevent them from attending mainstream school?

Deputy R.G. Bryans of St. Helier (The Minister for Education, Sport and Culture):

As you may understand, I have the greatest sympathy for these students and fortunately the numbers in Jersey are very small. Cases of emotionally based non-attendance - the term used by professionals - are usually complex. Young people with long-term entrenched patterns of non-attendance are extremely difficult to engage. At the moment, mainstream schools work with students and families to give emotional support, educational support. This includes providing schoolwork and pastoral support. In some cases an environment for learning is found offsite or

within closed areas of the school buildings. Our recent review of inclusion identified the need to develop the provision in this area. As part of the redesign of our services for students with social, emotional and behavioural difficulties, what we call S.E.B.D. we have been piloting a new scheme for the students Deputy Doublet refers to. The aim is to introduce it from September 2016. It will include teaching those students in small groups in a suitable quiet environment outside mainstream school to meet their needs and provide high quality teaching and learning. The intention is to have a short-term turnaround facility that will help them return to school.

Deputy L.M.C. Doublet:

I am really pleased to hear that the Minister is addressing this and I am sure there will be many parents and families out there who will also be pleased. Could the Minister please ... sorry, Sir, I will have to ...

4.1.1 Deputy J.A. Hilton of St. Helier:

Can the Minister explain what happens in the instance when a young person refuses to leave their home? I think he spoke about somewhere outside of school where educational staff could engage with these young people but there will be instances where other people possibly refuse to leave their bedroom in the long term, so I was just wondering how the Education Department deals with that situation?

Deputy R.G. Bryans:

I have personal experience of just such a situation. I attended an appeal for one individual young man who had that very situation. He found it very difficult to go to school and I was concerned enough to follow up and speak to the family and the young man, as it happens, and was able to examine it in first-hand detail what the experience of both the family and the young man had to go through. The first instance was of course that we get the school to look at the situation to see what they can do. It is inclusive. Where we can it is really efficient for both the school and the young individual to be working with his peers to release that situation. As it was in that particular case, it was not. It was more difficult than we thought, and that is when we brought in the special educational needs team. It is their intervention that then began to identify what was wrong and, to some extent, we have resolved that situation.

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

The first part of my question I think has been answered about how the pupils are identified, but I think it is important that they do not suffer additional stress because of having been identified as suffering from stress in the first place. How does the department ensure that these youngsters are not stigmatised further or stigmatised by their peers?

Deputy R.G. Bryans:

I totally agree with the Connétable. In that particular case, going back to that instance, it was really important for me to make sure that that did not happen. I say what we did was work very closely with the school at that point in time because the child themselves realises that it becomes part of the problem and the solution becomes part of the problem if you start to take them out of school. What you have to understand is what the children are going through. That is just part of the situation or part of the problem, stigmatisation. What we have to do is really identify what is the core central issue with the child and begin to work on that. In that particular case, and in most of these instances, it is working closely with the school to bring them back into the fold, to bring them along with their peers and for everybody to understand what it is we are trying to achieve.

4.1.3 Deputy J.A. Martin:

Can the Minister inform us if this new facility will be something like the old St. James's school which was closed down because the States were convinced there was no longer any need for that facility, the ages of the children, and the estimated length of stay to reintroduce them back into mainstream school?

Deputy R.G. Bryans:

I have no knowledge of the St. James's centre that you described so what I would say to the Deputy is that I do not have that information to hand but I will get it and come back to her if she so wishes.

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

Can I ask the Minister, because I have come across similar cases involving people who have left school, what the policy of the department is if they cannot engage with the individual? If the child will not engage with the service does the Education Department, like some other departments, just simply write the people off and leave them to their own devices?

Deputy R.G. Bryans:

I understand where the Deputy is coming from and we have an expression within Education that has been heard many times: we leave no child behind. That really means that beyond our remit, to some extent ... I was at a senior management team meeting talking about the way the special educational needs team deals with the children and the educational psychologist at the time said that he had had colleagues come over from the U.K. (United Kingdom) and were astonished at the amount of work that we do beyond our remit. We talk to all of the agencies involved and where we can we work very closely with things like Social Security, the police, the Home Affairs, depending upon where that child's situation reside.

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

What support is available on site, as it were, to assist people going through these sort of problems in terms of either a counsellor or a social worker? Do secondary schools still have a social worker attached to them as they used to?

Deputy R.G. Bryans:

No, they do not. They do not have the social worker that was for each individual school but we do have, as I say, an educational psychologist and a team that is focused on working with these particular individuals. The numbers are extremely small but our team is more than adequate to deal with them.

4.1.6 Deputy L.M.C. Doublet:

I apologise for losing my train of thought before. The question I wanted to ask the Minister was: could he possibly provide some detail on the numbers of children either to Members, if he is able, or to the Scrutiny Panel, and some further detail or perhaps even a briefing to the Scrutiny Panel on what this new scheme will look like please?

Deputy R.G. Bryans:

Yes, I will.

4.2 DEPUTY J.A. HILTON OF THE MINISTER FOR SOCIAL SECURITY REGARDING EXPENDITURE ON SUPPORTING CHILDREN IN INCOME SUPPORT FAMILIES:

Can the Minister provide the department's expenditure on supporting children in income support families whose fathers do not contribute to their upbringing and state what the department's policy is on pursuing fathers who do not financially support their children?

Deputy S.J. Pinel of St. Clement (The Minister for Social Security):

I can confirm that at the end of August this year the approximate annual value of income support child components provided to single parent households in which there is no maintenance income received amounted to roughly £1.9 million. This out of a total of £6.4 million for all children components in income support households. The approximate figure of £1.9 million includes families in which the ex-partner, which could be male or female, is now deceased or receiving long-term care, is in prison or is also receiving income support, and is therefore not in a position to make a financial contribution to the upkeep of the child. Just under half of single parent income support households currently receive some maintenance from an ex-partner and this proportion has been increasing since 2011 when the first statistics in this area were published. I can reassure Members that income support has very firm rules which require parents to pursue any maintenance that is due to them. The department will provide advice to the parent and give them time to put in place a maintenance agreement. Parents may be eligible for legal aid.

4.2.1 Deputy J.A. Hilton:

It seems to me that there are an awful lot of fathers out there getting away without supporting their children and obviously it is costing the taxpayer at the end of the day. Is the Minister satisfied that the process that is in place at the moment is the right process to extract funds from absent fathers?

Deputy S.J. Pinel:

As the Deputy describes, it is sometimes very difficult indeed to pursue absent fathers, as the Deputy described in this case, sometimes mothers. Obviously we have no legislation or jurisdiction to do this other than in Jersey and, as I mentioned in my opening remarks, that if the absent parent is on benefits or is in long-term care or, in some cases, sadly deceased, then it is not possible obviously to pursue these maintenance claimants. We recently just introduced or hoping to introduce an increase in the disregard that lone parents will have, increasing it from 10 per cent to 23 per cent, to encourage the partner remaining with the child to pursue maintenance payments, if at all possible.

4.2.2 Deputy J.A. Martin:

Can I be quite clear? The Minister is stating that it is very difficult to get the absent father or mother to pay maintenance but did not the Minister say when taking away the single parent allowance that she hopes that parents will pursue the absent father and basically it is quite easy to do. Which one is the right statement?

Deputy S.J. Pinel:

When we were considering removing the lone parent component those ... just to give the Deputy some statistics, of 1,279 lone parent claimants 637 of those did not have maintenance income and of these 637 it involved 798 children. So this is where the £1.9 million comes from that I made in my opening remarks. In 2011 45 per cent of single parent families received maintenance. In 2014 this has risen to 49 per cent. The aforementioned increase in the income disregard from 10 per cent to 23 per cent is there to encourage people to pursue the maintenance. It is not going to be easy but we give as much help with income support as we can through the Citizens Advice Bureau and also the Jersey Family Mediation Service.

[10:00]

4.2.3 Deputy J.A. Martin:

Could the Minister not take this over, as they do in the U.K., the debt becomes the department's, so they chase it because the parent remaining does not always get legal aid and it is a very expensive case through the court?

Deputy S.J. Pinel:

In the U.K. there is a child support agency, which Jersey is considered too small a jurisdiction to have, which will help partners in pursuing maintenance.

4.2.4 Deputy K.C. Lewis of St. Saviour:

On a similar vein, does the Minister not believe that a mechanism should be put in place so that absent parents who live in the United Kingdom can be pursued for maintenance? At the moment if one receives a parking ticket in the city of London it can be pursued in Jersey and vice versa, so it is not beyond the wit of man.

Deputy S.J. Pinel:

We have legal aid available, as I already mentioned, which is free to people on benefits, and lawyers will only pursue a case if they perceive that there is a reasonable chance of success. They cannot help, as I mentioned before, if the ex-partner has left the Island or only has income in the form of benefits.

4.2.5 Deputy G.P. Southern:

Would it not be a far simpler matter to change the rules around maintenance such that the departments were responsible for chasing it up, after all they know where the errant ex-partner is, they know where they work, they know how much they earn? They know, it is much easier than any single parent, where that person is. If somebody wants to hide from maintenance they can do easily in Jersey. Why not take the powers to the department itself?

Deputy S.J. Pinel:

The way we are approaching this is, yes, the Deputy is quite right, we do have the information but of course we also are covered by data protection and cannot release a lot of the information. There is also a view that we are using this encouragement to increase the disregard to encourage parents to support it themselves. Parents have the responsibility for their children, not the department, and we would not encourage the department taking overall of this when the parents have the responsibility.

4.2.6 Deputy G.P. Southern:

Is it not the case, Minister, that those errant parents who are not contributing maintenance, if they are on income support, receive 100 per cent disregard for payment of maintenance whereas the recipient will only in future receive 23 per cent disregard, i.e. a tenner on £50 a week or that order? Is it not also the case that in the majority of these cases single parents cannot receive, my understanding is, legal aid and if it gets to court that is a very, very expensive business?

Deputy S.J. Pinel:

In answer to the Deputy, I did check this with a legal company after the question in the Scrutiny Panel and almost all circumstances of parents on income support can receive legal aid.

Deputy G.P. Southern:

The first part of the question was not answered or not addressed. That was: is it not the case that a donor of maintenance receives 100 per cent disregard whereas the recipient only receives 23 per cent?

The Deputy Bailiff:

Do you have anything to add, Minister, to your answer?

Deputy S.J. Pinel:

My apologies to the Deputy, I only answered the second part. The income support component of child benefit is what is expected in the maintenance, which is up to £64, which is the child component, and the recipient of that will receive in future the 23 per cent as opposed to the 10 per cent disregard on any income, including that.

4.2.7 Deputy M.R. Higgins:

The question I was going to raise has been raised by some others. It is to do with trying to follow up on these errant fathers and others, and to be perfectly honest, hearing the Minister's answer, she is basically throwing it all on to the family. The family ... and again she talks about income support and legal aid, we know the legal aid system is not working. We basically are giving them no remedy. It should be the department following up on these people and making sure that they pay their due contribution. Does the Minister not think that by not doing that he is leaving families to wallow because they will not get the aid they require?

Deputy S.J. Pinel:

No, I do not. The department are incredibly helpful with all these families on both sides; the absent parent when it is possible to do so within the Island and the person receiving the maintenance. As I answered to a previous question, I do not think it is the responsibility of the department to pursue every avenue of maintenance. It is the responsibility of the parents and we give as much assistance as we possibly can without anything having to go to court.

4.2.8 Deputy J.A. Hilton:

It might not be the responsibility of the department but surely the payment of £1.9 million is a lot of money that the taxpayers are having to foot while the Minister is saying it is not the responsibility of the department. Like previous speakers, I believe the department has got the information at hand and I do not see why maintenance cannot be withdrawn at source from earnings. That is what I am struggling with. I would really like the Minister to go back and talk with her colleagues in the department to see if there is a way that we can address this issue of this very, very large sum of money being paid out and people basically getting away scot-free.

Deputy S.J. Pinel:

This has of course been discussed at length within the department but I will contact the Deputy with closer discussion that we have had.

Deputy M. Tadier:

May I ask a point of order? It seems that we are firing through questions pretty rapidly even though we only have 11 and I note that several Members have had lights on and not been able to get in for supplementaries. Could I ask you to take that into consideration?

The Deputy Bailiff:

Thank you, Deputy. I had received your message that your light had been missed and indeed I also heard from Senator Cameron that her light had been missed for which, if that is an oversight from the Chair, I apologise, but I did not see the lights when I called time on each individual question.

4.3 DEPUTY P.D. MCLINTON OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE FOUNDATION OF A SPECIALIST UNIVERSITY IN JERSEY FOCUSING ON AGRICULTURE:

I hope to light the Chamber up, as it were, for your attention with this question. Given that the Island has expertise in the fields of agriculture, fisheries, finance and the hospitality industry, among others, and following the recent Tera Allas review, which alluded to innovation and economic growth being closely linked to the existence of a university in situ, would the Minister

give consideration to the foundation of a specialist university in Jersey focusing on the Island's aforementioned skills and if not, why not?

Deputy R.G. Bryans (The Minister for Education, Sport and Culture):

I too, like the Deputy, hope the Assembly lights up with this answer as much as the question. I think this already exists to a large extent in Jersey. The innovation report recognised that a lot of good practice is already happening in education in Jersey. We have what I call - and have mentioned it because the same question arose at the I.o.D. (Institute of Directors) debate - Campus Jersey, which comprises of Highlands College, the Jersey Business School and the Institute of Law already delivering on-Island degrees, along with a nursing area providing degrees, I think, to the last ... the last number was 18 nurses. University College Jersey is the new brand name for the higher education provision at Highlands College. It currently delivers specialist degrees in 9 disciplines focusing on developing the skills that the employers need. From the beginning these degrees have been designed in partnership with local employers to ensure the graduate subskills required by industry. This process is ongoing. The first degrees are: business and management, financial services, information technology, sport and management, childhood studies, social sciences, art and design, construction management, architectural technology. There are some MSc.s (Master of Science) in construction management and human resources, and a Masters in business administration.

4.3.1 Deputy P.D. McLinton:

If it looks like a university and sounds like a university have we not already got a university and if not, why not? Can we not expand it? At the recent excellent I.o.D. health and education debate the Director of Education said that a considerable number of our young people leave school and do not go to university because perhaps what we have over here is not for them. Therefore they miss out on a large chunk of their personal development and their potential. With the Minister's very own expression "leave no child behind" in mind, are we not in danger in certain areas of industries we hold dear to our heart in this Island leaving children behind?

Deputy R.G. Bryans:

To some extent the Deputy is right. We are always looking at this particular question to see what provision we could do. In fact with the new head of Highlands that is his intention, is to increase the number of degree courses that we have. Members may not be aware we recently established ... I say "we recently established", private enterprise has recently established a farm school. So there are people understanding our needs and responding to them. In fact, I will be organising a meeting with current providers to see how we can progress wider provision. On that note, I have been instrumental in helping Jersey International Business School to include a new module on design thinking. So it is constantly under our attention but in the current economic climate I would say there is little prospect of a new separate university, but the debate about this continues.

4.3.2 Deputy S.Y. Mézec:

Is the Minister and his department aware that yesterday the University of Gibraltar was opened in a territory which has only 30,000 people? If he is aware of that, does he believe that that could potentially provide a model for a fully-fledged university providing the full student experience to help nurture personal development, as Deputy McLinton suggested? If he is not aware of that would he agree to look at the example that is being set by the University of Gibraltar and come back to the Assembly with his observations on it?

Deputy R.G. Bryans:

Thank you to the Deputy, because, no, I was not aware of that. I will have a look at it and I will come back to the Assembly.

4.3.3 Deputy M. Tadier:

Could the Minister state whether he works at all or closely with J.I.C.A.S. (Jersey International Centre for Advanced Studies) which only last year brought over esteemed speakers as diverse as John Redwood and video-linked with Noam Chomsky as part of the Branchage Fringe? If so, can he state whether that institution receives any funding and if not, why not?

Deputy R.G. Bryans:

I am aware of J.I.C.A.S. and I support what they are trying to do. They do not receive funding from us. It is a private enterprise and I have no further comment.

4.3.4 Deputy L.M.C. Doublet:

Has the Minister considered any perhaps more creative or alternative models of providing university education in Jersey that might be more low cost, such as perhaps using video-streaming so that students can watch lectures online and maybe perhaps just providing the infrastructure and the tutoring here in Jersey for a lower cost model?

Deputy R.G. Bryans:

That does provide me with the opportunity to mention one thing I missed, which is I do feel there is currently one gap missing in what we have to offer here on the Island, which would be a digital university. So I know it is possibly under or it is probably under Digital Jersey's remit to encourage what the Deputy has just described.

4.3.5 Deputy A.D. Lewis of St. Helier:

Deputy Mézec got in before I did on the Gibraltar question, which I was going to raise with the Minister. However I did meet with the Vice Chancellor of the Gibraltar University a few weeks ago and I think they would be very open to dialogue with Jersey to share ideas. I would like to know if the Minister is prepared to do that. Also has he looked at other small jurisdictions that have done similar? Malta is a very good model to look at as well. I wonder if the Minister would take it upon himself to look at small jurisdictions that have created successful universities and see if the model would work in Jersey because what it has done is help those economies significantly in growing as a result of growing local talent.

Deputy R.G. Bryans:

Two things: first of all I would be very pleased to meet with the Gibraltar Minister. I have already been to Malta to have a look at that very small jurisdiction provision and was astounded to see that the provision was really based upon private enterprise. Particularly I was interested in looking at the University of I.T. (Information Technology) which was started by one individual who felt he was the person to run it so people with passion and creativity and innovation are the ones that are driving this. But I will take that on board.

4.3.6 Deputy P.D. McLinton:

Bearing in mind the amazing work that is already done over here, and I applaud everybody who is involved in the teaching of any degree course over here, and bearing in mind we have the foundations of a university here; Gibraltar can do it, Malta can do it. Will the Minister consider asking his department to look at the pros and cons, talk to all these people, of establishing the seed of a Jersey university so that it can grow, let us know via a presentation what effects economically, educationally and socially this will have on the Island and its young people and make sure that we leave no child behind?

Deputy R.G. Bryans:

Part of the meeting yesterday with the senior management team was a discussion about providing all of the Assembly Members with a clear understanding of the kind of provision that we already provide here in Jersey and what we would be looking to do in the future. So I welcome his suggestion.

The Deputy Bailiff:

Before moving on to the next question I can announce the results of the ballot for the members of the Bailiff's Consultative Panel. The number of votes cast for each candidate was as follows: Deputy Martin 35 votes; Deputy of Grouville 32 votes; the Connétable of St. Lawrence 31 votes, Senator Farnham 25 votes, Senator Ozouf 24 votes, Deputy Mézec 22 votes. Accordingly Deputy Martin, the Deputy of Grouville, the Connétable of St. Lawrence, Senator Farnham and Senator Ozouf are appointed to the panel. [Approbation]

[10:15]

4.4 DEPUTY M.R. HIGGINS OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE REDUCTION TO THE MARGINAL RATE OF TAX:

Will the Minister advise the Assembly whether he intends to reverse the reduction to the marginal rate of ...

The Deputy Bailiff:

If you would like to pause for a moment. Does anyone have any machines on and operating not so silently in the background?

Deputy M.R. Higgins:

I will step sideways and see if the microphone is still ... To repeat the question: will the Minister advise the Assembly whether he intends to reverse the reduction to the marginal rate of tax introduced by his predecessor in 2014 and, if so, when will he do so, and if not, why not?

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

The answer to the question is no, and I am unlikely to consider the matter further until a distributional analysis is completed, as recommended by the Fiscal Policy Panel, that will help to inform the proposed package of detailed measures currently being developed for the Medium-Term Financial Plan addition. I should emphasise that the Council of Ministers are focusing on cutting unnecessary and unaffordable States expenditure rather than increasing headline tax rates, especially those that generally impact on middle and low earners.

4.4.1 Deputy M.R. Higgins:

Supplementary? Could the Minister tell us how much the reduction in marginal rate of tax has added to the structural deficit because the measure, when it was brought in, has reduced States income on an ongoing basis? Can he advise the States how much that measure cost?

Senator A.J.H. Maclean:

The last estimated cost that I saw in relation to marginal rate reduction by 1 per cent was £7.8 million.

4.4.2 Deputy M. Tadier:

Did that £7.8 million get put down as an election expense by his predecessor?

Senator A.J.H. Maclean:

I am not going to dignify that with a response.

4.4.3 Deputy M. Tadier:

Perhaps he would answer this question: it seems that it is okay to mess around with the tax rates by 1 per cent just before an election takes place, one would argue, perhaps with the consequence of appeasing the electorate. But why is it that we cannot adjust the higher tax rate of 20 per cent when we know that therein lies the resolution for many of our fiscal problems and paying for our continued good public services rather than cutting them?

Senator A.J.H. Maclean:

The Deputy is representing an opinion of his as if it were fact with regard to the higher rate of tax. With regard to the decision to reduce the marginal rate by 1 per cent, that decision was taken in 2013, in principle, and it was based upon facts that were available, as I understand it, at that time. That decision went to the Council of Ministers and was approved through the Council of Ministers, as I have said, based on the facts that were available at that time.

4.4.4 Deputy G.P. Southern:

I am looking forward to hear exactly what those so-called facts were at the time. Would the Minister elucidate?

Senator A.J.H. Maclean:

The facts would have been around the affordability of the move; in order to put more money into the economy it was believed at that time that the economy was recovering and the fiscal forecasts were looking more positive. My understanding therefore was that it was an affordable measure that was being proposed.

4.4.5 Deputy G.P. Southern:

Could the Minister explain whether the economy was in fact recovering or was it the usual blind optimism of his predecessor that caused him to act so?

Senator A.J.H. Maclean:

There have been many measures of recovering economy. All I can say to the Deputy and to Members is that what we are now seeing, with regard to the revised estimates for G.V.A. (gross value added) for our economic performance for 2014, as produced and published by the Fiscal Policy Panel, is the economy should have grown between 4.5 and 6.5 per cent in 2014. As Members know, what this is not currently doing is translating into the necessary level of tax receipts, yet there are a number of reasons that possibly is the case, which are being analysed by the Tax Department, and we will provide further information in due course.

4.4.6 Deputy M.R. Higgins:

There are so many that I could ask because the answers were totally unsatisfactory. £7.8 million taken from States revenue. We have got a £145 million deficit. There is a big chunk of it right there. At the time Ministers made that decision with an election coming forward and at the election people were told everything is okay. We know we have a £145 million deficit, the signs were there, they should never have taken inaction. So my question is: if he is not prepared to reverse that one what other measures is he going to have to take to reduce the 7.8? Is it more job losses, more services cut or is it going to be other user pays charges, which are creeping in increasingly?

Senator A.J.H. Maclean:

First of all, to correct the Deputy. The decision, as I have pointed out already, was taken in 2013. That was when my predecessor, the former Minister for Treasury and Resources, took the proposal to the Council of Ministers. I would also point out to the Deputy that in fact this Assembly also improved, as part of their budget, the proposal to reduce the marginal rate. With regard to other

measures for balancing budgets by 2019, I think Members are well aware of the plans that have been laid out by the Council of Ministers in order to ensure that we have sustainable public finances into the future and balance our budgets by that date.

4.4.7 Deputy M.R. Higgins:

Can I seek clarification from the Minister? When did the measure come to the States? I believe it was 2014 that the measure was voted on by the States, which is before the election.

The Deputy Bailiff:

Can you give that clarification, Minister?

Senator A.J.H. Maclean:

It was before the election, the Deputy is absolutely correct in that respect. All I am pointing out is the decision originally was taken in 2013. Members are aware, because of the lodging process for the Budget, some 2 months in advance of the actual debate date. So all the current information was available for Members who considered that matter as part of the Budget and voted accordingly. I am not sure how the Deputy voted on that occasion. He probably voted against it but clearly enough voted to support it for it to go ahead.

Deputy M.R. Higgins:

I voted against it because the money was not there.

**4.5 DEPUTY M. TADIER OF THE CHAIRMAN OF THE COMITÉ DES
CONNÉTABLES REGARDING RATE REBATES TO THOSE DENIED THE RIGHT
TO MARRY IN CHURCH OF ENGLAND CHURCHES:**

Given that ratepayers who are in a same-sex relationship could be denied the right to marry in the Church of England ... I think it should be will be denied the right to marry in the Church of England churches under the proposals of the Chief Minister relating to same-sex marriage, what redress, if any, will the Comité be proposing to compensate such individuals, perhaps via a rate rebate since the Parish churches are maintained through Parish rates?

Connétable L. Norman of St. Clement (Chairman, Comité des Connétables):

I am grateful to the Deputy for the question because it enables me to remind Members of the status of Parish rates. The law states that rates shall be applied for the payment of the general expenses of the Parish. Therefore Parish rates are neither specific to the use of an individual ... or to the use an individual ratepayer makes for the Parish facilities, nor to the service provided to any particular property. Therefore no redress, as suggested by the Deputy, would be appropriate.

4.5.1 Deputy M. Tadier:

It would be helpful to know exactly how much money is given to the Church of England by parishioners every year, and I would be grateful if the chairman of the Comité cannot produce that now, whether he would be able to circulate it at some point. Presumably they do know what that figure is.

The Connétable of St. Clement:

That figure is a matter of public record in each Parish's annual accounts, and it is voted for by the parishioners. It is no secret. It is there and probably found on each Parish's website and I suggest the Deputy might like to look there.

4.5.2 Deputy A.D. Lewis:

Would the Constable agree that the community users of our churches are significant? It includes funerals, christenings, collection points of charity, all sorts of other community uses, so surely the Constable perhaps should be saying that this is an important part of our community and should be maintained by the Parish for all and it is not just about weddings at churches but also a greater question may exist. The Parishes do not currently assist in the financing of any other churches other than the established church, should that not be considered in the future as well, as they are also important focuses in our community?

The Connétable of St. Clement:

The Parishes are required to maintain the fabric, the structure, of the Parish church buildings. Nothing else. Nothing more. Nothing less. That is what they are required to do. It is up to the congregation and the Church of England itself for maintenance, decoration and everything else that goes into the church. Of course they are important, historic buildings dating back many centuries, therefore it is appropriate I think that the public make a contribution to the maintenance of those particular buildings, which do play an important part in the fabric of Parish life and the culture of Parish life, the history of Parish life. They are central to Parish life as much as the Parish Hall is, and I think they are used by many people who are not necessarily of the Church of England faith or indeed of any faith whatsoever. The church halls, the churches themselves run their events. They are important to the Parish for all parishioners. Not just those of a particular faith.

Deputy A.D. Lewis:

And the maintenance of other religious buildings in the Parishes?

The Connétable of St. Clement:

I do not think there has been any other request, certainly in my Parish, if there has been a certain appeal by a church ... I can remember a few years ago the Catholic church was refurbished in St. Clement - St. Patrick's - and the Parish did make a contribution towards that. I think Parishes do have the ability to do so if they so wish and their parishioners wish to do so. When you think about it, the Parishes are the most democratic and open institutions that we have. **[Approbation]** Because every penny that is spent or gained ... parishioners fix their own rate. They do not fix their own taxes. We do that. But they fix their own rate and every bit of expenditure that the Parish has is fixed by the parishioners, not by the taxes, no. I mean we decide that. So I think when you think about it, the most democratic and open system that there is in Jersey.

4.5.3 Connétable J.E. Le Maistre of Grouville:

Could the Constable just confirm that no money is actually going to the Church of England, it is really for the upkeep of the churches and I for one think that they are a valuable asset to us, part of our culture ...

The Deputy Bailiff:

Is there a question, Connétable?

The Connétable of Grouville:

No, Sir. **[Laughter]** Just asking him to confirm, Sir.

The Deputy Bailiff:

I do not think that calls for an answer, Connétable.

4.5.4 Deputy M. Tadier:

I love the fact that we have just had an election in St. Helier for a Procureur which is so democratic that it managed to entice 1.18 of the entire voting electorate of the Parish. That is how democratic

Parish systems can be. I agree that they can be democratic and I would ask the Comité to take on board the fact that we do live in a modern society where many of their ratepayers and electorate are non-religious, maybe atheists, agnostic, maybe in same-sex relationships, and they will be denied the right to marriage in what is essentially a State affiliated organisation. I would ask them to give the answer whether or not they are a discriminatory body, as the Comité des Connétable body, or whether they support non-discrimination? If they do support non-discrimination as a principle, how can they justify giving money to organisations which do discriminate actively on this day when we are supposed to be supporting equality rather than doing the opposite?

The Connétable of Grouville:

Am I allowed to say that is rather a silly question? If the Deputy does not like the law which is being proposed, and we have not yet debated, then he needs to vote against the law. Not to ask the ratepayers of the various Parishes to compensate people for a law which this States has democratically approved. That would be silliness in the extreme. Of course the fact that there was a small turnout in the Procureur's election last week has got nothing to do with this question whatsoever, but every voter in St. Helier had the opportunity to go out and vote. They chose, in the main, not to. But what was good about that election is that every Anglican, Catholic, Jew, atheist, non-conformist, agnostic had the opportunity to go and vote but they chose not to. [Approbation]

4.6 DEPUTY S.Y. MÉZEC OF THE MINISTER FOR HOUSING REGARDING MEASURES TO HELP ADDRESS THE HOUSING SHORTAGE BY REDUCING THE NUMBER OF VACANT PROPERTIES:

What measures, if any, will the Minister be proposing to help address the housing shortage by reducing the number of vacant properties?

Deputy A.E. Pryke of Trinity (The Minister for Housing):

Members will be aware that I have been working on a new housing strategy framework. I am pleased to say that will be launched next week. Making the best use of our existing stock is the key element to this plan. Under this framework we will be exploring quality measures that may bring empty homes back into the market. However, the evidence shows that empty properties will not solve our housing issues. For example, many are simply between tenants, for sale, or being renovated. First and foremost, therefore, I would urge Members to support efforts to increase the supply of new and better housing in line with the framework.

[10:30]

4.6.1 Deputy S.Y. Mézec:

Could I ask the Minister specifically what plans she is looking at, at the moment, to make sure that properties which already exist but which are vacant - most of which are vacant for good reasons, but some which are vacant when they perhaps need not be vacant - what plans is she looking at to get those back on to the market when the report we have seen from Scrutiny shows that if just 2 per cent were put back on the market that would be 900 homes.

The Deputy of Trinity:

Yes, the number of vacant homes stands at just over 3,000 but 29 per cent are between tenants so it is still looking at a very small number. This is the work that will be set in the policy and for the forthcoming years we will be working with Treasury and the Comité des Connétables. As I understand it, in the Scrutiny report it does suggest ways of using the rates system so that is why it is important to involve the Comité des Connétables.

4.6.2 Deputy M. Tadier:

Again the Minister misses the point that it is not relevant so much the reasons for which properties remain vacant rather than the period of time for which they remain vacant. It may be that a property is in between tenants but if they have been in between tenants for 4 years then that is clearly not an acceptable use of a scarce resource in the Jersey context. Will the Minister make a commitment to rather than give that pat answer, which she has been giving for the last couple of years, give a commitment to look at it holistically, because every vacant property that we can fill in Jersey is one home that does not need to be built in a land mass which is finite and getting more and more crowded.

The Deputy of Trinity:

Yes, every home is important but it will not overnight and in the future change the needs of more housing supply. As I said, it is a complex issue and I offered to meet with Deputy Tadier when he asked this question back in February and that offer still stands today.

4.6.3 Deputy M. Tadier:

The Minister knows full well that I have accepted that meeting and since then we have had meetings and we have had meetings on Scrutiny, but the point remains, will she be proactive in this area and say we do need to make sure that vacant properties are used in Jersey - and by all means we do need to build new properties, no doubt - but make sure we use the ones that are existing already. It is a simple request.

The Deputy of Trinity:

I just thought I had offered that, but perhaps I need to do it again. That offer is still open. Every house that we bring, whether it is vacant or we build, is supply that is urgently needed. As I said, it is in the strategic framework.

4.6.4 Deputy G.P. Southern:

Since the Minister is convinced that empty properties will not solve the housing shortage can she inform Members whether Andium Homes is meeting the targets set for it in the Housing Transformation Plan for either new builds or for refurbishments?

The Deputy of Trinity:

That is another question. Andium Homes have set out their business plan, which has been made public, and as we know the decision by this Assembly 2 weeks' ago did not quite meet up to the business plan. At the moment - and we are keeping a good eye on the amount of supply that comes on to the market - and the supply that not only Andium Homes build but also other social housing trusts.

4.6.5 Deputy G.P. Southern:

Will the Minister agree to bring to the House documentation outlining the targets that were set for Andium Homes and their achievement so far, a progress report in other words?

The Deputy of Trinity:

Yes, I can do that, but the business plan, if I remember rightly was published at the time, and if I remember rightly - but I might be corrected - it was in the annual report that they brought out just before the beginning of the summer.

4.6.6 Deputy S.M. Brée of St. Clement:

It is a very interesting concept talking about vacant properties. There are many reasons why a property may be vacant, I was wondering if the Minister could advise what in-depth studies have been done to establish the reasons for the various properties not being occupied at present?

The Deputy of Trinity:

The only in-depth - and that is why I put in the strategic framework as an action to do - is just taken from the 2011 Census, and the reasons for vacancies were as follows: 29 per cent of the 3,000 were between tenants, 23 per cent were either second homes or holiday homes, and that includes the self-catering for the tourist industry; 18 per cent were properties being built or renovated; 10 per cent were for sale; 6 per cent were residents deceased; 5 per cent were residents in care home; and 3 per cent were owners away for a long time. As you can see there is a multitude of different reasons and that is why it could be a complex issue.

4.6.7 Deputy S.Y. Mézec:

Could the Minister indicate what consideration, if any, she has given to the recommendation from the Scrutiny Panel and their adviser who have suggested that it should be considered introducing either an empty property tax or a higher rate of Parish rates for properties which remain vacant for a long period of time, in order to encourage the landlords to put them back on the market?

The Deputy of Trinity:

I will within the next couple of weeks be issuing a response to that, but when I was at the Scrutiny Panel it is something that I mentioned, and it is in the housing framework of which States Members had a briefing the week of the Island Games, if I remember rightly, and it does mention that in there as well.

4.7 DEPUTY G.P. SOUTHERN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE ASSESSMENT OF THE IMPACT OF THE MEDIUM TERM FINANCIAL PLAN PROPOSALS TO DELIVER £10 MILLION IN BENEFIT SAVINGS BY 2019:

Will the Minister detail for Members the extent to which the impact of the Medium-Term Financial Plan proposals to deliver £10 million in benefit savings by 2019 have been subject to research or consultation, and in particular whether a distributional impact assessment has been conducted, and if not why not?

Deputy S.J. Pinel (The Minister for Social Security):

As a member of the Council of Ministers I was asked to identify £10 million worth of benefit savings. It is never easy to take the decision to restrict a benefit budget, but it is right every arena of government spending should play its part in returning to a balanced budget. The £10 million amounts to just 7 per cent of the £145 million that must be found in total, and my proposals will keep the total benefit budget more or less flat over the next 4 years. Given the difficult decisions that had to be made, every benefit was looked at and every proposal was judged against the principle of making the benefit system fairer. Three specific tests were used to identify appropriate measures: promoting financial independence, improving the targeting of benefits, and minimising the impact on individuals. All benefits were considered according to these tests before these proposals were put forward. The overall distributional impact of the M.T.F.P. (Medium-Term Financial Plan) includes the investments in health, education and the economy, as well as changes to benefits and reductions in staffing cost throughout the public sector. This analysis is being organised by the Chief Minister, as indicated in the States meeting of 8th September.

4.7.1 Deputy G.P. Southern:

In devising your mechanisms for cutting £10 million from the pockets of the poorest and the most vulnerable in our society, it contained no research as to its impact whatsoever. For example, was any research done on the impact of either children or pensioners in relative low income, because that is the figures that we have from the 2009/2010 income distribution survey?

Deputy S.J. Pinel:

The Deputy asks whether we consulted with any other bodies, we did with the ...

The Deputy Bailiff:

I think the Deputy asked whether there was any research.

Deputy S.J. Pinel:

As I mentioned in my opening answer, the research is being done in conjunction with the release of the addition to the M.T.F.P. But the whole broad aspect of this is the investment in health and education services which, to answer the Deputy's question, are a great benefit to children and vulnerable groups. When we look at an ageing demographic this is where the consideration of the older aged person, pensioner, comes into account.

4.7.2 Deputy M. Tadier:

The Minister will be aware that when it comes to deficit reduction one option is to cut the budget, the other is to grow the budget. Has she done any research ... she has done research I know into the living wage, which would increase her budget if more people are taken off poverty wages and put on to decent wages. Not only does that give them dignity and make them self-sufficient but it also increases potentially her social security contribution. I would ask her that rather than seeking to cut £10 million from the most vulnerable in our society should she not be supporting higher wages at the lower end so that it is better for everyone, including her own budget.

Male Speaker:

May I lift the défaut on the Constable of St. Mary please?

The Deputy Bailiff:

Do Members agree? The défaut is lifted.

Deputy S.J. Pinel:

The Deputy is quite right, we did conduct a lot of investigation into the possibility of a living wage, but although the Social Security Department did a lot of the work it came from the Chief Minister's office, and until such time as this Government considers that it should be a statutory government living wage then there is nothing more that we can do about that.

4.7.3 Senator Z.A. Cameron:

There is ample evidence that widening inequality and increasing poverty among those most vulnerable in our society has a significant impact on health, increasing those diseases linked to stress such as mental health, heart disease, diabetes, asthma and epilepsy to name but a few. Has the department considered the impact on our Health Department of cutting the benefits by £10 million?

Deputy S.J. Pinel:

Yes, the whole consideration across the whole of the £10 million was considered on the impact on each group and individual. The department has not decreased in any way the income support to those with disabilities, and the whole essence of the budget savings of the M.T.F.P. is to direct more money to the vulnerable in health, and the children in education - by which we can use the example of a pupil premium - and our ageing demographics with the massive amount of research we did on the long-term care plan goes to show that more investment in health is absolutely what is required. But in order to get a balanced budget across the board there has to be some cuts in benefits and in staff costs.

4.7.4 Deputy S.Y. Mézec:

When deciding the specifics of the forms that these cuts to benefit would take what consultations, if any, did the department engage with charities and third sector groups on how this will affect the most vulnerable people that they are having to currently pick up the end for?

Deputy S.J. Pinel:

As I tried to answer earlier, we consulted with the Citizens Advice Bureau, Jersey Childcare Trust and Age Concern before any of the proposals were published. Because the benefit system is so complicated, the people most equipped to deal with examining all these proposals across the board are the staff at Social Security. They understand the legislation behind all the proposals that we make and there is a huge amount of work done by the staff and the distributional impact analysis will be done and produced by the second quarter of next year.

4.7.5 Deputy G.P. Southern:

Will the Minister commit to bringing the results of her consultation or research to the House before we debate these measures on 6th October, and if not, why not?

Deputy S.J. Pinel:

The reports to all 4 propositions that I would be bringing after the M.T.F.P. are very detailed and attached to the propositions. All the information is there.

Deputy G.P. Southern:

So there has been no research or consultation.

4.8 DEPUTY S.Y. MÉZEC OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING ELECTION TURNOUT:

Following the low turnout in the recent elections for Procureur du Bien Publique what discussions, if any, have taken place on what can be done to increase the profile of these elections and increase democratic participation in future?

The Connétable of St. Clement (Chairman, Comité des Connétable):

The committee have discussed the process of the election of Procureur many times over the last few years and a number of improvements of course have been made. Firstly that now each Parish elects one Procureur on the same day every 18 months there is a greater awareness that the election is taking place. We are now placing information about the Procureur election, which are indeed a public election, on the vote.je website. Much use was made on the most recent occasion, certainly by the Parish of St. Helier, on social media but I do accept that it is difficult to capture the public's imagination for such an election.

[10:45]

Having said that, since the Procureur elections came under the Public Elections Law we have seen turnouts of in excess of 36 per cent in St. John, in excess of 30 per cent in St. Ouen, in excess of 22 per cent in St. John again, and St. Martin over 20 per cent. When you think about it, those percentages are greater than Deputy by-elections in St. Helier in recent years. So there is some work done obviously possibly by the candidates, but I do feel for the candidates because they are standing for election for an administrative role rather than a political role and it is very difficult I think to canvas on that basis. But, nevertheless, clearly sometimes it happens.

4.8.1 Deputy S.Y. Mézec:

I thank the chairman for his answer. He mentioned that there are now elections for one Procureur every 18 months. Does he agree with some comments that I have heard, especially from some

candidates for Procureur, that this was a retrograde step and they would prefer to go back to the system where they were both elected on the same day? Does he not think that making an election bigger, rather than smaller but spread out, would improve turnout on that occasion?

The Connétable of St. Clement:

No, I certainly have not heard those comments, in fact exactly the opposite, that in the past I think generally speaking Procureurs were not elected on the same day, they were elected as Constables were - going back several years - when their term ended. So you could have an election for Procureur in January and then the other one in 3 or 4 months' time, so very rarely were the 2 together. But one of the disadvantages of having the 2 together of course is you could lose 2 experienced people at the same time. That is one of the advantages of having them every 18 months, that there is always a public trustee with at least 18 months' experience in post. I think that is the bigger advantage than any negative situation.

4.8.2 Deputy M. Tadier:

I would like to congratulate whoever was involved in the continuation of the vote.je website which was extended to the Procureurs election and which I am sure was a useful tool for those who wanted to find out information. The question I do have to ask though is, first of all, at some point could the chairman let us know what the cost was for putting those manifestos up, and whether it is appropriate for the States to pay for that website, if they did, when what is involved are elections for Parish positions?

The Connétable of St. Clement:

I am advised by the Greffe the cost of updating the website was next to nothing, probably a bit of time with one of the officers. Of course it is appropriate that the States, the Parishes, and all of us as individuals, should promote public elections. We are the heart of the democratic process, and to suggest perhaps that we should deny people the right of access to democratic facilities I think is ridiculous.

4.8.3 Deputy M. Tadier:

Of course I never said that, but I think it is important to have transparency. Even though I am sure things were done on a goodwill basis there was nonetheless a notional cost where Greffe staff, or whoever updates that website, were essentially doing Parish work, and it might be worth considering in the future that the Parish pays for the work that the Greffe does on their behalf for what are essentially Parish elections. I would ask the chairman if he agrees, because we have to ask a question.

The Connétable of St. Clement:

I doubt if I agree. We are talking about an election held under the Public Elections Law, not under the Electoral or Parish Assembly Law. This is a public election for the public of the Island, in this case St. Helier and Grouville, under the Public Elections Law. But all of the Parishes have an election, it is just that 10 of them did not have a contested election. That is the only difference.

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

The chairman may know that the unsuccessful candidate in St. Helier's Procureur election was supported by Jersey's only political party. Does he feel that the party should take more ...

Deputy S.Y. Mézec:

A point of order, that is not true.

The Deputy Bailiff:

This is question time and it is for the Connétable to ask a question and for the chairman to respond to it.

The Connétable of St. Helier:

I apologise if I have misrepresented the case but I understood there was some at least support, if not endorsement, by the Reform Party for the unsuccessful candidate ...

Deputy S.Y. Mézec:

Again, not true.

The Deputy Bailiff:

Deputy, please do not intervene, it is a matter for the Connétable to make whatever statement he likes. If it turns out he is inaccurate in anything he says then it is a matter to be corrected at another time and it is a matter for his question to be put and then for the chairman of the Comité des Connétables to answer it.

The Connétable of St. Helier:

If I could rephrase the question: does the chairman feel that the endorsement of a political party would be useful in giving a higher profile to these elections in future? **[Laughter]**

The Connétable of St. Clement:

If it is done properly in future then of course it would.

4.8.5 Deputy A.D. Lewis:

When speaking to the candidates during the election the other week there was a call from both of them to suggest that - and I ask the Constable this - was the old system better, i.e. elected by a Parish Assembly, or not? Or is he convinced with, having had a few now, that all the Parishes are content with the new way of doing it using the Public Election Law? Or was it better dealt with by the Parishes in the Parish Hall by way of Parish Assembly? I just wonder what feedback he has had from his fellow Constables on that matter.

The Connétable of St. Clement:

We have discussed this matter and it is a very difficult situation to go back to a Parish Assembly election, although there could be improvements in a Parish Hall election by having nominations in advance and having secret ballots at the Parish Assembly. It would need quite a considerable change to the Parish Assembly and there could be some merit in that. But at the same time it is an important role and, therefore, to give the wider members of the public the opportunity of voting, and not only voting on the day but also pre-polling and sick voting and so on, having all those facilities is also important and possibly gives the position some status. But as I said in my original answer to the question, one of the difficulties for the candidate - and I am thinking what would I do if I was a candidate for that election - it is not a political role, it is an administrative role, so how do you go about knocking on doors and telling people why the public should vote for you? It is not easy. There is merit in the old system with improvements, and there is merit in the current system, and the debate will no doubt go on for a considerable time.

4.8.6 Deputy A.D. Lewis:

Was the Constable concerned or was he happy with the pre-polling process? I understand that came under a bit of scrutiny and was not as well run as it could have been. Was he satisfied the pre-polling process was adequate?

The Connétable of St. Clement:

I have not been made aware of any difficulties with the pre-polling system.

4.8.7 Deputy S.Y. Mézec:

In his original answer the chairman referred to turnouts in other Parish Procureur elections which were significantly higher than St. Helier's recent Procureur election and the Procureur election they had previously. What consideration, if any, has the committee given to what I know was the sentiment felt by both candidates for Procureur in St. Helier, that they believe that the system for electing local Parish positions in St. Helier should not necessarily be the same as Parishes which are much smaller. I know that they would like to see a system more unique to St. Helier that takes into account its different position, and what consideration has the committee given to that idea?

The Connétable of St. Clement:

No consideration has been given to that because no suggestion of that type has been made to the committee, but should someone make such a recommendation of course we would consider it.

4.9 DEPUTY G.P. SOUTHERN OF THE CHIEF MINISTER REGARDING DISTRIBUTIONAL IMPACT ASSESSMENTS IN RESPECT OF THE MEASURES CONTAINED IN THE MEDIUM TERM FINANCIAL PLAN:

Will the Chief Minister inform Members whether a distributional impact assessment has been conducted on the full package of measures contained in the Medium-Term Financial Plan on particular groups and sectors of the economy, and if not, why not?

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

As recommended by the Fiscal Policy Panel, an analysis looking at distributional impacts will be undertaken as part of the M.T.F.P. addition, which will be lodged in June 2016. The F.P.P. (Fiscal Policy Panel) recommended that this work should be done alongside the M.T.F.P. addition, by which time there will be enough detail to analyse the package of measures for gross savings, benefits and charges.

4.9.1 Deputy G.P. Southern:

Is it the Chief Minister's opinion that it is satisfactory for us to vote on 6th October on the envelopes contained for 2017, 2018 and 2019 without seeing sight of this impact assessment before we vote? Does the Minister think that is the right way to go about things? Surely if he can produce M.T.F.P. 2 and an impact assessment alongside it in the next 6 months he could have done so in the first or second 6 months of the Council of Ministers so that we had an impact assessment now so we knew exactly what we were doing with both halves of the pie that he is presenting us.

Senator I.J. Gorst:

There seems quite a few questions there. I think the overwhelming answer to his first question was no. It is important that Ministers bring forward an M.T.F.P. which meets the strategic priorities which Ministers have got, which this Assembly endorsed, and that is investing in health, education, and making sure we invest in our capital infrastructure appropriate into the future, at the same time balancing the budget. That is what the overall envelope achieves. The details within 2017, 2018 and 2019 will be part of the addition and that will be the work that the distributional analysis looks at, so I think it is wholly appropriate.

4.9.2 Deputy J.A. Martin:

Either I or the Chief Minister have a very short memory because I asked him about these impact assessments in this House probably 8 weeks ago, if not more. He said they were being done in-house at that time. I can check Hansard but I know exactly what I was told. Why do we not have

them now because already redundancies, and we have the M.T.F.P., why do we not have these very, very important impact assessments with us?

Senator I.J. Gorst:

The Deputy is right, they are being undertaken and we instructed for them to be undertaken prior to the comments of the Fiscal Policy Panel. The Fiscal Policy Panel I think endorsed the work that Treasury and my department are undertaking. The Deputy knows why it is not possible to produce it in the timeframe that the questioner requests because some of the detail, particularly around charging mechanisms, have not yet been worked up and that detail needs to be worked up in order to understand the distributional impact.

4.9.3 Deputy J.A. Martin:

The main question and the questions I was asking weeks and weeks ago was about the impact. The Minister has already accepted 104 voluntary redundancies. What impact studies is he basing any of these facts on?

Senator I.J. Gorst:

I am not quite sure what that question was about. The Deputy knows that we have put into the public domain the categories of workers who we have accepted for voluntary redundancy, we are managing vacancies, and that is allowing departments to reorganise the way that they deliver services more efficiently and more cost effectively, which ultimately will allow for a balanced budget over the period.

4.9.4 Deputy G.P. Southern:

Where in his drive to cease, reduce or outsource public services has the Minister put his strategic aim to protect the vulnerable, or does he consider that £10 million cuts from those most vulnerable in our society is appropriate protection?

Senator I.J. Gorst:

The Deputy knows, and I think it was only at the last States sitting that I reminded him of this fact, and I have reconfirmed it with the Social Security Department, that in 2011 we were spending £66 million on income support. The 2014 figure that we spent was £74 million. The budget for this year, although it is not expected to be completely spent, was £83 million. The proposals that Ministers are making with regard to benefits is to maintain them at around 2015 levels, as the Minister has said extensively, not only this morning but on previous mornings in this Assembly, and changes are being made to enable that to take place. I do not, therefore, subscribe to the analysis that the Minister is trying to portray that we are slashing benefits to the most vulnerable. We are trying to curtail the growth in the cost of government that we have seen over the last number of years and, therefore, balance the budget.

[11:00]

4.9.5 Deputy G.P. Southern:

Do the figures that he quotes not include the large increase in numbers of those in residential homes, and does he not accept that anyway that large number and that growth indicates a growth of low income, of vulnerability, therefore, that is why the figure is growing because people are, in his community, worse off than they were?

Senator I.J. Gorst:

I do not think we should be bandying phrases across this Assembly. The Deputy makes that point. I believe that previous Ministers have argued the case for increasing the budget. Some of that has been automatic stabilisers; others have been targeting money to the most vulnerable. What we are

saying now is that we need to manage the growth and curtail the growth in the cost of government so that we can invest in health care, so that we can invest in education, the very thing which affects the most vulnerable in our community, and that we can invest in our infrastructure for the future as well.

4.10 DEPUTY M.R. HIGGINS OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DISTRIBUTIONAL EFFECT OF THE MEASURES PROPOSED IN THE MEDIUM TERM FINANCIAL PLAN:

Given that the Fiscal Policy Panel's annual report stated that the changes proposed in the draft M.T.F.P. may not be sustainable and that there was a risk that they may not be seen to be fair, will the Minister set out the distributional effect of the measures proposed and advise what steps will be taken to ensure that the burden is shared by all parties rather than by just a few?

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

I think the Chief Minister broadly answered this question, but just to confirm, an analysis of distributional impact is being undertaken and will be shared with States Members when the package of detailed measures for the Medium-Term Financial Plan addition is published in June 2016.

4.10.1 Deputy M.R. Higgins:

I must say, again like others, I feel that it is appalling that the report will come 6 months from now rather than before the M.T.F.P. debate in October. However, does the Minister for Treasury and Resources accept the concerns of the Fiscal Policy Panel that the changes proposed in the draft M.T.F.P. may not be sustainable?

Senator A.J.H. Maclean:

I welcomed the Fiscal Policy Panel's report overall, which seemed to be very supportive of what was being proposed in the Medium-Term Financial Plan. They did raise some areas that needed some focus. This was one of them, which was in relation to distributional impact. It is appropriate when the detailed plans for the addition are presented because it is quite appropriate that we have a proper distributional analysis and the Fiscal Policy Panel raised that as one of their recommendations. I am delighted that we are adopting what they suggest.

4.10.2 Deputy M.R. Higgins:

A supplementary: the Minister did not really refer to their other concerns. He mentioned the distributional survey. Yes, they were concerned about fairness, but they expressed other concerns. The document is hedged in very interesting sort of terminology which does not give a full endorsement of the Minister's policy. Does he accept their other concerns?

Senator A.J.H. Maclean:

To be realistic, there is never going to be a 100 per cent endorsement of matters relating to economic performance and so on. There are so many uncertainties in the world that matters can and will change. That is the absolute certainty Members can be sure of. We have talked much about forecasts in the past. Forecasts are updated on a regular basis because they are exactly that, forecasts. Inputs change and, therefore, the forecast has to be revised. The Fiscal Policy Panel overall were very positive of the plans laid out for the Medium-Term Financial Plan. They did, however, raise some points about distributional analysis, which is absolutely correct, for the detail which will come in due course. I very much welcome the conclusions they made and we have taken note of the concerns that they have raised in that regard.

The Deputy Bailiff:

Deputy Higgins, I will allow you a final supplementary.

4.10.3 Deputy M.R. Higgins:

Does the Minister also accept their concerns about timing issues and the ability of the Council of Ministers to achieve the savings that they have said they are going to achieve from the public sector? So, timing and savings; does he accept their concerns in that area?

Senator A.J.H. Maclean:

Yes, I do and it is a well-made point. The programme that we have laid out that the Council of Ministers has put forward with the Medium-Term Financial Plan is without doubt challenging. There is no doubt about that whatsoever and we are going to have to work hard together in order to deliver on this. The point is that the plan arrives at a balanced budget position by 2019. It also puts us in a position for sustainable public finances into the future. Is it going to be easy? It is certainly not going to be easy but do we have a choice? I do not believe we have.

4.11 DEPUTY M. TADIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING IMPROVEMENT OF THE FACILITIES OFFERED AT THE PLAY PARK ON LES QUENNEVAIS PLAYING FIELDS:

Will the Minister give an update on promises made by his predecessor to work with parents to improve the facilities offered at the play park on Les Quennevais playing fields?

Deputy R.G. Bryans (The Minister for Education, Sport and Culture):

Just minutes ago, Members will have received, along with myself, a copy of an email sent by one of my officers to Deputy Tadier that does suggest a promise not made by the previous Minister, by the officer. Irrespective of anything that was said at that point in time, I firmly believe that people should be involved in decision-making in their communities. In the case of this playground, officers did meet parents in May 2014. An initial meeting with one mother who raised concerns was followed up by a meeting with a wider group of parents. At the second meeting revised plans were discussed that included swings, seating and toddler play equipment that would be easier to use. The participants were then asked to speak to other interested parents and bring back their thoughts and ideas. Unfortunately, that never happened. In the meantime, the playground has been monitored by Les Quennevais staff who report it is being well used, as is the Elephant Park nearby.

4.11.1 Deputy M. Tadier:

I thank the Minister for that initial answer. The promise relates to something the Minister said in this Assembly in April 2014. He was asked whether he would take steps to seek information, visit the playground and talk to parents and he did undertake to do that, as Hansard shows, and I am glad to see that the officer initially did take steps. In the email to which the Minister refers, the officer says that ... this is obviously in May 2014, so over a year ago: "I have now asked for a plan to improve the park and expect to receive a proposal from a local company later this week and when I have received this I have agreed to meet with the parents again." So my question is: could we be privy to what the proposals were by that local company, whether it was received, if not, why not, and why there seems to have been some kind of impasse that has been put into that project?

Deputy R.G. Bryans:

I am not sure that an impasse has been identified, but if indeed the information was passed on to us from those individuals I will provide that.

4.11.2 Deputy M. Tadier:

I look forward to following this up. Clearly, it may seem small fry in the bigger picture, but it is very important and it was flagged up and some of the users of that park were particularly

disappointed. I think we all agree it can be improved, hopefully with a minimal budget, and I look forward to working with the Minister on that.

The Deputy Bailiff:

Is there a supplementary question?

Deputy M. Tadier:

I would ask the Minister to reciprocate that sentiment.

Deputy R.G. Bryans:

Yes, I am more than happy to welcome the Deputy to the Education Department. I would say we now have a head of early years and I have approved a new play strategy produced by the Early Years in Childcare Partnership, which should reduce the chance of this kind of occurrence happening again. But I am more than happy to welcome the Deputy to the department.

5. Urgent Oral Question

The Deputy Bailiff:

We now come on to the urgent oral question approved by the Bailiff to be asked at the Assembly, which Deputy Labey will ask of the Minister for Economic Development.

5.1 DEPUTY R. LABEY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE PUBLICATION OF A REPORT ON THE SUITABILITY AND PERFORMANCE OF THE VESSEL KNOWN AS CONDOR LIBERATION:

In answer to my question of 2nd June 2015 on the suitability of Condor Liberation for cross-channel ferry operations, the Minister announced the commissioning of an independent report to confirm the sustainability and review the performance of Condor Liberation. Three months on, what has happened to that report and, in the meantime, why were contingencies not put in place to avoid the unacceptable disruption and chaos witnessed this weekend?

Senator L.J. Farnham (The Minister for Economic Development):

Halter Marine is conducting a review of the safety aspects of the Condor Liberation and its suitability to operate U.K. to Channel Island services. The review was commissioned based on a terms of reference agreed between the States of Jersey, the States of Guernsey and Condor Ferries. This review was commissioned following the berthing issues and comments made regarding the motion characteristics of the vessel during its early days and weeks of operation. This report is at its final stage and will be available to both Governments imminently; I am estimating the beginning of October. With regard to contingencies, Condor deployed a range of contingencies, including routings via St. Malo on Brittany Ferries, flying passengers and transporting their vehicles on the freight vessels, and rescheduling services to meet demand. It was unfortunate in the extreme that the period of travel disruption over the weekend coincided with the Condor Clipper roll-on passenger vessel, which provides a year-round back-up car and passenger service, being in dry dock for essential works. Despite Condor's efforts, it is clear that the contingency measures and customer service levels deployed left many passengers inconvenienced and frustrated and they were clearly unacceptable. This represents a clear area for further discussion with Condor, particularly the level and nature of customer service, which in addition to vessel contingencies is absolutely vital at times of travel disruption.

5.1.1 Deputy R. Labey:

I wonder if the Minister might agree that the Halter Marine review is late and now a secondary issue because we have the ship's record. It fails the 5-metre high wave test and we have passenger testimony, many of whom have renamed the ship the "vomit comet," which speaks volumes. Passengers and the travelling public, Guernsey bloggers in particular, did warn of the sheer folly of taking the Condor Clipper out of operation without replacing it with an all-weather freight and passenger vessel. I wonder when this came to light, when the winter schedules came out, why was the Economic Development Department not kicking off about this. Where was the Jersey Harbour Department and their views on this? Where was Visit Jersey? Why were they not kicking off? September is a very important shoulder month for tourists, as the Minister will know, and also kids wanting to get back to university. Sir, I am coming to my question because I know you are going to stop me but ...

The Deputy Bailiff:

Well, it occurs to me I should have stopped you rather sooner.

Deputy R. Labey:

Yes, okay. It is serious and the travelling public have been treated with contempt over the last few days. These are important issues. I would ask the Minister, given that the foretold nightmare is upon us and we are in a state of emergency, what solutions have been advanced to him. What action might he take and when might measures be put in place?

Senator L.J. Farnham:

The Deputy raises some good questions but even by his standards he is being slightly overdramatic when he says a state of emergency has been declared. **[Approbation]** Now, the current contingency plans and customer service provided are clearly unacceptable and I will be holding Condor to account over that. I did try to urge Condor to move the schedule, to exchange the schedule with the Goodwill so the Goodwill would have gone into dry dock now and the Clipper in October, but they were unable to do that because they had committed to that a year ago and ordered the various parts and it just could not be reversed. I have circulated 2 updates to Members now and I explained last night the decisions that have been taken. First of all, I have instructed the Harbourmaster to undertake a benchmark review. That is when we will set down some benchmarks that a prudent operator should be expected to deliver, and that is under way now. I have also agreed with my counterpart in Guernsey, the Deputy of Commerce and Employment - and Condor have agreed to this - that a full service review will also be undertaken immediately and the terms of reference of those we will begin to work on as soon as possible.

5.1.2 Deputy J.A. Martin:

I hope the Minister does not think I am being overdramatic, but who allowed this vessel and why only now is a review taking place? The Minister may want to hide behind the Minister previous, but officers have been dealing with this 10-year non-exclusive contract well before we had the new Liberation boat put in our waters. This should have been done. If it was not fit for purpose it should never have been brought here and it is a bit late now to come up and say: "We are doing a review." I want to know why, how and who and when and the Minister should be standing up telling us this. It is much too late. We are in a desperate state.

Senator L.J. Farnham:

I am not hiding behind anyone. In fact, I am taking full responsibility for this and taking action. I think the Deputy is being irresponsible when she raises concerns about the safety and the suitability of the vessel again. I have no concerns about the suitability and the safety of the Condor Liberation. The safety review carried out will hopefully confirm that in due course and to say the vessel is unsafe is simply untrue. Members must stop doing that. The review is part of the

operating agreement. That operating agreement states that that review should be carried out in 2017. We are bringing it forward and we are going to carry it out immediately. Now, we have an operating agreement so we can turn to it in times of trouble such as these, and it is exactly what I am doing. I do not intend to stand by and let the situation continue.

[11:15]

I have made my intentions clear to Condor. The situation of contingency and customer service is unacceptable. It must be improved. It must be improved quickly because although this particular incident might recover itself very soon, the very nature of the shipping business means it will happen again. Next time it happens they have to be prepared.

The Deputy Bailiff:

I should notify Members that a number of Members have indicated that they wish to ask questions. This is an urgent oral question. Customarily then no more than 10 minutes is allowed for an urgent oral question. Could I remind Members that, of course, the Minister for Economic Development has questions without notice subsequently, so if we do not get to the question then they will have the opportunity to ask it later.

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

Will the Minister circulate to Members of this Assembly the service level agreement, or the operating agreement as he calls it, with Condor because this should be a matter of public record and not maintained confidential?

Senator L.J. Farnham:

It is a matter of public record. It is available via the Ports of Jersey website, but I will also circulate a copy to Members should they wish, starting with the Connétable.

5.1.4 Deputy M.R. Higgins:

The Constable has asked part of my question. I was going to ask about the service level agreement, the contingency plans and the operating agreement. Are they all public documents and, if not, will the Minister publish them so that we all know what has been agreed and we can hold both Condor and the Council of Ministers to account?

Senator L.J. Farnham:

Yes, they all are public documents and readily available, but the contingency is not just a single contingency plan. Rather, they have to deploy contingencies depending on the incident that they are covering, providing the contingency for. But summing it up, the contingency in relation to passenger and vehicle services comes from within the Condor fleet and that is where I think there is a potential weakness or room for improvement. Because if one of the passenger vessels goes out, it means the other passenger vessel services can be disrupted to provide cover.

5.1.5 Deputy M. Tadier:

Given the Deputy Bailiff's comments and the importance of this issue, the complexity of it and the public interest, does the Minister not think it would have been wise to issue a public statement in the Assembly? I appreciate it may have been short notice, but would he consider doing that maybe tomorrow if we do find ourselves back here, or indeed after lunch?

Senator L.J. Farnham:

Well, as Members will know, I have sent out 2 updates and I have made a public statement on the issue. One of the reasons I did not make a public statement this morning is because I was aware I

had an urgent oral question and questions without notice, which I thought gave Members ample opportunity to ask about the issue.

5.1.6 Deputy S.M. Brée:

As one of the passengers who was affected by the Condor, I was due to leave at 1.30 from Poole on 14th September and I eventually arrived back in Jersey at 11.30 on the Wednesday. In reality, it gave me time to think about things. My question to the Minister is: will the Minister admit that in reality he is, in fact, powerless to take any action whatsoever against Condor or issue any sanctions whatsoever against Condor because there is no viable alternative carrier?

Senator L.J. Farnham:

Can I first say how deeply disappointed we were that the Deputy did not make it back in time for the Scrutiny hearing on that particular morning? I had nothing to do with that; neither did the operating agreement. **[Laughter]** Yes, we have an operating agreement. It is a comprehensive, 80-page document with which I am becoming very familiar. We do have sanctions and we do have opportunities to change the contract under certain conditions, but I very much hope that will not be necessary because I believe the way forward is to sit down with Condor and have some frank discussions as to how this is going to be sorted out once and for all. They know it is unsustainable. Not only is it unsustainable for us but it is unsustainable for their business.

5.1.7 Deputy R. Labey:

I would venture to suggest in those discussions that Condor need to be reminded about how to be appropriate and respectful to their clients when they are being disrupted. Similar to Deputy Brée, we cannot fire Condor, we would have no ships, we would have no link, but we could fine them. Those fines could be passed on to the travelling public who have been disrupted as compensation. I would ask the Minister what powers of recourse are available to him in the service agreement.

Senator L.J. Farnham:

I will start by saying I have a copy of the E.U. (European Union) regulations here on passenger sea travelling rights and we are looking at that now and that is important. There are rights but Condor are acting in line with that and going beyond that. That does not make an excuse and it gives me no pleasure to be hard on Condor, and I am going to be hard on Condor because their contingency and their customer services are simply unacceptable.

6. Questions to Ministers without notice - The Minister for Economic Development

The Deputy Bailiff:

That brings this question to an end. We now come on to questions without notice and, as fortune would have it, the first period of questions are for the Minister for Economic Development. I have Deputy Tadier.

6.1 Deputy M. Tadier:

I will break with the tradition of asking about Condor, though I am sure that will not be for long before other Members may wish to jump back in. Is the Minister aware of the situation certainly in my constituency at Les Quennevais but also I think in other places such as La Colomberie where there is an increasing number of empty shops and businesses that are blighting the precinct? If so, would he comment on what he thinks both the causes are of that and what the solutions could be to getting those shops back and open?

Senator L.J. Farnham (The Minister for Economic Development):

Members will know that the economy has been difficult over the last few years and probably the most affected sector is retail, not only because of the reduction in consumer spending over the years but there is also a lot more competition, namely from the internet. It is sadly more of the smaller and outlying retail areas that are suffering the most. E.D.D. (Economic Development Department) are responsible for Jersey business and they are currently operating a retail development plan. The plan works across all of the retail sector for the whole Island and not just St. Helier and has been a key point for Jersey business for the Jersey-wide initiative to help the retail sector. Also, Shop Jersey operate Twitter and Facebook pages and other social media for all retail shops to provide that service, to promote their stores, their products and their services. Jersey Business also offer one to one advisory support for retailers and that has been given to a number of retailers at the moment, including 3 from Les Quennevais precinct area. Jersey Business is also running a retail ambassador programme. It is extensive customer service training for retail staff and 50 new ambassadors were recently appointed in the last section of that programme. Also, a number of those were from the St. Brelade Red Houses area. An online retail business club is being actively developed and a bi-weekly bulletin being produced to support retailers and to give them and help them get more of an online presence. Can I also use the Parish of St. Helier as an example with their town centre management team? That has worked very well. It has been, I think, necessary and essential in helping to rejuvenate the town centre and perhaps I might suggest a similar scheme for the Parish of St. Brelade. Perhaps the Constable and the Deputies could get together with interested parties to talk about that and if something is set up I can assure the Deputy and the Constable and other Members that it will have Economic Development support.

6.2 Deputy A.D. Lewis:

Would the Minister consider exploring the idea of creating a farmers market to provide local produce, promote local produce, give the public even greater access to locally grown produce, and further enhance the vibrant retail offering St. Helier already has?

Senator L.J. Farnham:

Yes, we have been discussing that internally. Members will also have seen that with our agricultural portfolio we are working hard and have supported a local grower in particular to ensure that there is a supply and a wide variety of locally grown produce into the major retailers. Although there are dozens and dozens of markets that exist in Jersey at the moment, I do think there is room for a specialised farmers market. We will certainly undertake to look at that and see if we can get something more permanent under way.

6.3 Deputy S.Y. Mézec:

I have recently been speaking to somebody who set up a business not too long ago and has found it very difficult to cope with things like having to pay 12.5 per cent social security. They have also been in touch recently to let me know that they believe that they, from 1st January next year, will be having to pay higher registration fees to do the service that their business provides, which on this occasion happens to be acupuncture. Is the Minister aware of more businesses which are going to have to face higher registration fees in the years coming? If so, how does he believe that is conducive to economic growth?

Senator L.J. Farnham:

Sorry, could the Deputy just elucidate what he means by higher registration fees?

Deputy S.Y. Mézec:

Sorry, I could not hear the Senator. Could he repeat that?

The Deputy Bailiff:

The question was what was meant by higher registration fees.

Deputy S.Y. Mézec:

On this occasion it is somebody who provides an acupuncture service who has been told by the Health Department that they will have to pay a higher registration fee than they are currently paying to register as a practitioner and for registration of their premises.

Senator L.J. Farnham:

I understand that the registration fees are at a very low rate, but it is something I will have to take up with the Minister for Health and Social Services. Of course, the cost of setting up a business is in some cases concerning and we do not want it to be prohibitive to encourage new and start-up businesses. We are carrying out a number of studies at E.D.D., including finance and the cost of doing business in Jersey, and they are due to report shortly. That is an issue, but again Jersey Business is providing a lot of advice and support for businesses, for start-ups, and I would advise any start-up or people considering starting up to go and see Jersey Business because they can certainly help to make sure the start-up process is consolidated and provided at the best possible value.

6.4 Deputy J.A. Martin:

I have 2 questions; I do not know which one to go for. As he is talking about Jersey Business, I will ask the Minister if he can advise the Assembly how much the Jersey Innovation Board has paid out to new start-up innovations and how much they have paid out to the board itself in wages so far.

Senator L.J. Farnham:

I will have to double check the figures. Out of a fund of £5 million I believe £2.5 million has been forwarded to start-ups. It is just below, £2.4 million or something, and I will provide the figures that have been paid to the board separately to the Deputy.

6.5 Deputy G.P. Southern:

Does the Minister know what proportion of businesses on the Island, non-finance businesses, are owned locally or are owned by multinationals, by others? If he does not, would he find out by sector?

Senator L.J. Farnham:

I think we have tabulated a response in a question to Deputy Higgins, if I am not mistaken, recently about the various sectors. I do not have the figures to hand, but I will undertake to look into it and provide them.

6.6 Deputy G.J. Truscott of St. Brelade:

Can the Minister please inform the House if tourist numbers are up or down in relation to the same period last year?

Senator L.J. Farnham:

Yes, I am pleased to report that the last official tourism figures we have were published at the end of July which showed a healthy increase of I think approximately just over 5 per cent. I understand from the industry and Visit Jersey that despite the poor weather in August figures did continue to increase. Obviously, I think they would have increased more had August been as kind to us as June and July, although I am slightly concerned. Obviously, the recent Condor issues, problems like that, stand to put a dent in those figures if they are not sorted. But I understand tourism is looking up and continuing to grow.

6.6.1 Deputy G.J. Truscott:

A supplemental: I am sure the Minister is pleased to be the purveyor of some good news, which is excellent. However, the sea links with France, Guernsey and the U.K. are extremely important if we are to develop a meaningful tourist industry. Does the Minister also agree that the reliability of the sea service is paramount?

[11:30]

If we are to stand any chance of bringing the 1 million tourists to the Island as set out in the Visit Jersey business plan, then Condor are most certainly going to have to up their game.

Senator L.J. Farnham:

Yes, I totally agree and I could not agree more in actual fact. There is nothing more important for developing the visitor numbers, especially from the continent, which is a key part of the new Visit Jersey business strategy.

6.7 Deputy A.D. Lewis:

Could the Minister tell us: is he content that the current regulations determining the right to work in Jersey and the right of employers to employ are fit for purpose and in step with his plans to grow the economy?

Senator L.J. Farnham:

Generally, yes, I am because we have to realise that we have a balancing act to do. We have to grow the economy and we have to manage immigration and most of us want to do both. However, that is raising some interesting challenges for different business sectors, not least the hospitality sector. That is something I am working on together with my Assistant Minister, Deputy Norton, and we are working closely with Senator Routier and the Housing and Work Advisory Group to explore ways that we can ensure that various sectors, especially the hospitality sector, can employ staff without an impact on long-term immigration to prevent essential staff shortages and wage spirals in those sectors.

6.7.1 Deputy A.D. Lewis:

A supplementary: does he agree that there is an important tie-up here with education and creating local talent, which was articulated earlier by the Minister? How much is he liaising with the Education Department to ensure that we are developing the skills we need locally to supply the industries, particularly hospitality, agriculture and some of the smaller tech industries of the future?

Senator L.J. Farnham:

In the innovation study published recently, skills was probably the number one area of concern. Under the transfer of functions, if the States approve them, skills moves from Economic Development to Education, but in the interim period I and my team have been working very closely with the Minister for Education, Sport and Culture and his team on that particular area. I just want to make sure Members are clear that we understand this is absolutely key in the medium to long-term resolution of these challenges we have.

6.8 Deputy S.M. Brée:

Will the Minister kindly advise on what date he was advised by Condor that they would be taking the Condor Clipper out of service over the last few weeks?

Senator L.J. Farnham:

I cannot remember the exact date. It was, I think, some time during the early summer and I remember being astounded that this was the proposal. I spent a number of weeks urging and trying to find a way with Condor for them to change their plans, as I explained briefly earlier. I wrote to

them on 4th August explaining that I was very disappointed that they were unable to do it. As I have explained earlier, the logistics, the parts had been ordered some time ago, beginning of the year, even perhaps prior to that, before it came on my radar and there was just no way they could have changed it without incurring additional costs of millions of pounds. But even then, because of the availability of the parts that had been manufactured and ordered, the schedule had to stay as it was.

6.9 Deputy J.A. Martin:

Can the Minister confirm when he will be bringing regulations to the House of updating the licences laws? I notice today he is bringing an update on the licensing fees which we agreed to freeze in 2007 until this important piece of work had been done and then presented to the House. So a date, a firm date, would be appreciated.

Senator L.J. Farnham:

Members will know that I am a director of a hotel which holds a licence so I have a general interest in that, and in the interests of good government I have not participated in any discussions on the licensing laws. Instead, that has been delegated to my Assistant Minister, the Constable of St. Brelade. Perhaps he could address that when he brings his proposition on fees slightly later on in the debate.

7. Questions to Ministers without notice - The Minister for Housing

The Deputy Bailiff:

There are no further questions for this Minister. That brings us on to the next question period, which is for the Minister for Housing.

7.1 Deputy P.D. McLinton:

My question is regarding the residential tenancy deposit scheme. Mentioned as a part of that scheme and a dictum, a requirement of the scheme is that it should operate an internet-based service for landlords to pay in and manage deposit money. I have spent a great deal of time recently engaged in conversation with an elderly landlord who is very concerned about the process. For example, he said to me: "I do not have a computer, which means I cannot transfer money using a computer. I have always used cheques but they do not take those" he seems to think: "Why does it have to change? I have always been a good landlord." I am fully aware that things must change. Change is inevitable except from a vending machine. I have been dying to say that.

The Deputy Bailiff:

Deputy, this is question time.

Deputy P.D. McLinton:

Okay, I beg your pardon but I was giving context.

The Deputy Bailiff:

Well, there is only a limited amount of context I think the Chair can reasonably ...

Deputy P.D. McLinton:

Very well, I shall cut to the chase.

The Deputy Bailiff:

Anecdotal material I do not think is acceptable.

Deputy P.D. McLinton:

Can the Minister please reassure this Assembly that all due consideration has been given to the fairly large number of landlords and possibly tenants who are not computer literate so that they do not find themselves falling foul of the law?

The Deputy of Trinity (The Minister for Housing):

Yes, as we all know, I launched the deposit scheme last week. After the States Members' presentation - there were only 2 States Members there which was a bit disappointing - we had a presentation to interested parties, which included different landlords, letting agencies, estate agencies, lodging houses and other interested parties like the Consumer Council and Caritas. There were operational questions that came up and one of them was about deposits, putting deposits on cheque. As I understand, they will accept cheques, but they are basically an internet scheme. They did also mention that if they gave back cash there could be a question there of money laundering. The most important thing I would say is that Mydeposits are coming back next month. They have launched Mydeposits Jersey on their website. There is going to be a local office, a local partner, here to help whoever, be it tenants or landlords, but when they do come back and do the workshops it is for anybody who has difficulty asking specific questions. Not only that, they will work on a one-to-one basis. They are going to obviously work with the Health and Social Services Department because they are landlords, too, in their rights. This is a change but it is a good change. It will protect not only tenants' deposits - and we have had many questions over the years about tenants being able to get back their deposits - and if there is any query about deposits being returned there is a dispute resolution system in place there as well. There are going to be some teething issues, some questions, and Mydeposits are very much geared up for that. It is a good thing and, as the Chief Minister said on the radio last week, in 6 or 7 months' time hopefully it will be a good thing. It will be a good thing for both tenants and landlords.

Deputy P.D. McLinton:

Thank you for the Minister's reassurance there. I do believe myself it is a good scheme and thank you again for the reassurance.

7.2 The Connétable of St. Lawrence:

I am sure the Minister will be expecting this question from me. I would like her to advise the House what progress she has made with regard to the provision of companion animals in housing association properties.

The Deputy of Trinity:

Yes, the Constable is quite right, I was expecting that question. Like her, I understand the importance of pets and over the last months I have been out with all the social housing providers, including Andium. Andium have a policy that is linked into the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) where the J.S.P.C.A. will visit the tenants and see if an animal is appropriate, *et cetera*. All the other social housing trusts have slightly different policies and they do acknowledge your concern because when I discussed it with them they were aware of your concern. They will do it on a one-to-one basis, but as it is at the moment they have a general theme of not really accepting pets but they are open.

7.2.1 The Connétable of St. Lawrence:

If I may follow that up; that is a positive, I think. However, it seems to me that if Andium can manage a policy of allowing these companion animals then I think that the other associations should be encouraged to have a more wide-ranging policy, if not similar to that of Andium. I would like the Minister to explain how she intends to persuade them to introduce that.

The Deputy of Trinity:

How can I persuade them? I do understand your concerns and ...

The Deputy Bailiff:

Through the Chair, please.

The Deputy of Trinity:

Sorry, Sir?

The Deputy Bailiff:

You do understand the Connétable's concerns.

The Deputy of Trinity:

Sorry, I do understand the Connétable's concerns. If the Connétable has a specific issue with a housing trust I would suggest that she does approach them on a one-to-one basis. They all operate in a slightly different way regarding pets and the Gateway - because obviously the tenant has to be on the Gateway - will make that clear if they have any pets before they proceed. Each social housing trust has a slightly different policy.

7.3 Deputy A.D. Lewis:

The Minister will be aware of this question as I have asked her before. I have not had quite a straight answer. There are 2 options for deposit protection schemes, both deposit, or rather custodial, and insurance schemes. The States of Jersey has decided to opt for the custodial scheme over the insurance scheme and landlords are concerned about this. I am still unclear as to why we have adopted the custodial scheme and not the deposit scheme so I wonder if she could answer that. Also, what protection will there be for those tenants that share facilities, i.e. lodgers? At the moment, they do not seem to be covered within the law anywhere. Perhaps this is a too difficult question to answer as there are numerous of them, but they are some of Jersey's most vulnerable residents. Is there a way of protecting lodgers that are sharing facilities in other people's homes which currently the regulations do not seem to cover?

The Deputy of Trinity:

I have mentioned a couple of times on the difference with a custodial and insurance scheme. The custodial scheme, as it says, is Mydeposits Jersey will when a tenant and a landlord makes that lease, signs that lease, hands over the deposit, the landlord has up to 30 days to deposit the money with Mydeposits. Therefore, the tenant then gets notification back that the deposit is safe and it will be held with Mydeposits until the end of the lease. It will be given back once they get confirmation from the tenant and the landlord regarding the amount of deposit to be released, with wear and tear and whatever. The States Assembly decided not to go with the insurance scheme because the money is still held with the landlord, bearing in mind that it is the tenant's money, it is not the landlord's money, and the landlord would only hand over that deposit if there is a query. There was difficulty in finding a way of being able to make a landlord hand over that deposit. This way it is very clear and it is very easy. The States made that decision back in 2014, round about that time.

7.4 Deputy G.J. Truscott:

A prominent local landlord criticised the new tenant deposit protection scheme as being over-bureaucratic, expensive and cumbersome, a sledgehammer to crack a nut. Will the Minister please give a comment on his view?

The Deputy of Trinity:

Yes, I am very aware of that landlord. I was pleased to see him at the briefing for interested parties that we had last week and he did make that comment. It is not aimed to be that and I am sure, once he has attended the workshops, he will understand that it will be easy. I am sure in 6 to 9 months' time ... it is for the protection of the landlord and it is for the protection of the tenants as well. Sorry, I did not answer Deputy Lewis's second part of that question, if I may, just because it ties in.

[11:45]

The Deputy Bailiff:

Well, you are answering the question from Deputy Truscott at the moment.

The Deputy of Trinity:

It does tie in with landlords. He was saying about those in lodging houses, if they do not give their deposit. If somebody is in a lodging house and if they have their own front door and they are self-contained or whatever and they have paid a deposit, that deposit will be safe. If they are part of a house, living in a lodging house as part of a house, unfortunately that is not part of the scheme.

7.4.1 Deputy G.J. Truscott:

One other thing I would like to know is why a U.K. collection agency was selected rather than a local company. Will they be bringing in their own people to administer the scheme and, if so, how many? Finally, are the tenants' deposits covered by an insured compensation scheme should the company holding their deposits fail?

The Deputy of Trinity:

There are 3 or 4 parts there. The scheme went out to procurement. One local company did put a bid in and obviously it was not successful. Mydeposits did and the history said it had worked well. The scheme that they came up with was right for Jersey. They aim to work with a local provider here, a local partner here, so they will not be bringing anyone permanent on the Island because they will be working through a local partner here. I will announce the local partner once the contract with Mydeposits and the local partner has been signed. As I said, it is basically an internet system, but I was also keen to make sure that there was a local base here as well. Also, places like the Citizens Advice Bureau, too, will be linked in. Regarding the deposit, is it safe? Yes, it is safe. We did due diligence, all the checks and balances, and the money will be under the remit of the U.K. depository scheme. In fact, every deposit will be safe and every individual deposit will be safe, where here in Jersey I understand that the amount would have been safe but in the U.K. it is every individual and it is linked with Barclays Bank.

The Deputy Bailiff:

I just remind Members that a supplementary question is exactly that: it is a question that arises out of the answer given by the Minister in response to the original question. It is not an opportunity to answer fresh questions because that in these circumstances would deprive Members when we run out of time of the opportunity of asking their questions.

7.5 Deputy S.M. Brée:

As with all deposit takers, Mydeposits will have a credit rating. I was wondering whether, firstly, the Minister could advise us what the credit rating of Mydeposits was and, secondly, who in fact they will be regulated by as a regulated finance industry.

The Deputy of Trinity:

I do not know their credit rating but I am sure I can get that for you. They will be regulated by the U.K. finance advisory whatever, the finance system for the U.K., and they come under Jersey law.

7.6 Deputy G.P. Southern:

I may just have time to squeeze a question in. Will the Minister confirm that the vast majority of the £250 million bond to be spent on housing by Andium Homes is being spent on refurbishment and thereby closing down and reducing the supply of housing temporarily while people are what is called decanted? Will she also confirm that when people are decanted from a property getting refurbished, their rent goes up to 90 per cent of commercial rents?

The Deputy of Trinity:

Yes, Andium have a business plan setting all that out, as I have mentioned before. Part of that bond, too, which is operated by Treasury, is for new build as well as bringing the present stock, the ones that failed decent homes standards, up to decent home standard. That is progress in place over many years and when the tenants who do have to be ... some of them do have to be decanted because some of the work cannot be done while the residents are there. If they do go back, it is 90 per cent of market value. Work is progressing well regarding Andium's business plan because they just also went to court on Friday to procure the contract for the Ann Court site. So that is a very positive step forward for building new supply but also residents and regeneration of St. Helier. I know that Andium will be in touch with the Constable and the town Deputies regarding discussions going forward. So that is a very, very positive step forward on Friday.

The Deputy Bailiff:

That brings the time allocated for questions to this Minister to an end. There is nothing under J and K, so we come on to public business.

PUBLIC BUSINESS

8. Chief Officer of the States of Jersey Police Force: reappointment (P.70/2015)

The Deputy Bailiff:

The first item of Public Business is entitled Chief Officer of the States of Jersey Police Force: reappointment, P.70/2015, lodged by the Minister for Home Affairs. Can I ask the Greffier to read the proposition?

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 9(1) of the Police Force (Jersey) Law 1974, to reappoint Mr. Michael Bowron as the Chief Officer, States of Jersey Police, for a further period of 4 years from 4th January 2017.

The Deputy Bailiff:

This is a matter which must be taken in camera and, therefore, in accordance with Standing Order 82 I ask that all strangers withdraw from the precincts of the Assembly.

[Debate proceeded in camera]

The Deputy Bailiff:

In accordance with Standing Orders, the vote on this matter must be taken in public and, therefore, I invite all strangers back into the precincts of the Assembly. Very well, the appel has been called for. I invite all Members to return to their seats and I ask the Greffier to open the voting.

POUR: 35		CONTRE: 0		ABSTAIN: 3
Senator P.F. Routier				Deputy of Grouville
Senator A.J.H. Maclean				Deputy M.R. Higgins (H)
Senator I.J. Gorst				Deputy T.A. McDonald (S)
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Peter				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

9. Same-sex marriage, divorce and dissolution (P.77/2015)

The Deputy Bailiff:

The next item of Public Business is Same-sex marriage, divorce and dissolution, P.77/2015, lodged by the Chief Minister, 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 - (a) to agree, in principle, that appropriate legislation should be brought forward for approval to allow same-sex couples to get married in Jersey, with the legislation to (i) include civil marriage and religious marriage with appropriate safeguards in place to protect the rights of religious organisations and their officials who do not wish to conduct same-sex marriages; (ii) include allowing people in civil partnerships to convert their partnership into marriage; (iii) include retention of terms such as “husband and

wife”, “mother and father” in legislation; (iv) not include a spousal veto in respect of gender recognition;

[12:15]

(b) to agree, in principle, that current legislation should be amended to confer parental responsibility automatically on unmarried fathers who are named on birth certificates; (c) to agree, in principle, that new legislation should be brought forward for approval to allow for the introduction of a system of divorce and dissolution making it a legal requirement to access and use mediation services subject to appropriate safeguards and human rights considerations and, (d) to request the Chief Minister to bring forward for approval by the States Assembly no later than the end of January 2017 the draft legislation necessary to give effect to these proposals.

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

Marriage is one of our most important institutions. The principles of long-term commitment and responsibility that underpin it make us stronger as individuals, as couples and as a community. Every marriage is different but all have the potential to provide mutual support and love. To deny people the right to get married and to participate in all that marriage can offer because they love someone of the same sex seems unfair and that is what the consultation that my department undertook last year showed. I know that for some in our community, and for some Members of this Assembly, and for some Members their own friends and family, for them, same-sex marriage is contrary to their principles and their religious beliefs and what is being proposed is hard for them to agree. I respect that and I understand the dilemma this proposition represents for them. I have had to question my own long-held religious beliefs and it has not been easy. But as a Member of this Assembly I must listen to all Islanders and respond accordingly and my conscience tells me that equality is important. Government should not tell people what to believe but it does have responsibility to treat people fairly and equally. It is, of course, argued by some that civil partnerships legislation already provides for equality but civil partnerships are not the same as marriage. Yes, they provide a framework of legal rights, which is almost identical to marriage, but their social and emotional resonance is very different. If they were the same we would not be having this debate. Supporters would have no need to fight for the right to be married and opponents would have no need to defend their understanding of marriage. Same-sex marriage is proposed because marriage is different to civil partnerships. It is also argued by some that same-sex couples and opposite-sex couples are different, therefore they should not be treated the same, but all of us are different; old, young, children, couples with no children, mixed race, *et cetera*. It does not follow that people should be denied equal treatment simply because they are not the same. Nor is it the case the same-sex marriage heralds the death of marriage, that it will undermine this most important of social institutions for there appears to be no evidence to support those claims. The reality is that unfortunately marriage is already on the decline and divorce is already on the increase; that the long-term trend and the challenge for policymakers is that that is a trend which is highly unlikely to be affected one way or another by the introduction of this change. Both opponents and supporters have identified research papers that support their arguments but facts about the impact of same-sex marriage are scarce as there is limited longitudinal data, because to some extent this is also not a debate based in fact but perhaps a debate of the heart. It is about people’s conscience and beliefs and for me same-sex marriage is about equality. It is not about legal rights of marriage vis-à-vis civil partnerships. It is about whether society believes that all people are equal. This proposition asks for agreement in principle to same-sex civil and religious marriage. It allows for same-sex couples to have a religious marriage but only where both the religious organisation and the religious officials agree to perform that marriage. There will be no compulsion. Indeed the law will be constructed to very clearly rule out compulsion because we, as an Assembly, when the Assembly decided to ask me to carry out the consultation, said then that we

respect people's rights to hold their own religious belief and agreed then that when we debated the matter in July 2014. Therefore, the proposal is that protection will be provided via the quadruple lock and those 4 locks are, (1) same-sex religious marriage will only be possible if the religious organisation and religious official opt in and the place of worship is registered for same-sex marriage. Secondly, the law will explicitly state that no religious organisation or official can be compelled to opt in. Thirdly, our discrimination law will need to be amended to ensure it is not unlawful for religious organisations or officials to refuse to marry same-sex couples and, fourthly, the existing legal duty of the Anglican Church to marry parishioners will not extend to same-sex couples nor will Canon Law be amended. It will continue to state that for the church marriage is a union between a man and a woman. The proposed quadruple lock mirrors the United Kingdom's where senior independent legal advisers are of the opinion that it is robust and will not be overturned by the European Court of Human Rights. Couples who entered into civil partnerships before same-sex marriage was introduced will be able to convert that partnership into a marriage but those who are already married cannot convert to a civil partnership. We will support those previously denied access to marriage but not provide for those who simply change their mind. It is not proposed that we make any changes to civil partnership legislation at this point although that may come in the future. Before we make any changes we want to know whether there is a continuing demand for civil partnerships after the introduction of same-sex marriage. Abolishing civil partnerships at this point in time creates challenges in part, of course, because the United Kingdom has retained them. How would we treat U.K. civil partnerships in Jersey if we no longer had them? Would it be fair to ban couples in Jersey from entering civil partnerships if they can continue to do so in the United Kingdom. Most importantly, we would deny same-sex religious couples who cannot get married because they believe that marriage is a male/female union access to a formal union and the associated legal rights. We could extend civil partnerships to opposite-sex couples who do not want to get married but who nevertheless want formal legal recognition of their relationship but those couples would not be legally recognised in the United Kingdom so the effect of that change in legislation would be very limited. In introducing same-sex marriage we will seek to retain terms such as "husband" and "wife", "mother" and "father" in law. These are words of meaning that people use to describe their relationship to each other and their role in the world. Our law change will recognise that. We will also follow Scotland as opposed to England and Wales and will not introduce the spousal veto in respect of gender recognition. Under the spousal veto someone can only apply for a gender recognition certificate if their husband or wife consents to their marriage continuing after the certificate has issued. That cannot be a position which we would want to follow here. A transgender person coming to terms with the most monumental of decisions in life must seek their spouse's permission if they are legally to change gender and determine their own identity. Spouses do not have the right to veto whether someone has an affair, has surgery, borrows money or files for bankruptcy yet in England and Wales they can veto the most personal decision that any human can ever make and we will not enable that. Conversely, of course, a loving husband or wife, who is struggling to come to terms with their spouse's change of gender but who nevertheless wants their marriage to continue must formally consent to that change of gender. They will be obliged to endorse it if their marriage is to continue. We should not use the law to place people in such terrible positions; it benefits no one. It only extends the emotional anguish that can be involved in gender reassignment. In bringing forward this legislation, resulting from the consultation and what members of the public told us, we have taken a decision that we need to amend our divorce law, which we would have to do to allow for same-sex marriage anyway. We cannot consider marriage, I do not believe, without also considering divorce and by extension dissolution of a civil partnership. Divorce is a fact of life. It does not matter how much we invest in marriage, relationships do break down. It is not in anyone's interest to force people to stay in broken relationships or to make the process of divorce unnecessarily difficult. Nor, of course, is it in anyone's interest to allow people to simply walk away without opportunities for

reflection and conciliation. We want a divorce law that supports marriage and civil partnerships but allows for reconciliation but where that is not possible minimises conflict and our current law fails to do this. I am asking for agreement in principle that we develop new legislation introducing a new system of divorce and dissolution that makes it a legal requirement for couples to access and use mediation services. Mediation supports spouses to jointly agree arrangements in relation to their assets and their children as opposed to each person engaging their own lawyer, who will only represent their own interests. This might be new to Jersey but mediation works. In Sweden, where it is a legal requirement to access mediation, 90 per cent of divorcing parents resolve issues without resorting to the courts and that is what we want. We want to support divorcing spouses to make their own arrangements, providing those arrangements are fair, with minimal conflict and without incurring huge legal fees, fees that can swallow up all the family's assets. We all know that children are exposed to conflict when their parents break up. For them divorce can be a highly distressing experience, one which can affect them throughout their lives, but it does not have to be like that. Children can and do flourish if their parents manage things well. Mediation helps them to do that even when emotions are running high. The proposed requirement to access mediation would include appropriate safeguards. Nobody would be expected to mediate with a partner who had subjected them to abuse and nobody would be refused access to divorce if the mediation process breaks down, which of course it will in some cases.

[12:30]

We will look to support reconciliation, allowing couples who are separated to spend time together without requiring them to start the clock again on any periods of separation. We will look to minimise conflict by allowing couples to jointly file for divorce rather than requiring one to divorce the other. We will consider doing away with a 3-year bar which keeps couples locked in a broken relationship unless they have been married for at least 3 years. I am also asking that we further reduce the conflict associated with relationship breakdown by automatically conferring parental responsibility on unmarried fathers who are named on the birth certificate. As it currently stands in Jersey, unmarried fathers must seek the mother's consent or the court's permission if they are to have parental responsibility. That cannot be right. It denies an unmarried father the same automatic rights as a married father, the right to determine where his child lives, where they go to school, if they have medical treatment, *et cetera*. I am not going to repeat it for the **[Laughter]** for the purpose of the phone. Many unmarried fathers do not realise this until their relationship breaks down and at that point when emotions are high the mother's consent is often not forthcoming so they must resort to the courts. Therefore, I am asking Members to agree in principle that we change this as well. The result of the consultation, which my department undertook, showed clearly that our community supports marriage and supports family and although today we are not talking about, necessarily, family my department have undertaken and will be issuing a family policy statement talking and considering measures that this Government will take to enhance family into the future. The basic building block of our society and of our community. Today, we are considering the in-principle issues around same-sex marriage, around unmarried fathers being automatically conferred parental responsibility and around a new system of divorce and dissolution that can be introduced to support the aims of this Assembly and ultimately the aims of family and a coherent community. As much as I said at the start, I recognise that for some this is an extremely difficult decision but having consulted the public and having considered the options I recommend that Members support this proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Before I open the debate I thank Deputy Labey and the Connétable of St. Mary for their very kind contributions to the Greffier's fund. Does any Member wish to speak on the proposition?

9.1.1 The Connétable of St. Martin:

Who would want to be the Chief Minister? I think the Chief Minister spoke so clearly and I understand and he spoke from the heart. I am sorry I was not able to speak on the debate in July 2014. Some Members will recall that happened following a postponement of the planned date. It was on an additional unplanned sitting of the Assembly when I was away with other States Members on States business. I am a little surprised at the extent of P.77. It seems to have gone a lot further than the initial civil marriages, same-sex couples that was brought by Deputy Mézec last year and I wonder why the extra issues were brought by the Chief Minister at the same time, although he has tried to explain them this morning. I think it muddies the water a little bit. We know the 4 parts of the Chief Minister's proposition, although the fourth relates to bringing forward the other 3. I really wish to just address my remarks to part (a) of the proposition. May I suggest that Members speak in this Assembly during debates for a number of different reasons? Some speak in virtually every debate. I am sure they have things they feel they can offer and well done to them. I mean there is no criticism whatsoever in what they are trying to achieve. Others may speak and they may have a particular point to make or some specialist knowledge, we have not all got the same knowledge and experience of life, and their knowledge may benefit other Members on how they are going to decide on an issue. Some may speak because they want to make Members aware, and the electorate, as to why they will be voting in a particular way or abstaining at the end of the debate. I suppose the real reason for debates in the States Assembly is to try, or it should be to try, to convince colleagues to consider voting with them in a particular way and really it is a big debating club. At the very least, it should allow Members to put an alternative viewpoint to colleagues. That might just give other Members a different view if that Member is undecided on a proposition. I am speaking today for 2 reasons, why I will be voting in the way that I will vote today but, secondly, to try and convince other Members who, at the moment, might feel they are facing a difficult task in how they are going to vote. I feel I might have a bit of an uphill struggle. I would just ask today that Members appreciate that there are other views among us, indeed among the Island's population, contrary to what some Members may wish us to believe and that is not the unanimous and total support of everyone on this Island for the introduction of same-sex marriage despite some publicity from organisations that may give that impression. I acknowledge that the Chief Minister accepts that in his proposition and that members of society are divided in their views. This debate is very difficult for me and I am sure it is difficult for some other Members too. I have listened to the views of many people on the issue of same-sex marriage over a long period of time, even before Deputy Mézec brought forward his original proposition. I have read the numerous press releases from the various groups and organisations, comments from the church leaders and, of course, from the Chief Minister himself. I have an arch-lever file full of documents, full of confusion and at least lots of conflicting views. We had the report following the public consultation exercise. I have Googled documents and statements, one quite recent from a German bishop, Bishop Bode I think it is, supporting gay couples and blessing lesbian and gay relationships and all the liberal approach and comments of acceptance that we have heard from the Pope. In fact my States computer this week stopped me a few times searching but I think they know what I was trying to research on the ... and I was checked out there. I think I have been to all the presentations and updates that the Chief Minister has arranged through his office. Last September, 10 people at the first one and later 8 people for the second presentation. Another presentation at the end of November last year when the results of the public survey were published. Results of the consultation that showed nearly an equally divided response. Unfortunately I had another appointment for the public meeting that was held on the evening of 10th September this year; 2 people attended and one of those was a member of the press. A lot of interest there. I had attended the same briefing, this time for States Members, the previous day and had hoped to attend to listen to the public's views on the proposal. I am pleased I was busy that evening. Unfortunately I was unable to attend the recent Pride Parade as I spent the whole weekend with 2 other States Members

on States business. But, of course, the parade itself was not just to do with same-sex marriage at all and it was equal rights and I have no problems at all with that. Most importantly during the past 15 months I have tried to explore my personal feelings and question myself as to whether maybe I am homophobic. I hope I am not. I do not know. I hope I am not. I, therefore, welcome the comments of the Chief Minister in his proposition and appreciate that there is a clear tension between some of faith who believe that marriage can only be between a man and a woman and others who believe it untenable to refuse to allow same-sex couples to marry and that that difference cannot be bridged. That surely is not being homophobic and I think that really is why people will vote in the way they do today. Back in 2013 I made comments during a debate in this Assembly regarding the role of Jurats in the adoption process. A Member disagreed, and with that I have no problem, but my own experience at the time as a Member prevented me from objecting. Some of the comments that followed, that it was outmoded, outdated and offensive. I think it may have been comments in the heat of the moment but merely having a different viewpoint is not being offensive and I am sure the Bailiff or Deputy Bailiff at the time would have brought me through Standing Orders, the book. Thankfully we do not see ourselves as others see us but I do not believe I am an offensive sort of person; strange, yes, but not offensive. I apologise now if the message got out at that time that I was and likewise today, that if people think I am being offensive for my views which I think are views shared by many others. We are here in this Assembly in an impossible role, to represent the views of not one person but of everyone. A thankless and impossible task especially on issues like these where we are divided and diversive. Am I holding a personal view today? Yes, I am. Of course I am. I must be. But I think I am also representing many Islanders, more than people may think, in opposing the proposition today. Today is about tolerance too and let us be tolerant of each other's views and listen to the views of others. We may disagree with them and at the end of it I am sure we will but we will listen. So I will speak today representing the views of those who do not have the opportunity to speak in this debate today but I am not passing that responsibility on to those people for my views. They are my views as well and I stand behind my views today. I think there are some issues for the Chief Minister. I think there have been issues during the 12 months regarding this issue that could have been dealt with differently or maybe better. To wake up in the morning at 6.30 a.m. and listen to the news and to listen to a broadcast not from the Chief Minister or anyone else, telling us that same-sex marriage is to be in place on the Island by 2017 following the work undertaken by his department. This by a spokesperson for Liberate and not through the Chief Minister's Department and, of course, it being a *fait accompli* and, of course, we have today's debate that had yet to come. So much for embargoes. I question the flying of the rainbow flag on public buildings. I know the appropriate etiquette and guidelines from the Bailiff's Office on Jersey and Union flags but any flags on public buildings should not have been encouraged. Trying to involve the Island's schools in a rainbow mufti day last November. This is not a school issue but maybe the church too have made mistakes and maybe should have been more responsive and vocal in their consultations with Members and with the public. It is a 2-way thing. So we are where we are. What can really be said today during this debate today will really make little difference. I think most people have made their vote up and how they will decide today. I have looked at various things. If I can get to the points now that I ... during this because it is so complex and even by my file, and I am sure the Chief Minister's has got a lot more. Human rights. Yes, there are occasions when subjects have come to this Assembly with the endorsement that it is necessary on human rights grounds. We are virtually compelled to support a proposition following the advice from the Crown Officers. I get puzzled why we have to go through the whole process but we do. When this proposal came forward I thought it might fall into the same category that the Island is breaching human rights by not allowing same-sex couples to marry but, of course, it does not breach those rights and that is clearly written in the proposition. I think the Chief Minister ... and I thank him for clearing that point in his paper. Look at religion. We try to keep religion out of politics but this is one issue that makes it very difficult, do not

overlap the State and church, but of course the Chief Minister raises religious beliefs in his paper too and spoke about them earlier this morning. I do not really intend to progress my comments on religious grounds albeit I suspect there are some that maybe wish that I would. It is very difficult for me too. However, those with religious views or those that are not religion related have a view too and it cannot be right not to discuss, bearing in mind the proposition clearly states that churches will not be forced into undertaking same-sex marriages when we recall the comments made earlier this morning of Deputy Tadier to question in the oral question about the Parish churches; their funding and same-sex wedding refusals. I believe that churches, and I say churches, are not one denomination only. They are unsure which direction to go and I have been a bit confused because I have not had the guidance from the church and I think they have sent out confusing messages, the churches. I am unsure whether the commitment in this proposition that the proposed legislation must ensure that no religious organisations or a religious official within an organisation be compelled to marry same-sex couples when a vicar of a church is quite happy to conduct the same-sex marriage but against his own church's views or the canons of that church.

[12:45]

I think we must be careful with what you are told that will not and cannot happen and what is likely to happen in a short period. I looked at ... I am nearly finished. I am sorry, are we are going to time? I looked at human rights and the French church issue in fact. I think it is something that is quite important. In 2012 the European judges ruled in Strasbourg that same-sex marriage was not a human right. It was in relation to a French lesbian couple, I believe, and they were civil partners and they wanted to adopt a child but the court said it was ... the ruling at that time, it was not discrimination. The court declared that the European Convention on human rights did not require member states, governments, to grant same-sex couples access to marriage. Therefore, those who are not married did not enjoy the same status ...

Male Speaker:

I apologise. Guilty as charged.

The Connétable of St. Martin:

Once the same-sex marriage legislation comes in they would have been entitled to exactly the same rights as partners, and that was the ruling, as any heterosexual marriage. My understanding of that, therefore, would mean that it will be illegal for a government to prevent marriages happening in religious premises, Church of England or others, if this comes through. Church of England lawyers have warned that if the U.K. approved, and they did, it was likely to end up that churches would have to fall in line and I have some of the downloads there. The ruling from the European Court of Human Rights will embolden those whose concerns about same-sex marriage and adoption are not inspired by personal hatred and animosity but by genuine concern for the well-being of children and the welfare of society. So I looked at the definition of marriage. If it is approved today we change the definition of marriage. I went to a bookshop not far from this Assembly, in the *Oxford* book: "Marriage. Formal union of a man and a woman by which they become husband and wife." The relationship between a husband and a wife. The *Collins Dictionary*: "Marriage. The state of relationship of being married. A contract made by 2 people to live together in a partnership." A little bit more open than one but then the definition of marriage goes on to state that it is having a husband and wife. In the *Penguin Dictionary*: "Marriage. A legal union sanctioning the cohabitation and sexual intercourse of a man and woman. Civil or religious ceremony instituting this." The word "marriage" will be defined. I took note of the public consultations and there have been 2. Somewhat different in their percentages but quite close but the Chief Minister's consultation, 1.5 per cent of the population that were nearly split 50/50. In effect, assuming there is 50 of us in this room today the proportion represents three-quarters of one person. Three-quarters

of one person and that person divided in half, virtually divided. It is not a strong mandate for change.

The Deputy Bailiff:

Connétable, could I ask how much further you have to go?

The Connétable of St. Martin:

I have just got one page.

The Deputy Bailiff:

Well, I am not sure what one page means. Sometimes people can take 10 or 15 minutes to do one page.

The Connétable of St. Martin:

It will not be 10 or 15 minutes.

The Deputy Bailiff:

I am in the hands of the Assembly. We are passed the time when it would open to someone to move the adjournment but ...

Male Speaker:

I think we should continue.

The Deputy Bailiff:

Very well.

The Connétable of St. Martin:

Thank you, Members. Much has been spoken about proportional representation in recent years and I accept this relates to the representation of the head of population in a District that you may represent. However, we have a system where we vote independently and where we vote on behalf of the Island, not just those in our District or Parishes. I am speaking today for the percentage of those people who oppose the proposition. We cannot be popular with everyone, I said that at the beginning. All Members know that does not happen but we stand up and be counted and who would want to be a Chief Minister. So in conclusion to my earlier comments regarding why we speak in debates Members will know, I hope know, that I will not be supporting the proposition and I do urge those Members who have yet to decide whether they intend to support the proposition to realise the importance of their vote today. If any Member is uncomfortable with a change but think the change is inevitable then vote against this part of the proposition. This is too big an issue to accept if you have any concern or if you are unsure on the proposal. Whatever the outcome today the likely acceptance of same-sex marriage into our society I quote something that I read last year and I have kept it. It could equally apply to those who seek the change today as to those who are against it. It was in *Romeo and Juliet*, Shakespeare's *Romeo and Juliet*: "What is in a name? That which we call a rose by any other name would smell as sweet."

The Connétable of St. Lawrence:

Before we adjourn may I just take the opportunity to remind Members of a P.P.C. presentation to be held within about 5 minutes in the Members' Room?

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Is the adjournment proposed? States stand adjourned until 2.15 p.m.

[12:50]

LUNCHEON ADJOURNMENT

[14:15]

The Deputy Bailiff:

Before we resume 2 items have been lodged, the Medium-Term Financial Plan, twelfth amendment, and the Medium-Term Financial Plan, thirteenth amendment, lodged respectively by the Corporate Services Scrutiny Panel and Deputy Maçon. We resume, now, the debate on same-sex marriage, divorce and dissolution.

9.1.2 Deputy P.D. McLinton:

In many respects I am in agreement with a number of things that the Connétable of St. Martin said, which surprises me, and I feel that he has no need whatsoever to defend his views. That being the point, we are all entitled to our views. Now, if you are in a dilemma, as the Chief Minister alluded to, and if you have not made up your mind yet, if you were minded to vote against the proposition to allow same-sex marriage then I have this to say to you. Not really interested if you are anti same-sex marriage. I am far more interested in your answer to this question; are you pro choice? Pro the right to choose your own destiny. Pro the right to stay true to your own moral compass and not that of a section of society that does not speak for you. Ask yourself the question. If you are pro the expansion of liberty and not pro the contraction of liberty because even if you are personally against the idea of same-sex marriage I, speaking as somebody who is entirely for the idea, would still defend your right to that opinion but absolutely not your perceived duty to limit another person's right to live the life of their choosing. I ask you, the wavering, the anti, the undecided, to support this proposition; not in spite of your values but because of your values, because this speaks to the rights of all to hold to the values they most believe in and not to be made to do or prevented from doing anything which flies in the face of their personal values and beliefs. Now, I am very comfortable in the belief that marriage could be between a person and a person, not a gender and a gender. Anybody, whatever their gender, should, in fact must, have the freedom to choose the size, shape and direction of their own life. Government exists not to tell its citizens how to live their life, rather all government must exist to help everybody, no matter their gender, sexuality, race, creed, ability, disability, to live the best life they choose for themselves. You were elected to represent the opinion of the population of this Island and the majority of the population are fully behind or have no great objection to the idea of a marriage between a person and a person. I would fight for anybody's right to whatever opinion they choose to have, even if I do not agree with it, but if there ever was a time to wheel out the following statement it is this. If you are of the opinion that it is wrong to allow same-sex marriage then I urge you, for the sake of humility and humanity, to have a strong opinion weakly held. Vote for the expansion of liberty, for the rights of all people to live the life they choose, not the life somebody else would choose for them. Please vote for the proposition in its entirety.

9.1.3 Deputy R.J. Renouf of St. Ouen:

Over recent months I have been mulling over beliefs that I have held for a long time, and in recent weeks I have given anxious consideration to this proposition but I remain of the belief that the fundamental nature of marriage is that it is a union between a man and a woman. In saying that I wish to affirm same-sex relationships and recognise them as committed, loving and supportive but I believe they are different relationships to a union between a man and a woman. The relationship between a man and a woman is complementary in a way that I believe a same-sex relationship cannot be because of the reality of biology; by their fundamental nature they are different relationships and marriage is defined by the distinctiveness of men and women. That is why I could not accede to the invitation that has just come from Deputy McLinton to allow a choice

because I do not believe that we are in a position to be able to redefine marriage. But why is it thought necessary to redefine marriage to include same-sex relationships? What measure of harm will that do to those who do hold to the view that marriage is a union between a man and a woman? I believe, like the Connétable of St. Martin, that such views are not solely held by a small minority or only by people of faith but they are held by many people, often with no particular faith, and people young and old. Civil partnerships are the institution created for legal same-sex relationships. Civil partners have all the legal and civil protections that married couples enjoy. Civil partners receive equal treatment in law in all areas, including inheritance rights, pensions, taxation and adoption. So it seems to me this debate is not about remedying any injustice or putting right any inequality. There are no further rights or responsibilities that same-sex marriage will confer on same-sex couples and this seems to be demonstrated by the proposal that civil partners will easily be able to convert their partnership into marriage. There is a phrase used in the proposition: "Treat people with greater equality." Either you have equality or you do not. You cannot have a greater equality. So why is this proposal before us if it is not to create equal treatment? It seems to me to be an emotional desire on the part of some same-sex couples based on cultural views of marriage and perhaps that is understandable but it seems to me that no time at all has been given to allow a culture to develop around civil partnerships and given time I believe that could have happened. This proposition changes what marriage is and what it has always been throughout history, even before the Christian church came into existence and before governments began framing laws on marriage. It is really an unprecedented political rebranding of marriage which will offend the sensibilities of very many couples who married believing the relationship they were entering into was a settled relationship established by the common history of humanity and then enshrined in laws to reflect the distinctiveness of men and women and that marriage, as an institution, forming the bedrock of societies around the world. Now, some people will say the discomforts caused to persons holding the views I do is outweighed by notions of inclusiveness and the avoidance of difference but I cannot understand why we cannot celebrate difference, have different relationships of equal worth, each with their own institution marking what is special about those relationships. But if, as would seem likely, this proposition will be carried today, I do want to urge those who would support it to allow room and always allow room for contrary beliefs to be sincerely held and expressed. There may be celebrations and joy after the vote but please let there be understanding and tolerance shown to many who have genuine difficulties with what is proposed, not out of bigotry or intolerance towards relationships of the same sex, but because they see the status of their relationship as a man and a woman having been fundamentally changed. They will feel as if they have been moved off a rock on to shifting sands. So I trust as an Assembly and as a society we will take care of those people and uphold them. I would just like to say some brief words about the remaining parts of the proposition and I hope we will be able to vote separately on the 4 parts of it because whatever the outcome of the proposal with regard to same-sex marriage, I would like to support the changes proposed to divorce law and parental responsibility for children. I believe they are the right direction of travel and these are the sort of reforms that lawyers practising in these areas would recognise as timely and beneficial. If I may just voice one concern about the proposal to make couples use mediation and having the ability to jointly file for divorce. When I was in practice, and many other lawyers who have practiced in this area of law have come across situations where one spouse is acting under the duress of another spouse. There can be actual violence or a fear of violence of psychological control. That is not easily apparent at first and will take time to emerge. So it is very important that there legal protection for such spouses, that they are not rushed into a mediation process and a mediation solution and they are not rushed into having to jointly file divorce proceedings. Legal protection must not be just by introducing words into legislation but backing those up with resources to ensure that those abusive relationships are recognised and the right help is given to the victim before it is too late to do anything about it. I am grateful to the Assembly for listening to me.

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

I want to apologise to the Assembly that for a hospital reason I will not be here for the entirety of the debate but I am grateful to you for allowing me to say something. I am afraid that anyone who thinks that what they are going to get is a polemical rant, they are going to be sorely disappointed, because it is often said that a test of marriage is not how the couple behave when they agree but when they disagree. If that is true of marriage, it is true also of parliamentary assemblies. Now, that is difficult enough when Members disagree about things on the basis of political or economic ideologies but when the subject touches our most basic beliefs about the nature of human kind, gender and sexuality, what it means to be made in the image of God, male and female, and our religious faith or atheistic opinions, then this is particularly difficult. The subject before us is one of the greatest examples of how we are called, it seems to me, as a States Assembly to be able to disagree and yet move on together.

[14:30]

I confess that the nature and tenor of this debate, which so far I have observed people acting with great respect and mutual concern, will be of tremendous importance as to how we work together in the future. I am particularly delighted that so far we have not had any of the kind of tactics that sermon givers sometimes put in the notes to their sermon. One priest is said to have put, as he was annotating his script before delivering it on Sunday: "Argument weak, shout loud." We have not had that. We have so far also stayed away from the primary school name calling which sometimes this subject seems to call forth. So we have not yet had words like "homophobic" or "bigot" or others which are entirely unhelpful and unworthy of members of a civilised society, let alone a parliamentary chamber using in discussion on something so personal, so important, so profound. I think last time we had this debate a couple of years ago I remember explaining for those who were more scientifically than classically educated, that homophobic literally means fear of the same. Homos is Greek for same and phobia for fear. I do not think those who say that same-sex marriage is not what they believe is right for society are necessarily frightened of those who are attracted to people of their own gender. No, it is not that. It is about what they believe is the basis of human family life. Marriage by definition, and history, across the world has until very recent days - and I understand that some dictionaries have changed their definition - has been a heterosexual covenant relationship. That remains true of the majority of religious communities in the 3 great monotheistic faiths, Judaism, Islam and Christianity. I also must say in all honesty that this is not true of all the adherence of all these faiths and I have no doubt that when the media broadcast on these things they trawl every priest they can find to find someone who is rabidly against, someone who is rabidly in favour, and someone who is gloriously balanced and in the middle because it is quite true, as the Constable of St. Martin said, the churches do not agree necessarily within themselves. I know some of my archdeacon colleagues in the great cities of England who are quite open in saying that without committed, godly, gay clergy they would find it very difficult if not impossible to provide Christian ministry in some of the toughest parishes in that country. For me as a Christian leader, I want to put it on record in this debate that God's love for heterosexual people and homosexual people has no inequality. For many people same-sex marriage is simply a theological or linguistic impossibility. Civil partnerships, yes, it is a matter straightforwardly of justice and I spoke in favour of that, I remember, a year or 2 back. But for some people of faith, or no faith, marriage is simply a word that should be used for heterosexual lifelong relationships. That is a perfectly valid view. For others, it is a matter of justice that we do introduce same-sex marriage. I agree with the Deputy, that is a perfectly valid view too. So I want to stand up for all those who in this debate will speak sincerely and wholeheartedly, at great cost to themselves usually, whichever side of this debate they are speaking on. I have the utmost respect for every Member of this Assembly, for the way in which they approach their job, for the opinions they hold and 99 per cent of the time for the way in which they express them. I hope they would do me the courtesy of feeling the same about

my contribution. I want to pay tribute to the Chief Minister and his staff for the gracious and generous way they have engaged with the churches and other faith communities, not only at the time of the consultation, which so wonderfully and overwhelmingly upheld the importance of marriage, the crucial nature of faithfulness within marriage and the freedom of conscience and faith allowing people to get fully and completely married in church, but also in the whole process of drafting this proposition. For some Christians the knowledge that the Island is very likely to go down this route does not mean that they throw their hands up in horror, but rather, like some of the old testament prophets, God bless them, say: "Well, if you are determined to go down this route, even if that is not where we ourselves would like you to go, how can we work with you to making this as good as it can be?" I am immensely grateful to the Chief Minister and others in his department for putting the quadruple lock in place, in a most gracious and generous way, to give freedom of conscience and faith, which is the hallmark of a civilised society. It is an essential protection for which, on behalf of all faith leaders - Christian, Islamic and Jewish - I am most grateful. I do want to say that there is still a work in progress on protection for other professionals so that we avoid the headline grabbing stories that have come to us both from Ulster and the U.S.A. (United States of America) which have seen people of faith, particularly Christians, prosecuted and even imprisoned for being true to their faith as they see it. I am particularly grateful that the proposal rejects the interesting European idea of Union Civile, it is no part of our tradition and, as other Deputies said most helpfully in previous debates, you do not give one group freedom by taking freedoms away from somebody else. A civil registrar will sometimes ask the Dean to help where State bureaucracy cannot when the marriage is required within a matter of hours, either for a lovely reason, a young couple who have wanted to get married and suddenly they are posted abroad, or for the sad reason that one of the partners is dying in the hospice. The church can step in where the bureaucracy of the State simply does not allow it to do it. We are good at marrying people and have been helping to give couples magical days for centuries, in, as the Constable of St. Clement said this morning, some of the most beautiful buildings in our Island. So whichever way Members vote to me matters far less than the courage with which they do what they really believe, whether that is to endorse every part of this proposal or not. If Members ever vote in this Assembly simply out of real or imagined political correctness, or for the partial pleasure of pleasing a few votes, then it seems to me we have forfeited our right to be a responsible governing Assembly. Just a word on the divorce, I confess I support what is being proposed. Members may remember that back in the 1930s in the United Kingdom the members of the House of Lords who were bishops were asked by the then Government: "We are going to reform divorce, we want to make it more humane, we know that Christians believe more in marriage than in divorce but if we are going to do it, what is the kindest way of doing it?" The House of Bishops helped draft the then divorce law. It seems to me that anything that puts the welfare of children at the heart of divorce law has to be a good thing. **[Approbation]** Anything that minimises the amount of aggravation and hurt, and life-ruining confrontation, has to be a good thing. It seems to me that those who have drafted this deserve our thanks for working so hard at it. That is more than enough from the Dean. Let me just end like this ... yes, I am always grateful for incredible graciousness, perhaps I may be tempted to return the favour at a later moment or perhaps I might behave like an adult and not bother. **[Approbation]** May I say simply that I would encourage Members to vote with their hearts, to vote with their consciences and to leave this place utterly respectful of those with whom they disagree, for that way we build a united, grown-up, forward-looking society. Thank you. **[Approbation]**

9.1.5 Deputy R.G. Bryans:

I thought as Minister for Education I should probably give voice to some of the students I have met recently who have commented on this proposition and bring their voice into the Assembly. I have to say that of those I have spoken to their voices were united in supporting what is before us today.

Not one of them felt there was any merit in preventing people, no matter what their background, from marriage. Most of them pointed to the decision of the Irish Referendum. In fact, they seemed extremely well informed about the matter where all but one of the Republic's 43 parliamentary constituencies voted yes to the same-sex marriage. The fears of an urban/rural yes/no split were not realised. Constituencies such as Donegal South West, which in the past voted against divorce and abortion reform backed the yes side. The Irish Minister for Equality was quoted as saying: "A landslide across Dublin, I am so proud to be Irish today." That feeling has a resonance among our young people. They are desperate to see this Assembly acting on their behalf. They feel frustrated. One student directed me to a small email in the *Guardian* relating to the Irish vote that, as I say, was overwhelmingly in favour. It reads, and I quote: "According to many commentators the huge yes vote marks another milestone in Ireland's journey towards a more liberal, secular society. But many who voted yes to same-sex marriage did so because they are Catholic not in spite of being Catholic. It was the very nature of their true Catholic Christian faith which puts love of neighbour first over archaic, gender exalting, patriarchal doctrine that promoted a yes vote. I am even more proud to be an Irish citizen. The Irish people voted yes to love, yes to equality and yes to marriage for all because they truly do love their neighbour as Christ taught." I asked why she had remembered the email and she said that is the way she wanted to feel. She wanted to feel proud that her Island, her Government, could make the same choice and reflect the way she and her friends felt. This was their choice; this was the world they wanted to live in. In rereading the reports around that event it is clear to me that the referendum was a strong affirmation of the social revolution that is happening. An affirmation of the views of young people. I asked if they understood all the concerns and implications from those speaking against the proposition. One young man with all the eagerness of youth we all remember, cutting through to the heart of the issue, simply said: "No matter what is said against it, surely compassion must be given." I was asked my own view, most of the students being potential political candidates for the Youth Parliament elections beginning soon. I said I agreed with them.

[14:45]

I understood that some of my fellow Members would have a problem reconciling themselves to what must seem an assault on their beliefs but I felt that ultimately each Member would search their own conscience and sense would prevail. For me, it is simply voting for love and equality. I will support the proposition.

9.1.6 Senator Z.A. Cameron:

I welcome this proposition on the grounds of equality in that it provides for the ability to all couples willing to make a commitment to each other on the same grounds in which to do so, but I will not be supporting part (b) as I question the appropriateness of offering parental responsibility to a father who is unwilling to enter into a formal commitment to the partner of his child at the time of that child's birth. This does not stop the mother consenting to the father sharing joint parental responsibility, however the current law does require her consent and I have come across too many cases of domestic abuse and issues of deep psychological trauma emerging during a women's pregnancy and consider that Jersey's current legislation protects the mother and child very well in these scenarios. I also hope that in drawing up the legislation consideration will be given to the legal definition of adultery as grounds for dissolution of marriage. I note that the consultation demonstrated a large majority believe that both opposite sex and same-sex partnership should be able to cite adultery as grounds for dissolution. I suspect that the majority of the population are not aware that currently only one type of penetrative sex qualifies as an adulterous act. There are 3 types of penetrative sex which should, in my opinion, all be included in a modern definition of adultery. All of these represent a risk to the spouse of acquiring a sexually transmitted disease or

experiencing an emotional betrayal, especially when they are committed as an offence against a child and should therefore be sufficient grounds for a dissolution.

9.1.7 Senator A.K.F. Green:

The Chief Minister has already stated the principles of marriage and long-term commitment that underpins it makes us stronger as individuals, as couples and as a community. He also states that every marriage is different but we all have the potential to provide mutual support and love. This proposition is about fairness, it is about equality, it is about love, one person for another. As the Chief Minister also stated, for some members of our community, and indeed this Assembly, same-sex marriage is contrary to their principles and to their religious beliefs. I understand that what is being proposed today is hard for them to agree to. I understand this, however I still urge them just to reconsider for a moment. At a slightly different angle to what we have heard so far, many of us have children and some of us indeed have grandchildren, many of us have dreams and aspirations for our offspring and sometimes we are disappointed for a whole host of different reasons. In my family's case, an accident has robbed my son of the potential to fulfil our dreams for him, or for him to fulfil his own dreams. But whatever these dreams and aspirations may be, when it comes to that point when push comes to shove, what we all want for our children, for our family, for our friends, is for them to be happy. So I ask Members who are not sure which way to vote, who feel a little outside their comfort zone, and I totally understand this, please consider is it fair that we treat one set of loving couples different and in a different way when it comes to marriage. I also ask them to consider if their much loved family member, their son, their daughter, close friend wanted to enter into a same-sex marriage, would they love them any less? Would they really deny them the same rights as the rest of society? Deny them the right of equal marriage afforded to the rest of us? Deny them the right to express publicly their love for one another? Just because they love somebody of the same sex. This is unfair. It is wrong in an equal society to deny people the right to get married and I urge Members to be fair, to be inclusive and have the courage to do what is right and support the Chief Minister. Moving on, the Chief Minister is also rightly calling for us to agree that unmarried fathers are automatically conferred parental responsibility. Doing so will require changes to the Children (Jersey) Law 2002, a law that falls under the remit of the Minister for Health. I absolutely support this change. Approximately 40 per cent of children born in Jersey at the current time have unmarried parents. Yes, that is 40 per cent. With the current trend, if it continues, it is anticipated in only a few years more children will be born to unmarried parents than to married parents. That potentially means there will be fewer fathers in Jersey with parental responsibility than without parental responsibility. Fathers who cannot participate and made decisions about their child's life unless the mother grants them parental responsibility or they have fought for this in court. Without naming any names I know of one young man who really wanted to take his parental responsibility seriously, who really wanted to be part of that family, in terms of anticipating and participating with the child, £90,000 later in court fees and he is still no nearer. That cannot be right. It is not right. The changes proposed by the Chief Minister will bring us into line with the U.K. and other jurisdictions. Unmarried fathers named on the birth certificate will automatically be granted parental responsibility. Those who are not named on the birth certificate will continue to seek the court's permission. This is an important safeguard because in extreme cases where children are conceived through rape then clearly it would not be right to put the father's name on the birth certificate. So in conclusion, I ask Members to agree to all the principles being debated for this proposition and, in particular, that same-sex couples can get married in Jersey and that unmarried fathers can be automatically conferred parental responsibility where it is appropriate to do so.

9.1.8 Senator P.F.C. Ozouf:

Thank you. I apologise for not being in the Assembly first off. I had an unfortunate travel arrangement this morning which meant that I was not here as planned. I apologise for that. I did not, therefore, hear the Chief Minister's opening remarks, but I am sure that they were impressive. I want to say to the Chief Minister that I am extremely proud of our Chief Minister. I know that he has personally received a lot of representations on this from all the people that he and we all are elected to serve. I, for one, was extremely proud 2 weeks ago when the Chief Minister stood alongside the Minister for Social Security and raised - I hope there was not any non-conformance to the Bailiff flag protocol, I do not think so - the symbol of equality, the Rainbow Flag at the first Jersey Pride event. I say to the Chief Minister, thank you for that, for his careful stewardship of this debate and for the universal acceptance of all people and the journey that perhaps he has come on to understand some of the issues. I thank him from the bottom of my heart for doing that. The speaker at Jersey's Pride event said that he hoped that in a sense a Pride event would not be necessary in future. I have always had concerns about Pride events. In a sense, they are there to raise awareness, they are there to promote and raise awareness of the issues of the clear inequality that gay, lesbian and bisexual have faced, and they have faced serious issues. But, in fact, in today's world such events run the risk of being, in a sense, sectarian in their own right. In reality the event was universal and it was truly a joyful occasion to see so many people from all sorts of walks of Jersey life being there to celebrate the Island that I have always aspired to, the Island that I believe in, which is that of a tolerant, modern, open society. The media had asked me, apparently as the only openly gay States Member, who has had to come out in the world that I have lived in, what I had to say on this debate and on all of the other debates. I said to the journalist: "I hope that no other Member has to come out. Why should they? Why should what they are be of relevance to the public service and what they do in their political lives?" Many politicians around the world have been forced in a position because of illegality or being forced to hide what they are. They have had to come out to ensure that they are not in a position. They have been forced to hide and when they have been found out, they have been outed. What a horrible world. I have had to, and I have received generous heartfelt and truly the most wonderful comradeship and friendship of Members of this Assembly over many years of the speeches I have had to make sometimes after some pretty interesting contributions. I hope that there is no other Member that has to do this. I hope that this almost is a turning point that it just does not matter. I had to, I do not like it, I found it intensely difficult but I believe that I have had a responsibility to do so. In the 15 years of politics that I have served in Jersey, I think that we have an Island that is to a great extent open, accepting, and in my own position with my own partner I have nothing short of absolute, genuine friendship and love that is expressed towards, and good wishes. I suppose I should declare interest; I am the only person apparently that might avail himself or herself of this legislation, perhaps I will, perhaps I will not, I am not making any announcements. **[Laughter]** But I thought that I should declare the possibility. But such a day would be, indeed, a great day because effectively I could get the same rights as other people. I do not think there is much I can usefully say because I hope many Members have made their minds up. It is a great and proud day. I think that the Chief Minister has also brought forward a proposition which solves a lot of the problems that the United Kingdom had when they did not fix the issue of civil partnerships and the conversion of those relationships. It may take a little longer, which I regret, but it is important to get it right and Jersey will get it right, and I am sure that we will. The last thing I will say is that I appreciate the remarks of the Dean. I spent some time over my summer break in Australia and it was at the time where the former Prime Minister of Australia, Mr. Abbott, declared that there should be a referendum on the issue of marriage equality to the shock and horror of many people. I saw adverts in the Australian newspaper akin to one of the writers, a regular correspondent, to the *J.E.P. (Jersey Evening Post)* who writes a column and a comment article. It is always difficult, I think, for people to know sometimes the difference between news and comment. It is comment from what I regard as somebody who has certainly interesting views that I would challenge. This debate has not been

characterised by this. There have been no adverts in the *J.E.P.* or any other media, online or otherwise with some of the more outlandish apocalypse statements of what marriage equality will do. Marriage equality, when it came in in the United Kingdom, there was not an end of the world, there was not an apocalypse, it was not the end of marriage, it was not the end of the family and it was not the end of fathers' rights, it was not the end of mothers' rights, it was not the move towards a Marxist state with a step towards paedophilia or all the other more adventurous observations.

[15:00]

Sometimes homophobia is quite blatant, sometimes it is with a veneer and sometimes it is dressed up with religious issues, which is a shame. In fact one of the leaders of the Christian community said he would enjoy one day in celebrating a marriage that I was involved in in his church. I will not say which one because I do not want to put him in a difficult position, but I truly welcome that. I think that we have an enlightened world. We have a light shining in this Chamber in terms of equality and what is right, and I, from the bottom of my heart, thank Members for their understanding, for their respect and for their appreciation that not everybody in the same but we all have a capacity of love, we have a capacity of wanting to be equal in the eyes of the State. That is all really we are asking for. I hope this proposition succeeds and I thank Members and I thank particularly the Chief Minister for his leadership. **[Approbation]**

9.1.9 Deputy A.D. Lewis:

Thank you. There have been some excellent speeches this afternoon. Senator Ozouf just now, Senator Green was excellent. Slightly opposing view or description to the Deputy of St. Ouen's. Both very insightful, both very emotional and I, like many other Members here, perhaps feel in a difficult, very difficult, position because not only are we Members here with our own thoughts, our own views, we are also, in some ways, delegates; we are people's Deputies, we are representing our constituents. I have been contacted by a number of constituents on both sides of the argument, if one wants to call it an argument. It has been an interesting journey. It came up at the elections on a number of occasions on the doorstep, and again both sides of the view. I have to admit that I am struggling with this a little bit and I just thought I would draw Members' attention to a few facts that may help them in this process. I attended the presentation at St. Paul's last week and I thought it was excellent, and well done to the Chief Minister's Department for putting on these regular presentations for when we have these debates, and a lot of questions were asked there and thoughts aired. It was really very, very good. The elements about the other aspects of marriage law were well covered, well explained and have been well articulated in the Chamber today, all of which I think is a really good step forward. I am not suggesting that same-sex marriage is not either. However, I have received a lot of correspondence and contact with constituents that have concerns. They are almost saying that they are not quite ready for this. Our community is not quite ready. Just to give you as an example, I asked a question in the presentation: "What benefit will there be here for society in general?" That has been covered by a number of Members today. I wanted to understand fully what the difference between marriage law and civil partnerships law is. I was told they are very different laws. I was on the Legislation Advisory Panel when we put through civil partnerships and I welcomed that, I supported that, did a lot of work on it and it went through this Assembly - and rightly so - to give full equality in the eyes of the law for everyone when it came to that type of partnership. An absolutely right thing to do and I fully supported it. So they are very different laws but I wanted to understand what are the differences in terms of ... in ways of equality what differences are there? Is there something fundamentally different in the 2 laws that you do not get without the other? I was told, no, there are not any differences. There are no differences. You have the protection under both laws. So I said: "What is the difference then? Can you please explain what the difference is?" There was one, to some people's minds, very important difference of marriage. The thing that it does not convey at the moment without marriage is cultural and

emotional equality. That is what was explained to us at the presentation, cultural and emotional equality is not currently served under Civil Partnership law. You have that under marriage. That was the only thing that was brought up that was different. If you want to give cultural and emotional equality then you can only do that with marriage. There must be something else as well, something else that people do not have through not having the ability to get married as same-sex couples. There is another very good reason and it is because we want to be a modern community. Modern, forward-thinking community, or seen as such, and that is why many countries have done this. When I say “many”, you may be interested to know that there are 20 countries in the world that have adopted same-sex marriage. There are 15 that have adopted regulations that are similar or the same as civil partnerships. But there are 196 countries in the world, so in other words 176 have not adopted any kind of same-sex marriage legislation, rightly or wrongly. I am not coming down on one side or the other, not yet. Now, there is a silent majority who do not feel ready for this significant change, that is the feeling I am getting from my constituents. They are silent because they fear being demonised for having their view. I am concerned about that, and that is something that I think we should be concerned as their representatives in this parliament. We should be considering them when we consider cultural and emotional equity as well. Those that are not comfortable with this. They are not saying no, they are just saying they are not sure, they are not ready, they are not quite sure if this is the right thing to do. Only 20 countries have done it, 176 have not. When we did a bit of research, on page 6 of the proposition it says: “Do Islanders want same-sex marriage?” The answer here, bearing in mind I have involved in research for many years: “More said yes in response to the consultation than said no.” That is the information. But only 1.5% of Islanders responded. We really do not know what others think. We are the representatives of the people. I know what some people think, it is a diverse point of view, but I do not think we have consulted terribly widely and that has been documented in the proposition. The other thing to bear in mind, and we considered this greatly when we put through the civil partnership law, and it is only covered very briefly in the proposition. It is cost. You might expect me as P.A.C. (Public Accounts Committee) chairman to say something about this. It is not a major issue but it should be drawn to people’s attention. There are dozens and dozens of laws that have to be changed. Now, if we do not absolutely need this law, should it be done? I just ask the question: I am not saying we should or we should not, but just bear in mind there are dozens and dozens of laws to change. We can do that ourselves, we can use our own resources to do it but it will cost hundreds of thousands of officers’ time to do it. It is a fact, it is in the proposition, I just wanted to draw it to people’s attention. On page 36 there is a table that illustrates those countries that adopted same-sex marriage and those that have not. There are 12 on that list: 2 that have not and 10 that have. But just bear in mind that there are 196 countries in the world, only 20 have adopted same-sex marriages, 15 adopted civil partnerships and 176 have not adopted same-sex marriage. Maybe that information should be a bit more complete there. I am struggling a bit with this because I believe in equality, I feel that we have equality at the moment in many, many respects because quite rightly we have civil partnerships legislation and that protects people in the eyes of law. When I asked the question was there going to be a fundamental difference by having marriage legislation in terms of protection, I was told no. Other people were there, they heard me being told that. The only fundamental thing here which some people will feel strongly about is emotional and cultural equity, but here is the rub, it rubs both ways, and that I think we should bear in mind seriously when we consider how we are going to vote today. There is a very large silent majority in our Island that are not comfortable with this. I am not saying they will not be eventually but right now they are not comfortable. They do not want to speak out because they do not want to be demonised, but there are plenty of other people as well that feel strongly that this should happen. Those arguments we must debate very well in this Chamber today. So I will just leave Members with those thoughts. I wish you well with your consciences and with your representation of the people that elected you.

9.1.10 Deputy M. Tadier:

After that slightly confusing speech I am going to make a series of 7 points. But to start off with civil partnerships and then come back to it. I think that is probably the only part of the previous speech that I have some small amount of sympathy for, is the fact that in the whole process we probably should not have had civil partnerships and marriage. I will come back to that at some point. It was clearly a necessary step. We know that vast steps have been made in a very small space of time and that is to the credit of, I think, this Assembly and we cannot see ourselves in isolation from the global movement that has been going on and also the national movement. Very early on in my speech I would like to commend the cross-party working that has gone on, certainly with my colleague here on the left who is yet to speak who brought an initial proposition, which I think certainly got the ball rolling and it was timely and I think it catalysed the debate we have had. Then the Chief Minister, correspondingly, has done a big piece of work in a very short amount of time. So everyone who has been involved in that, directly or indirectly, I think needs some credit as well as the various stakeholders themselves. In an ideal world we would not have set up civil partnerships and then had marriage, because essentially that is needed to be done to bring people along with us. We know that last time it was debated, probably 3 or 4 years ago, there were some people who would only support civil partnerships but not marriage and I think in the meantime a lot has been done to get those people round to the same point in thinking, even if it is not exactly on the same page, it is one of acceptance and I think we have been hearing that message today. I will start off with an apocryphal story, why not? We have all been at some point, I am sure, in knocking on doors come in contact with constituents. We know that there are some quite colourful views out there, certainly perhaps with some of the older generation who have grown up with different laws and customs to perhaps some of us younger folk. I remember knocking on a door, got chatting about same-sex marriage with a slightly older gentleman, he says: "Do not talk to me about same-sex marriage, I have been married 40 years and when you are my age it is always same-sex marriage." **[Laughter]** So not everyone is in favour of it but for different reasons. Now, I also heard a story - and I think this is true - that there was a campaign by Sir Laurence Olivier on the Brighton Rail Train, some people might remember this - I just heard this on the radio, I caught the end of it - and he was appalled, as many people were, that kippers were being taken off the breakfast menu on the Brighton line. He, being quite a high profile individual, led a campaign to bring back the kippers on the London to Brighton line. After a big campaign, letters of the editors, the *Times, et cetera*, they were reintroduced and the first time Sir Laurence went back on to that train everyone was saying to him: "Sir Laurence, you must be very pleased to have won this campaign and I am sure you will be having kippers this morning for breakfast, will you not?" He said: "No, actually I will not this morning, I am going to stick to my scrambled eggs." They said: "I thought you wanted kippers?" He said: "No, what I wanted was the choice. I wanted to have the freedom to choose." I think this is the rub here. We are redefining the concept of marriage and the definition of marriage. I think that is the point, we should not be shy about that and we should not be apologetic for that. We are redefining it. It used to be between a man and a woman, now it will no longer be between a man and a woman, get over that. That is what we have to do, we have to get over the fact it is between 2 people who are consensual and who are adult. That is the key difference. So we get lots of spurious emails about: "Well, what would happen? What is the next step?" At the more acceptable end, it is, you know, are we going to start allowing polygamist, polyandrous marriages? Maybe we will one day and why not? If society starts knocking on our doors and demanding that they recognise the *ménage à trois*, which has become the most common popular way of living nowadays, perhaps in order to pay the high rents in Jersey, then why not do that because society changes. Marriage has not always been a fixed entity. I am sure that if we go back to prehistoric times where there are no records there will always have been different ways of doing it, there would have been different households. There are some tribes throughout the world that have a much different way to bringing up children, where it is done collectively in the village. It may be done by several mothers at a time, there may even be points at which they do not know

whose child is whose because they take a completely different approach to communal living, to marriage and to bringing up the children. So we should not think that at any one given point in time we have the monopoly on the definition of marriage, nor that anybody has that. Marriage is a social construct, it is a man-made thing which I am sure is going to be difficult for some people to believe, but that is the reality of it.

[15:15]

We should not always be too hard on the church, of course, because we know that in the Bible, which is made up of 66 books, some of the books of the Old Testament say that homosexuality is a sin. That is the rub really. There are some people still labouring under the impression that this book is the God-given truth and that that must be true and according to that God said if you have sex with another, a man and a man together - just a man and a man, they were probably open-minded on lesbianism back in the old day or they were just silent on it - then those 2 individuals had to be put to death. I think that is the problem, there are still people out there who believe that is true and if those are the ones who are going to be allowed to sway rational debate then we have a problem quite frankly. I was interested to hear the nice words of the Dean, he says that the Church of England has been giving couples magic days for centuries. That is only if you are straight though, that is the caveat that he forgot to put out there. Church of England performing marriage for taxpayers and ratepayers but only if you are straight and in a heterosexual relationship; if you are homosexual or same-sex couples, I am afraid we will not do it for you, mate. So that is the reality of it. The church will have to, at some point, have their own internal debate, which has already stated. I think that is for them to decide. There will be positives and negatives for the Church of England to come out of that. Now, what I would like to talk about briefly, although we are not deciding it now is civil partnerships. I would advise the Council of Ministers strongly, and I have already said this when we had the presentation the other day, is to encourage them as quickly as possible for the sake of civil unity, if you like, we cannot have a situation where you have civil partnerships and marriage co-existing alongside each other where civil partnerships are only for same-sex couples but then we have an alternative which is marriage. I think the Chief Minister has given various reasons, which I think are all surmountable. He said: "What happens if someone from the U.K. comes over with a civil partnership to Jersey, how would we recognise that if we did not have them?" Well, how would we have recognised that if we did not have civil partnerships anyway? If the U.K. had civil partnerships and we did not, we have marriage, you simply find a way of recognising that for anybody who wants to reside in Jersey. I do not think that is a strong enough reason. I think it is spurious reason to say there might be some same-sex couples who also have Christian beliefs but who do not believe that marriage can exist between 2 same-sex couples, therefore we better keep civil partnerships in place for those individuals. I would like to see what numbers we are talking about, if any, of those. I do not think that is true. My fear is that it will become sectarian. Irrespective of whether or not we think we can win an E.C.H.R. (European Court of Human Rights) decision or not were that hypothetical decision and instance to come up, far better to avoid that in the first place because there will be demands from the community saying: "Why is it all right for a same-sex couple to have a choice of 2 forms of marriage: civil partnership or marriage?" In fact you could argue it is 3, because they may at some point be able to have religious marriages or marriages the registry office or a civil partnership. It is just going to create confusion, so I would encourage Ministers very early on to say that as soon as same-sex marriage comes in ... it is just one sort of marriage so it will even be same sex versus non same sex, we just have one form of marriage and it continues on seamlessly and then you can cash in your civil partnership, so to speak for marriage but not the other way around. That seems to be the only sensible way forward to do it. When it comes to divorce I have some reservations about prescribing the fact that people have to go to mediation, and I raised this the other day during the presentation. We are forcing to people to go to mediation when it might be straightforward. But I

think in the grand scheme of things I have to support it because mediation is the correct way forward. If it saves people money, acrimony and obviously what is best for the children has to be key as well as for the individual couple. So I think I can support that but will obviously be coming back with meat on the bone. The big issue I do have in all of this is the quadruple lock. I do not think the quadruple lock is necessary. I think we could have done perfectly well with a triple lock, and I will explain what I mean about that. The problem, as I see it, and I will use somebody else's words, is that having said that churches would be able to hold same-sex marriages if they wanted to, which I think we all agree with, we do not agree with the idea of compulsion, saying that a Minister or an individual church should be forced to marry anybody, similarly we should also agree that they should be able to marry people if they want to. So if you have a particular denomination, a particular Minister who wants to perform a civil partnership or a marriage, whatever, they should be able to do it. But we are putting in place something which goes over and above that, which I do not think anybody is asking for. So this individual goes on to say: "The Government is right to say that no church should be required to hold same-sex marriage services, but churches that want to show they treat all loving couples equally should be able to do so. So although the Church of England has said it does not support same-sex marriage right now, I hope that it will change its position in time and Parliament" or in this case our Assembly "should not make it harder for them to do so by ruling that out." So I do not know why we have put in a provision to say that the Church of England, of all people, have to come back, they have to have discussion, they have to change Canon Law, I believe our law has to be changed if they all of a sudden ... they could have a meeting tomorrow and say: "We have changed our internal policy and everyone can now get married in the Church of England or a select priest who wants to perform that service can do it." We are putting in legislation - that is what is being proposed - to stop them doing that. I will certainly oppose that tooth and nail because it does not seem to make any sense. By all means give an even-handed approach but do not specifically put in legislation to the fact that the Church of England cannot bring that forward if they want to. It does not seem to make any sense. I think on that point as well, and I have asked questions deliberately this morning, both written and to the Comité des Connétables, is that if church buildings are paid for by taxpayers and ratepayers, some of whom will be in same-sex relationships and want to access those buildings, why are we also putting in as part of the quadruple lock a provision that they cannot access those buildings? There are other buildings in Jersey where their upkeep is paid for by the ratepayers or by the taxpayers, the castles, *et cetera*, and some of that might have mixed funding. Anyone can use those buildings if they want to for a fee. Now, the church buildings themselves by extension are owned by the taxpayers and the ratepayers of the Island and their upkeep is maintained by them, so they should at least be able to use the buildings, if not have a registered person from the Church of England to conduct those ceremonies. That is another thing I think we have to put in legislation that church buildings can be made available to same-sex couples, but there will be no requirement for the Church of England to perform those ceremonies. Why would we, in St. Brelade, with arguably one of the best - I think the best - churches in the Island, and I know that might be controversial, but certainly in terms of its location, history, *et cetera*, it is very popular and is up there with St. Helier church in terms of requests for marriages. Why should we be turning away, as a Parish - I would hope as a liberal and outward thinking Parish with hopefully an outward thinking vicar - same-sex couples when we have that best asset down there. We could at least get a registrar to perform marriage even though I suspect our own vicar may at some point be willing to make those marriages happen. So I think this needs to be put in the mix. That is what we are talking about with the quadruple lock. The quadruple lock is not what it is cracked up to be. I think it has gone a step too far and we should give it serious consideration when we bring it back in legislation. It may prove, ironically, that the quadruple lock is nothing more than a lock on the Church of England door that is going to keep more and more people from accessing that institution because it is so far behind the times. But that is a debate that they need to have internally. I think the last point is

about marriage. There has been lots of talk about marriage and how it is changing, how it is a great institution, and everyone knows the quote by Groucho Marx: "Marriage is a great institution, but who wants to live in an institution." I think we have to remember that marriage is not for everybody. Not everybody wants to get married. We know that marriage changes, the idea of a lifelong job or a lifelong relationship is no longer as credible as it was in the past for various reasons. I think we must make sure that we do not discriminate against couples who are cohabiting. We know that currently we do discriminate under our tax system against couples who have been cohabiting because we do not give them the same rights as we would married couples or even civil partners to be able to have their tax assessed jointly and also we do not give the same rights to those who have been cohabiting, maybe with less than 5 years residency, whereas somebody who has been married straight away, moved to the Island, married a local, will have their 5 years residency. So there are all these ideas that we need to put into the mix. I have raised these deliberately here, even though in principle I think it is important to put those on the record. I will be supporting all of the parts, but I support part (a) with that caveat that I will be seeking to bring back amendments when it comes to the degree to which we should legislate for the church. The last point I would make, perhaps to make it robustly, is that the reason that I think that the Church of England at some point has a moral duty to perform marriages is not simply the ratepayers and the taxpayers but because it is part of the State, it is an established part of our State and I think they either have to make the decision, do you remain established and therefore part of the State, and because you are part of the State you cannot discriminate because you have to fall under I think a moral obligation to follow discrimination law. So you either do that and do not discriminate or you disestablish yourself forthwith. That is the challenge I put to the Church of England. I know there will be members of that Church of England listening, some of whom are sympathetic to that concept. I say to the church, get your house in order, make sure that you are a forward-thinking, modern church which will offer marriage to gay individuals who are a part of your community and who may not be part of your community, or become completely independent from the state. That choice is yours.

9.1.11 The Connétable of St. John:

Firstly, I would like to congratulate the Chief Minister, as many speakers before me have, this is an excellent report and I believe well balanced. One minor comment I would make is there is an awful lot in it and it is a very broad and far-reaching proposition, therefore an awful lot to take in. I hope he will take the proposition in the 4 sections because I do not agree with all of them. This is a very difficult topic to talk on, as many speakers have alluded. I come from a very simple direction. Everyone is equal and it is not for us to create barriers between any group or groups of individuals but to encompass everybody into one community, which is why I find it quite abhorrent that somebody should suggest that a certain section of our community, because of their feelings, should be given a discount on their rates because they should not pay for the upkeep of the church. That is creating a barrier, we are breaking them down. It is not for me to judge others. That is a strong Christian teaching, which is why when it comes to pressing one of these 3 buttons, P, A or C, one is making a judgment, and that is why I am finding this an exceptionally difficult proposition. One of the issues I have difficulty with, and so often we hear of people saying: "What about my rights?" Yes, I support that, but very often we overlook the rights of others who get dragged in, and here I refer to children. If you have a lesbian or gay couple who have children, how is that child going to be treated at school by his peers and by society? I am not talking about when he is older and able to robustly defend him or herself but as a young child. I have my reservations and I would like to see more research done on the impact of children in a gay and lesbian marriage. Finally, and most importantly, it is a basic human right to practice your own religious beliefs, whatever they are.

[15:30]

Nobody should judge or impose their opinions on those who practice their religious beliefs. It is for that reason that I do disagree with parts of this proposition, but I leave it to every Member to make their own decisions when it comes to the voting and I just wish to congratulate the Chief Minister for bringing such a difficult proposition in such a mature and considered way.

9.1.12 Deputy J.M. Maçon:

May I also echo those Members who have congratulated the Chief Minister in presenting this proposition, he did so in quite a delicate and thoughtful manner, I thought. Also those who perhaps will not be supporting this proposition, they have my utmost respect for standing up today. There are a few points that I just want to highlight. It came through in the Deputy of St. Ouen's speech and it came through in Deputy Tadier's speech where they said: "Well, that is how it used to be." Of course the point is it depends when you are talking about and where you are talking about because some people think same-sex marriage, equal marriage, is a new thing, when in fact if you look at antiquity that really is not the case. It depends where you are in the world and when. Ancient Greece, ancient Egypt or other examples in China such as during the Zhou Dynasty, all the rights were there, it is only as society has progressed it has changed its definition and what we are doing today is looking at that definition and whether we should change it again. As Deputy Tadier said, marriage is a social construct. Of course, we only know this because these particular societies at the time wrote things down. We do not know what happened with other societies that did not have a written language, what their rights were, how these things were interpreted. So, gay marriage as such, it is nothing new. It comes around and goes around and these things very much go alongside women's rights. You tend to find societies that are more sympathetic towards women's rights also tend to be more sympathetic towards L.G.B.T. (Lesbian, Gay, Bisexual and Transgender) rights. I think they all go hand-in-hand. I also think very much it is a generational thing. Certainly I cannot think of a single younger person who has come to me and expressed a concern about this. It does tend to be more ... it is a generational thing from my experience of who has contacted me about this. I think that is very much to do with societal change. I do think it is to do with role models who are in the media, whether you look at Sue Perkins, Gok Wan, Graham Norton, Alan Carr, all these different role models that happen in society changes views to how people should be treated. It is brilliant to have such prominent figures, because when it does come to looking at the rights the State should give it is very important. What is also interesting is in the example I gave about the Zhou Dynasty was very much about how it was not a religious occasion, it was a State occasion, and this is kind of what we are looking to do. I think it is absolutely brilliant that this particular legislation has an opt-in ability for those religions that do want to support equal marriage, gay marriage, however you want to define it, same-sex marriage. I think that just shows how society and religions do change depending on the circumstance they find themselves in. There is one issue which I am concerned about and it is in part (c) of the proposition which looks at the matter of mediation services. I would like more clarification on the area because if you have 2 individuals who know themselves that their relationship has come to an end and they can sort something out between them, why then do they have to go through a period of mediation services. We know that at the moment we do not entirely know what the term "mediation services" is actually going to be. I would also like to put on record thanks to the Chief Minister's Department for a brilliant presentation, it was very informative in looking at these things, but they did point out in that presentation that mediation services, such as in the U.K., are simply handed out a pamphlet. There you go, you have had your mediation service. So I just want to put on record my concern over that and I do not know how I shall vote in part (c) of this particular proposition because if people have sorted out their affairs why drag out the process, for what reason or purpose? On the other hand, you can say: "Well, then you have just a very short mediation process and what exactly is the problem?" I would just like to have that particular issue thrashed through a little bit more. I just want to say I think also this is very important to support for the sake of Jersey's international

representation, how we are seen around the world. When the Republic of Ireland, by popular vote, endorsed same-sex marriage that was a really important thing, not just for the people that live there but also the wider global community and I think if Members are supporting this today it very much goes into that in helping how the wider community of L.G.B.T. people are seen around the world. For that, I think Members should stand up and support this proposition.

9.1.13 Deputy S.Y. Mézec:

As the States Member who initially brought this to the Assembly last year, I sat down last night to try and write a speech for this, anticipating that I would be reasonably comprehensive in trying to tackle all of the issues. I have to be honest, I sat down with a pen and paper and I could not think of a single word to put on it for the simple reason that I think this issue, at least for me, is just so obvious and virtually everything that needs to be said has been said. Whether it has been said in a public forum like the *Evening Post*, or whether it has been said in other debates, not least the last debate we had in the States where I would have said most of what I wanted to say on it. I even got to use my favourite Bob Dylan quote, which unfortunately I cannot use again, which is quite annoying, unless I can think of another one off the top of my head. But it has been over a year now since the U.K. introduced this change over there and so I think a lot of the issues to do with what are the consequences of doing this have really been answered. We have seen what has happened in the U.K., it seems to have gone all right, if you ask me. I have visited the U.K. lots of times in that year, most people seem to be getting on with their lives. Society has not descended into chaos, it is okay. I believe that the Netherlands has had equal marriage for a significant number of years at this point and, okay, the Netherlands is technically sinking into the sea but I am not sure it is connected with this specific issue. In the time we have been having this debate, I have been astounded how little correspondence I have had in the run up to it, whereas last time I was absolutely inundated with it. This time I have only had one email on the subject - only one - that I believe will have been seen by other States Members and I believe it falls into the category of one which poses questions which have been answered by the U.K.'s experience anyway. I have spoken with lots of my friends about this and I think Deputy Maçon alluded to this before about the generational issue here. I do not know a single young person that has any difficulty with this issue whatsoever, not one. **[Approbation]** That includes many of my friends my age and younger who have strong religious convictions as well. Each of them has been able to reconcile those issues for themselves. I think it is mostly because of experience. For somebody, say, of my grandfather's generation, he being somebody who struggles with it a lot more than I do, when someone like him would have grown up he probably would not have had gay friends at school. If he had gay relatives they probably were not open about it. Whereas from my perspective when I was at school I did have gay friends and for all of us there was nothing controversial about it at all, we just got on with our lessons, no problem, and many of those people now, who I am still in touch with, have partners they have been with for many years. It is just not an issue to us. We have people on T.V. (television), Deputy Maçon listed some of them. I was astounded when he pointed out Graham Norton was gay. Is he? Oh, I had not noticed, you know. I am a massive Queen fan. Freddie Mercury, one of the greatest musicians and performers of all time. For us it is just simply not an issue. When you are brought up in that context with all of this going around you, the arguments against it simply just do not stack up. I think the most important thing from my own upbringing was the experience of having an aunt who was a lesbian. She had a partner through the vast majority of my childhood, who, as far as I was concerned, was my aunt as well. It made no difference. It was not anything strange, it was not odd given that my uncles were married to women; one of my aunts was going out with another woman. It just simply was not an issue. I know from her experience being in that generation where, in the 1980s, there were obviously lots of issues surrounding this that would have been talked about a lot. I know that she has found it difficult at times, particularly in difficult moments in her own life, perhaps feeling in Jersey like she does not quite belong because of the

attitudes of people around her. I was lucky enough to spend time with her the weekend before last when thousands of Jersey people were on the streets dressed colourfully, waving flags for equality, and I could see in my aunt's face that she was absolutely delighted, as a Jersey person, to be in Jersey surrounded by people, feeling at home, and nobody there thought any different of her because of the way she was and that made me feel thoroughly proud to be a Jersey person on that day. **[Approbation]** So I support this proposition with every fibre of my being. Treating people with full equality before the law I think should be something that each and every one of us is striving to do. For me it goes further, it is not just about equality and the law in an issue like this. It goes further for me, it is about social inequality, it is about economic inequality. Inequality is an injustice wherever it is and our job as parliamentarians should be to eliminate it where we see it and try and create a more fair and just society in all forums and this is the only thing this proposition does. It is literally the only thing it does. It makes Jersey fairer so how could anybody possibly be against that? I just do not understand it. That is all I want to say on it, thank you.

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

Firstly, I would like to thank all of the residents of Jersey who have emailed me from both sides of this argument. It has been very helpful on a very emotive subject. I would like to thank the Chief Minister's Department for all their hard work; I think this is a very good proposition. I would certainly like to thank the Constable of St. Martin for starting this debate off in a very good speech. I think I am glad that the Constable of St. John raised up children. I think there needs to be more said. Now being heterosexual is not the only way, and in time immemorial we have had gays, lesbians, bisexuals, transgender and transsexuals. It is nothing new. Since records began they were around which means that there are children today who will be growing up and they may be gay, lesbian, bisexual, transsexual and transgender. It is about discrimination. The Constable mentioned that if a child is brought up with a gay or a lesbian couple, how will it affect them? Well, if we vote no to this, we are saying it is okay to discriminate which means that they will have a hard time; more than that, Deputy Maçon says. That is correct. I think to say no to this says it is okay to discriminate because we are saying: "You cannot be part of our club because you are different, you are not one of us." It used to be the social norm, it cannot be now. The social norm should be that everyone is equal; nobody is discriminated against. If a child is brought up with 2 fathers or 2 mothers they should not be discriminated against because there is nothing to discriminate against. It should not be a worry. I do not often disagree with the Constable of St. John but today I do. I just wanted to say just think of the children; that they should not find it difficult to be who they are, they should not feel that they should be discriminated against and we should be leading in a way that is saying it is okay, it is fine. Thank you.

9.1.15 Deputy J.A. Martin:

It was the comments - along with the comments of Deputy Lewis - that made me decide to finally have a few words in this debate. There is always one, Sir, and I knew you thought you had got there to the end a few speeches ago but here we are. Yes, the Constable of St. John went further than I think Deputy Wickenden suggested to say he wants more research on what the outcome of children who are, I think his words were "forced or in a relationship of the same sex". Now children are nurtured greatly with couples of the same sex and we look at this; we have a children's law because of this.

[15:45]

We cannot say that people of the same sex would make bad parents because we have not done the research. A child needs love, stability and all of this provided in a stable home, again, provided by one person, a single person, 2 people different sex, 2 people same sex, as long as this is provided. This is where I spoke before after the Deputy of St. Martin in another debate. I do not think I

castigated him or chastised him for his beliefs and I am glad we have had this debate; we respect people's wishes. But I am of the generation who I think when I was growing up it was illegal to be openly gay so of course people here have to get their heads around that themselves. You may have been sitting next to a gay person in your class but they would not be open about it because it was illegal. We have moved so far. Deputy Lewis, I was surprised at his speech. He told me there were 196 countries in the world and there was probably 180 of those that are not on there who absolutely probably would kill someone if they came out today openly gay, so how can I use that as a comparison? Because there are countries such as Russia who are absolutely going backwards on rights and race and gay rights and everything. There have been interviews recently, so I do not understand. He also made the comment, unfortunately it should have been on a States day and it was the day after, and there were not as many people who should have been at the presentation - a fantastic presentation - but he said were we doing this to catch up with the world and be popular? No. It is not about being popular, it is about being equal. I do think things have moved much, much quicker and I am absolutely proud to be a Member of this House that things have moved quicker. I remember sitting in the front seats probably about 10 years ago with a Senator who was then a Deputy who brought in the original changes to the *état civil* law. He told me, just out of the blue: "This law will never affect me." I am sitting next to him, I did not know why it would not affect him. I really did not care why it would not affect him because I did not need to know why it would not affect him. I thought he may not agree with marriage. It does not matter. But even he, all those years ago, could not see that we would get to this point today which I think we should be proud of. We have become more tolerant. The whole of the western world is becoming more tolerant and accepting people are not all the same. It is much easier I think if you are the same but people are not the same. Different people have different ideas of all different kinds of marriage unions. Humanist marriages. We allow Humanist funerals but we do not allow Humanist marriage. All different things are put in the mix. I think we should be proud today. It is unfortunately, I think, a majority generational thing. It was a big thing at the election last year. If somebody rang me, they asked me, I said which way I would vote on it, it would either be a very easy conversation: "Okay, thank you, I am glad you are going to support it" or I would have a good half an hour conversation. They could not persuade me to change my mind and I could not persuade them that I think we should be allowing this. So it is one of them. You are going to upset some people, but we should be moving forward, we should be equal. But I really cannot have people thinking that it will affect children adversely. I will finish here. I was just reading about a very high-profile case in America where 2 lesbian women who were married went to an artificial sperm bank and they were given the sperm of a black man and they did not know that at the time. But they live in a predominantly white part of America and their only concern about the child who is now starting school is that she will have some sort of discrimination against her because of her colour, not because of her parents being the same sex. It did not enter their head and it did not enter anyone else's head. It might be a bad example because that should not even be the case but that is where we are. Children who are in loving relationships all prosper and it does not matter if they are same-sex women or single parents. Thank you.

Senator P.F.C. Ozouf:

A point of clarification. Time travels quickly, it was in fact 14 years ago that the Deputy and I sat next to each other. [Laughter]

9.1.16 Connétable J. Gallichan of St. Mary:

I was not going to say anything because so much has been said. It has been, I think, a really well-balanced debate but just a couple of points based on the last few speakers. I find myself in almost complete agreement, in fact complete agreement, with Deputy Wickenden. The fact is how children, either children who are in a family where there are same-sex parents, are treated really

depends on the example that we set now because it was historically very difficult. Deputy Martin is quite right. We are not very far away from homosexuality being illegal. Every generation, I hope, will find it easier than the generation before; that is what I am hoping for. We stand, most of us, to try and make lives easier, to improve the quality of people's lives, and I think this is one small way where we can ensure that children who might otherwise have had a difficult time have a less difficult time year on year, and that should get better. That is just something I wanted to say. But about the matter of marriage versus civil partnership. I was very pleased when we introduced the Civil Partnerships Law. I felt that it was a stepping stone, a staging post, a gentle introduction to where we wanted to get to. For quite a long time I felt myself that that was probably what we needed. I did some research, I have said this to a few people over time, because I kept something; iPads are fantastic. It lets you bookmark something that you find interesting and years later if you can remember what you called it in your bookmark you can find it again. But something from Hansard from the U.K. in the Second Reading when they were discussing it and there are just 2 very short things I would like to read. One is from Iain Stewart M.P. (Member of Parliament) and what he said was this: "I look at the marriage that my parents have, 45 years and going strong, and I aspire to the same thing. I do not have someone at the moment but if I do, I want to cherish that person, love them, support them. It is not just about a ceremony, it is about being with them for the rest of my life in good times and in bad, richer or poorer, sickness or health. That can apply as much to me as a straight couple. I do not understand why some people feel threatened that allowing me to have that in any way diminishes what a heterosexual couple can have. I want the same things." Now that seemed to strike a chord with me and it made me start thinking. Another M.P. during the debate said it was inconceivable. It was no good to think that civil partnerships were sufficient for them, in other words, the gay community or the lesbian community, whereas a marriage is all right for heterosexual couples. That is discrimination of kind and if we really believe in equality we have to really examine how we think about that. I will look back in history, 50 years ago, perhaps slightly more, in one of the super powers of this world, and I might have said to a black person: "Yes, you can ride on the bus, just not this bus" and to me that is very much the same sort of thing. I welcome this legislation. **[Approbation]** I think it is an extremely important time and I also, like other Members, congratulate all the Members who have spoken because this is not cut and dried for everybody. I benefit, I think, from having still my youngest child as a teenager. I have talked to so many teenagers about this and it is exactly, in my opinion, as Deputy Maçon said, it is largely generational. My daughter's generation cannot understand the issues. My daughter's friend has an Auntie Trevor. I think that is lovely. **[Laughter]** It just shows that it is not unusual, it is just: let us get on with living. These people all have a good contribution to make, we all do, and let us just accept that there is difference but difference does not mean inequality. Thank you. **[Approbation]**

9.1.17 Deputy S.M. Brée:

I am sure it is quite a difficult debate for some people in the Assembly. We have heard a lot of words used: equality, love, rights, religious beliefs and historical definition of marriage and that married couples will somehow feel different should we agree to this. We have also had the argument that other countries have not done this yet. Well perhaps the answer to that is, well, this afternoon we have the opportunity to create a truly inclusive equal and open society. However, one word that I have not really heard much of and that I would like to just talk about very, very quickly. For those of you who are perhaps undecided or opposed to the concept of same-sex marriages, I would like to talk about respect. Respect for your fellow human beings. It works both ways. We have to understand other people, their fears and their concerns. But I would just like to say let us have respect for the individual, let us have respect for that individual's beliefs, let us have respect for the right of an individual to be treated as truly equal in the eyes of the law, in the eyes of society and in the eyes of the people he shares this world with. Thank you.

The Deputy Bailiff:

If no other Member wishes to speak on this proposition, I call upon the Chief Minister to reply.

9.1.18 Senator I.J. Gorst:

Thank you very much. Could I start, and I am only going to be short, by thanking the officer in my department who has undertaken all the work and, subject to States approval, will be continuing to undertake the work in the future. I thank her greatly. **[Approbation]** But sometimes a proposer of a proposition stands to their feet and feels that there is quite a lot of work to do to persuade people to change their minds, to answer the questions that have arisen during the debate. Today is not one of those days. Sometimes I come to work and I wonder upon which planet we live. Today I believe that the Assembly and every Member has done themselves proud. They have shown that they can grasp difficult issues, that they can understand that there are differences in our community, and yet find a positive way through that and make well-informed extremely articulate, sensitive, balanced and respectful speeches. I thank every Member that has spoken for doing just that. When Deputy Mézec brought his original proposition to the Assembly, I think that was a difficult day for a number of Members of the Assembly, some who thought that that proposition would be accepted and amended and some who felt that there needed to be engagement with the community. I hope that now, looking back in time, every Member, no matter how straightforward an issue they thought it was even on that day, every Member feels that that consultation, that engagement, that listening, that understanding, has been worthwhile. I personally think it has been extremely worthwhile and I want to, just for a moment, focus on what that consultation showed. It showed that we as a community, right across our community, value marriage and think that marriage is an extremely important ... we use the word “institution” but that in no way, in my experience at least, describes the pleasure and the fundamental part of a committed relationship that those marriage vows are a part of.

[16:00]

But members of our community said that marriage was important. For policy-makers some of the responses to that consultation challenges because we see that the number of people getting married in our community is declining and we have to think about what it is that we will do about that, of course. Then we had a divergence of views that felt marriage could only ever be between a man and a woman and we had all sorts of connotations about why that should be. For those of a faith perspective, they felt it was a man and a woman and before God, and those 3 elements were equally as important. There were others who felt if marriage was such an important institution and bedrock of our society, should it not be available to all individuals who loved each other and wanted to form that committed, loving and dedicated relationship into the future? What that consultation also showed was that members of our community think that family is important. That is giving also an opportunity for us to acknowledge that family is the first and most important building block in a child's life. I think for a lot of us we believe that family is the most important and first building block of a wholesome, cohesive and functioning community and when something goes wrong with families, children feel the effects. That is why I spoke in my opening comments about what Ministers are going to be doing to strengthen family and the family policy statement that we will be issuing later. I think it is important for us to focus on what brings us together and not on what divides us. I, in a recent interview, which perhaps I could consider was a hostile interview, was asked the question do I not feel the responsibility of 800 years of Jersey's autonomy and the way that we govern ourselves upon my shoulders? I, of course, gave a political answer, as you would expect, and to some extent I do. But I equally feel a responsibility that we are creating and we should be striving towards a community which treats every member equally where equality and respect, even for differing views, is held by all of us, and that we can build a community and a society together that builds on our historical strength. We heard questions today about the

parochial system and the way that we organise our community. Yet, at the same time, it is forward-looking and understands that we are not all the same, that we can be different but we can respect that difference. We can recognise that we are a patchwork community and we can respect each other and that where we need to we can change legislation to give effect to that equality and to that respect. I do not think Members need me to go over all the discussions that we have had during this debate. I said right at the start that I understand the difficulty that some Members feel in this Assembly, in our community, even held by some of those that we hold dearest to us. My position is clear. I ask that Members accept what is being proposed today, but I ask also in doing so that they respect the view of those who might hold a contrary view so that we as a community can go forward together and we can be proud of the community that we are creating. Thank you. I maintain the proposition. **[Approbation]**

The Deputy Bailiff:

Chief Minister, how would you like to propose the various parts of that?

Senator I.J. Gorst:

Bearing in mind what some Members have asked for, I will accede to their requests and vote separately. So if I could take (a), followed by (b) and followed by perhaps (c). I am not sure whether (c) and (d) can be taken together. It will probably need to be separated just in case some of the votes go against.

The Deputy Bailiff:

In which case the Assembly is voting on paragraph (a) of the proposition. The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting for voting on paragraph (a) of the proposition.

POUR: 37		CONTRE: 4		ABSTAIN: 1
Senator P.F. Routier		Connétable of St. Martin		Connétable of St. John
Senator P.F.C. Ozouf		Connétable of Trinity		
Senator A.J.H. Maclean		Deputy A.D. Lewis (H)		
Senator I.J. Gorst		Deputy of St. Ouen		
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of Grouville				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				

Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

We now come to vote on paragraph (b) of the proposition. Is the appel called for? I ask the Greffier to open the voting.

POUR: 43		CONTRE: 1		ABSTAIN: 0
Senator P.F. Routier		Senator Z.A. Cameron		
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				

Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

Paragraph (c), is the appel called for? I ask the Greffier to open the voting.

POUR: 41		CONTRE: 3		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. Saviour		
Senator P.F.C. Ozouf		Deputy J.M. Maçon (S)		
Senator A.J.H. Maclean		Deputy R. Labey (H)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				

Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

Lastly, paragraph (d). I ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 2
Senator P.F. Routier				Connétable of St. Martin
Senator P.F.C. Ozouf				Connétable of Trinity
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				

Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

10. Draft Dentistry (Jersey) Law 201- (P.89/2015)

The Deputy Bailiff:

The next item for Public Business is the Draft Dentistry (Jersey) Law, P.89/2015, lodged by the Minister for Health and Social Services and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Dentistry (Jersey) Law 201 -. A law to make new provision for the registration of dentists and dental care professionals and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

Today I am asking Members to approve a new law to register dental care professionals. In the U.K. and elsewhere dental care services are now provided, not just by dentists, but also by a range of other dental professionals. The effect of permitting persons who are qualified - and I stress qualified - to practice in professions complementary to dentistry in the U.K. has shown to increase the availability of high-quality, affordable dental care which has had important public health benefits. The now outdated Dentists Registration (Jersey) Law 1961 - yes, 1961 - contains provision that unnecessarily restricts the practice of dentistry so as to prevent members of professions complementary to dentistry from practising in Jersey. The main objective of this law is to replace the 1961 law and enable the same classes of dental care professionals to practice in Jersey as in the U.K. This will allow them to do the same work subject to the same standards of regulation as their U.K. counterparts. Approval of this draft law is essential if we are to allow a wider range of dental care professionals to be able to work lawfully in Jersey with all the benefits that that will bring in terms of the availability and affordability of dental services and, in particular, by increasing consumer choice and competition in the dental services market. I hope Members will welcome this development that will benefit Islanders who will be given a much greater choice of who they can go to for a variety of dental treatments. So what about the profession? Although we are replacing the 1961 law, this is just the first stage in revising the registration of dental workers. The proposed new law repeals but substantially re-enacts the existing provisions concerning the way that dentists are registered. The draft law does not in any way affect the way dentists are registered but we know that we will bring future changes and these may be needed in the not too distant future. It might assist Members if at this stage I was to give some context to our existing legislation. Effectively the Jersey system acts as a secondary registration scheme. As a small jurisdiction we rely on the U.K. to ensure that locally-registered health and social care professionals are up to date and fit to practice. Our current dentistry law requires that dentists be registered with the U.K. G.D.C. (General Dental Council) and it is that regulatory body that sets the educational and professional practice standards and manages any issues about a practitioner's fitness to practice. We rely on this arrangement, as do the Isle of Man and Guernsey, because it would not be feasible or practical to have our own Jersey version of standard-setting a primary regulator for a population the size of Jersey. Nor would it be desirable to be seen as an easy option, an easy option for the destination for dental care professionals unable to meet the standards required elsewhere in the British Isles. The G.D.C. is also the regulatory body for professionals complementary to dentistry and will regulate the work of professionals who will be able to practice under the draft law if the Assembly accepts this proposition. As has recently become the case for medical practitioners, the General Dental Council has been considering whether to establish a scheme whereby dentists will be required to prove periodically that they have completed sufficient

professional development and continue to be fit to practice in order to maintain their U.K. registration. This process is sometimes referred to as revalidation. Until the G.D.C. determines the scheme for revalidation of dentists, the U.K. registration should, I propose, maintain the existing process and the secondary registration of dentists in Jersey. A substantive review of the process for the regulation of dentists in Jersey will be carried out once the G.D.C. has decided what, if any, process will be appropriate. Some specific examples why we need a new law. As we have already noted, the current legislation prevents members of professions complementary to dentistry from practising and causes significant challenges in particular for Jersey dentists wishing to recruit or retain suitably-qualified staff. There is a particular urgent need in my own department in that we are training and wish to employ orthodontic therapists to reduce the waiting lists in our Dental Department but we cannot do so unless the law is changed. Skilled professionals specialising in different areas of dental work are independently recognised and regulated in the U.K. However, they cannot undertake the same responsibilities here in Jersey under the current law.

[16:15]

This restricts the services choice available to Jersey residents and has a potentially negative impact on competition. For example, from 2013 dental hygienists in the United Kingdom have not required a prescription from a dentist to be able to carry out a range of dental work. This is in contrast to Jersey where all dental work must be under the direction of a registered dentist and as such they can only undertake work that has been prescribed by and must work in the same premises as the registered dentist. With the exception of dental hygienists who are enrolled locally under the Ancillary Dental Workers Regulations all of the other dental care professional classes covered under the U.K. law are not currently included in the Jersey legislation. This means, as I have already said, they cannot undertake any dentistry work on the Island without committing a criminal offence. This includes clinical dental technicians who specialise in the manufacture and fitting of dentures and dental therapists who can extract what is known as “deciduous” first baby teeth. There is also a reputational reason for updating the law and a need to maintain our good standing as a jurisdiction with equivalent standards to that of our U.K. neighbours. This was particularly highlighted by the Law Commission’s review of professional regulation in 2013 in which the G.D.C. raised a lack of regulation in Jersey for some dental professionals. They suggested that a number of difficulties arise because of gaps and inconsistencies between the regulatory framework that applies in the U.K. and that which applies in Jersey. What does the current draft law do? It will bring us into line with the U.K. and achieve the objectives of reform. One option would have been just to amend the existing 1961 law. However, the changes to update that legislation would have been so substantial and difficult to justify for a law that is over 50 years old with only 13 Articles; the new law has 29 Articles. The alternative option is before you today. It achieves the same objectives, it repeals the 1961 law, and replaces it with a new dentistry law that includes provision for registering dental care professionals. Essentially, the proposed law aligns the regulation of professions aligned to dentistry with the equivalent legislation in the U.K. while retaining for now the existing system for the regulation and registration of dentists. The draft law enables a person who is a dental care professional registered in the U.K. to register and work lawfully in Jersey. The proposed law will also allow direct access to the following dental care professionals who will be able to work independently without supervision of a dentist. They are: clinical dental technicians, dental nurses, dental technicians, orthodontic therapists, dental therapists and dental hygienists. These will all be able to work independently under the new law. These practitioners will though be required to follow the G.D.C. codes of practice and guidance relating to the areas of practice and supervision that would be in place for their profession. This means rather than having a list of procedures they can undertake specified in law, they will be able to work within the scope of practice depending on their training, qualification, and competence. This provides for a more flexible and responsive approach that does not need new law drafting

every time professional practices develop or change. What was the view of the dental professionals on this? The issue of reviewing the Jersey legislation to allow dental care professionals was raised by the department and also with the dentistry profession itself. In 2001 the then chair of the J.D.A. (Jersey Dental Association) wrote requesting that the law should be updated to include new members of the dental team now registered by the G.D.C. The department took further soundings from the professionals prior to drafting this law. When local dentists and dental hygienists were consulted to gauge their views about the changes being put forward, the outcome of this indicated that they were generally and substantially supportive of these proposals. I am sure Members will be interested to know whether this law will have significant cost implications. I wish to assure Members there are no additional costs to the States of Jersey. Administration of the regulatory function will be provided by the existing Department of Professional Care Regulation team with any additional costs offset by charging registration fees to the profession. Under the existing registration scheme all dental hygienists are required to pay a regulation fee so in this respect the proposed updating of the legislation is no different to the current system. To conclude, this draft law is a positive step forward for Jersey. It will provide greater access to high quality, affordable dental services to the public at large and equivalent framework has been successfully in place in the United Kingdom for nearly 10 years now. Patient safety will be underpinned by professional regulation overseen by the General Dental Council as is currently the case for all dentists. By increasing the range of dental care professionals can provide, Islanders will have a much greater choice about where they can receive dental treatments. This is likely to safely increase competition in an otherwise very costly industry. I ask Members to support the proposition and approve this draft Dentistry Law. Thank you.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Connétable of St. John.

10.1.1 The Connétable of St. John:

At the last sitting 2 weeks ago we approved the dental law for horses. I am delighted and congratulate the Minister on bringing forward so quickly the same protection for us humans. Thank you. **[Laughter]**

10.1.2 Deputy A.D. Lewis:

Just a quick one. I was just curious as to know why we did not update this before 1961. In your consultation on page 8 there was some feedback from the industry about the economic impact and they were concerned that there was potential economic impact with the changes being made and how that was going to affect their businesses and how they were then going to then purchase dental equipment and products from overseas and how that would be affected. I wonder if the Minister could allay any fears there are of economic impact to the industry locally by bringing in these seemingly very sensible regulations and modernising our dental practices.

10.1.3 Deputy G.P. Southern:

The Minister mentioned several times the increase in choice and the increase in competition that this was likely to bring in the dentistry world. Does he believe that this extension of competition will be sufficient as to bring prices down by any chance and whether or not that is the case, when will he come to this House with a mechanism to ameliorate the high dental charges that many in our society in all sectors face?

10.1.4 Deputy R. Labey:

I wonder if the Minister could say whether there will be any beneficial advantages to the Health Service Dentistry Department because my understanding is that it takes 15 months to get a referral

to a hospital dentist and another 15 months or so to get the treatment. For a teenager with disfiguring, protruding teeth, say, that is 3 years of torment at school with all the psychological damage that might go with it. I wonder if this has any impact on that situation and could improve it.

The Deputy Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak, I call on the Minister to reply.

10.1.5 Senator A.K.F. Green:

Dealing with the last one first just because it helps my memory, I thought I had covered in my opening speech that this will definitely improve our provision of services within the hospital, will improve it for the whole of the dental service. But this will allow us to allow suitably-qualified professionals to get on with some of the other work to allow the dentists to do the more complicated, so it will definitely help. I was asked why so long, I cannot answer that. The law has been in place since 1961, the U.K. changed it 10 years ago; we are changing it now. I am sorry, I just do not know why so long but we are making the changes now. Impact on dental income, I was asked about, and I was proud of the consultation that went out to dentists because only one came back as this being a reason not to make these changes. Only one said it could have a detrimental impact on their income because other people will be doing jobs at a much more appropriate rate. I will not use the term “cheaper”; more appropriate rate for the job that is being done, just one out of the whole Island’s dental practices. “Will it bring prices down?” others asked. What it will do is make the more routine stuff cheaper and more available, and this is the sort of work that they are looking at in primary care generally, and when am I going to bring back a comprehensive scheme, and I think these were the words of Deputy Southern, to make treatment more readily available to people. Well, I am not at the moment; I have just told Members we are going to carry out a further review when the General Dental Council in the U.K. have made their changes; we are going to look at the way that dentists are regulated and the educational requirements then. But, at the moment, this will improve access. I have spoken to a lot of dental hygienists who are absolutely delighted that they will be able to work under their own professional codes of conduct; in some cases be able to open up businesses separate to the dentist, and where it is appropriate to do so, very similar to prescribing nurses: they will be able to prescribe certain medications as part of the treatment as well. I think I have answered all the questions and I maintain the proposition.

The Deputy Bailiff:

Those Members who are in favour of the principles, kindly show. Those against. The principles are adopted. Deputy of St. Ouen, does your panel wish to call this in, the Health and Social Security Panel?

The Deputy of St. Ouen (Chairman, Health and Social Security Scrutiny Panel):

We do not, Sir.

The Deputy Bailiff:

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

Senator A.K.F. Green:

Sir, I am very much in the hands of Members. There are, in total, 29 Articles and I have got 60 pages of explanation. I can do them *en bloc* or I can run through a particular one, Sir.

The Deputy Bailiff:

I think the mood of the House is to do them *en bloc*, if you can conveniently do so.

Senator A.K.F. Green:

Sir, I propose, then, the Articles 1 to 29.

The Deputy Bailiff:

Are the Articles seconded? **[Seconded]** Does any Member wish to speak on any of the Articles? No one wishes to speak on any of the Articles. Would those Members in favour of adopting Articles 1 to 29, kindly show. Those against. The Articles are adopted. Do you wish to propose the matter in Third Reading, Minister?

Senator A.K.F. Green:

Yes please, Sir.

The Deputy Bailiff:

Is the matter seconded in the Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? All Members in favour of adopting ... The appel is called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				

Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

11. Ratification of the Agreement between the Government of Jersey and the Republic of Rwanda for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (P.90/2015)

The Deputy Bailiff:

The next item of Public Business is the ratification of the agreement between the Government of Jersey and the Republic of Rwanda for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income, lodged by the Minister for External Affairs, and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to ratify the agreement between Jersey and the Republic of Rwanda for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, as set out in appendix 1 to the report of the Minister for External Relations dated 7th July 2015.

The Deputy Bailiff:

Is this you, Chief Minister?

11.1 Senator I.J. Gorst (The Chief Minister - rapporteur):

Yes, thank you very much. In an ideal world, of course, the Assistant Chief Minister would have taken this but the Standing Orders do not allow for that. This is the ninth, or will be the ninth double taxation agreement, if the Assembly ratify it this afternoon, that we will have signed with other countries.

[16:30]

There are 10 double taxation agreements which have been signed, one initialled and others, Members will see from the appendix, that are currently in negotiation and consultation. It follows the O.E.C.D. (Organisation for Economic Co-operation and Development) model for double taxation agreements, and I think it is an important advancement of Jersey signing such agreements. Members will be aware of the work that Jersey Finance have done with regard to Jersey's *Value to Africa* report that was published in 2014, and that shows that there are exciting developments that Jersey can partner with Africa in leading. I am extremely grateful to the Assistant Chief Minister, who earlier this year travelled extensively in Africa; of course, at the end there was some disappointment and distress, but I am pleased to say that the Assistant Chief Minister is now functioning on all cylinders, if I can use that motoring metaphor, but I am very grateful for all the work that he undertook on that trip and the advancement of Jersey, what it has to offer and how it can play an important part in seeing development and investment into Africa. One of the countries that he visited was Rwanda, and he might say a little bit, if he speaks now, with regard to that visit, but this is an important advancement of Jersey supporting and investing in Africa to the mutual benefit of both, and I ask Members to ratify the agreement this afternoon.

The Deputy Bailiff:

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

11.1.1 Senator P.F.C. Ozouf:

I will be brief. Rwanda is a country which has undergone enormous difficulties and internal strife. As a Member of this Assembly I was privileged to be asked to be an election observer at the Assemblée Parlementaire de la Francophonie as part of that when they did an election observer mission. Having spent some of my pre-political career in east Africa, I had never been to that part of central and eastern Africa but I was struck by the terrible situation that had befallen Rwanda with, and I may get my statistics wrong, some 2 million people that were slaughtered in the terrible genocide that was perpetrated in that country then. Today Rwanda is one of those countries that has received some significant international development aid. I am now fully restored to health and no issues, pleased to say, hair not falling out or anything else which is great. There is some falling out, and I believe some people think that is a good thing. Before undertaking the wider Africa trip, which has been now a key market for Jersey; not a market for Jersey in a one-way street, but a 2-way street. The positioning of Jersey as a responsible international financial centre, giving something back and also providing investment for the infrastructure, of which this D.T.A. (double taxation agreement) can be so catalysing in terms of its role, and I just will say why in a second. But I know the President of the Overseas Aid Commission is not in the Assembly at the moment. It was perhaps because I ended the trip so suddenly that I was not able to explain, and I still have some video blogs which will be published of the trip that I did in my own time in Rwanda. What I want to say to Members today, and there will be more of this said perhaps on another occasion, is that Jersey, while not being the only country that has supported Rwanda, is unique in having done a number of programmes. One programme is to send one cow per family. 300,000 members of the poorest members of Rwandan society benefit because of the Jersey cow; a Jersey cow given with training and support. I met a lady who had nothing, who was a victim of genocide and who told me that as a result of the sales of milk and the cow - the first progeny need to be given to somebody else, and then they can keep the rest of them - they had put a roof over her home, had educated her 10 children, of which 2 were doing PhDs. This was unbelievable overseas aid, hand-up and development work at its best by the President and the members of the Overseas Aid Programme, together with the Royal Jersey Agricultural and Horticultural Society and others. Because Jersey has made a difference in this and have improved the lives of 300,000 of the most poor members of Rwandan society. Why does that matter in the context of this D.T.A.? Well, the commitment of Jersey is that we can do more in supporting the separate organisation of overseas aid, and why that is important next year is because of the World Economic Forum, which is not quite the glitzy, Davos-style, expensive jets flying in with important people that the media portray; it is on the inside a really humble organisation of people leaving their egos outside the door and discussing how you can make the world a better place. Third-sector organisations, voluntary sectors, black empowerment; all the issues that are so important to so many people, need to see that societies in Africa, which have been the problem children of the world in many ways in terms of governance, in terms of investment, need to raise their standards of governance, and need to understand the issues of corruption, and need to understand how all of that economic capacity-building can be improved. Next year, the World Economic Forum, which alternates in Africa, one year in Cape Town and one year in another African city, will be in Kigali, the capital of Rwanda. At the moment there is a plan for Jersey to take a leading role in explaining what we do as a responsible, transparent, compliant, information-declaring tax jurisdiction, to effectively explain why the standards that we hold in Jersey can deal with a lot of the issues that many rising African countries have to deal with. They need investment, but it needs to be proper investment and it needs to be investment which is clean and which has the highest standards of probity. That is what we are doing. What this D.T.A. does is it sets out that standard between the Jersey Government and the Rwandan Government. I know

the Minister for External Affairs would also like this, because it is his proposition and I was greatly pleased to be with him in London for the signing of this agreement, and we are now working to sign other agreements and investment treaties with the other members of the east African community. We have done one so far in terms of the Seychelles; I think we are coming to that one, but that obviously is a slightly smaller country, and I am pleased to inform Members that we have had discussions literally in the last week with one other government within the east African community. We knew that this was going to be the start of a number of them and we will be seeking negotiations of tax arrangements both from within the London office and with Jersey Finance and the excellent internal relations team here, and with the international tax team, in order to basically bring more D.T.A.s with African countries. This will benefit them and it is very much a 2-way street. I will say finally, on the trip that I did undertake to Africa, all of the high commissions and the people that we met were stuck by the very different tone and message that the Jersey delegation had in terms of their representations. Not representations of a jurisdiction which was just simply selling its wares; we were able to give the full picture. I was able to speak about the overseas aid work that I was so privileged by the Overseas Aid president and her staff to organise: visiting 22 schools; some announced, some not announced, and seeing the back streets of school buildings in Soweto, in areas in western Kenya, and other areas. There is an untold story of the good work that Jersey does. Jersey has relations increasingly with countries that are not simply trade promotions. They are not simply about what we can make out of it, but what we can do. The *Value of Jersey to Britain* report shows that we are of value to the United Kingdom; we are of value to Africa in order to be able to find, as an international finance centre, a warehouse of capital, and we can and will find, ways of providing the infrastructure investment that can meet the infrastructure and the business needs for the African story and for African economic development. This itself is the key to lifting millions of people out of poverty, but it has to be done in a way that is proper, that is not subject to the scourge of corruption which has been obviously the difficulty of so many nations round the world. We believe that, working with our partners in the United Kingdom Government, there is more to be done. This is a 2-way street and I was proud to be part of learning about Rwanda, learning about this agreement and also signalling that this is one of a number of agreements which will benefit Jersey but, most importantly, aims to raise the standard of living of people in Africa for their infrastructure and capital needs. That is what we are good at and this agreement makes that happen. I commend the proposition to the Assembly.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak, I call on the Chief Minister to reply.

11.1.2 Senator I.J. Gorst:

Thank you and I ask Members to ratify the agreement, Sir.

The Deputy Bailiff:

Would all Members in favour of adopting the proposition kindly show? Those against? The proposition is adopted.

12. Draft Taxation (Double Taxation) (Amendment No. 3) (Jersey) Regulations 201-(P.91/2015)

The Deputy Bailiff:

The next item is the Draft Taxation (Double Taxation) (Amendment No. 3) (Jersey) Regulations lodged by the Minister for External Relations, P.91/2015. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Taxation (Double Taxation) (Amendment No. 3) (Jersey) Regulations 201-. The States, in pursuance of Article 2(1) of the Taxation Implementation Jersey Law 2004, and following the decision of the States taken on the day these Regulations are made to adopt P.90/2015, have made the following Regulations.

12.1 Senator I.J. Gorst (The Chief Minister - rapporteur):

Members will be aware of this process by now. I am grateful to Members for having ratified the agreement; it now needs to be added to the schedule on Article 2(1) of the Taxation Implementation (Jersey) Law 2004, and I ask Members to do so. Thank you.

The Deputy Bailiff:

Are you proposing the principles?

Senator I.J. Gorst:

My apologies, Sir. Indeed, I do. Thank you.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Would all those in favour of adopting the principles kindly show? This a matter for the Corporate Services Scrutiny Panel: Deputy Le Fondré is malade; the Connétable of St. John, does your panel wish to call this in? I beg your pardon; my note is slightly incorrect. Deputy Brée, does your panel wish to scrutinise this?

Deputy S.M. Brée (Vice-Chairman, Corporate Services Scrutiny Panel):

We do not, Sir.

The Deputy Bailiff:

How do you propose the Regulations in Second Reading?

Senator I.J. Gorst:

Why not *en bloc*, Sir? Thank you.

The Deputy Bailiff:

It is a bold move. Are the Regulations seconded *en bloc*? **[Seconded]** Does any Member wish to speak on the Regulations? Would all Members in favour of adopting the Regulations kindly show? Those against? The Regulations are adopted. Do you wish to propose the matter in Third Reading?

Senator I.J. Gorst:

If I may, Sir. Thank you.

The Deputy Bailiff:

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

[16:45]

13. Draft Licensing (Licence Fees) (Jersey) Regulations 201- (P.94/2015)

The Deputy Bailiff:

The next item is the Draft Licensing (Licence Fees) (Jersey) Regulations lodged by the Minister for Economic Development, P.94, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Licensing (Licence Fees) (Jersey) Regulations 201-. The States in pursuance of Article 11 of the Licensing (Jersey) Law 1974, have made the following Regulations.

Senator L.J. Farnham (The Minister for Economic Development):

As I explained earlier, matters for licensing have been delegated to the Assistant Minister and, accordingly, he will be acting as rapporteur.

13.1 Connétable S.W. Pallett of St. Brelade (Assistant Minister for Economic Development - rapporteur):

As much as raising the alcohol licence fees is in essence a very simple matter, there are some associated matters I would certainly like to give some explanation to in regards to explanation of these 3 rises. These Regulations would increase the fees payable by holders of liquor licences by 19.5 per cent over 2 years. Licensing fees have not been increased since 2008 when they were increased by 2.5 per cent over the 2007 figures. This proposition will rectify this position with fees being brought up-to-date and in line with inflation through legislation, phased over 2 years. The fee increase has been set as 17 per cent across the board, which is a figure derived from an increase of 2.5 per cent per annum, or R.P.I.X. (Retail Price Index excluding mortgage interest payments) whichever is lower, aggregated from 2008 to 2014, in line with relevant financial directions. Following consultation with industry, this increase will be phased in over 2 years so fees will increase by 10 per cent for 2016 and 9.5 per cent for 2017, which includes the expected 2.5 per cent uprating for inflation in 2016. Key stakeholders had requested rises to be phased in over 3 years, but it was felt that a 2-year period was in line with the expected time of delivery, both a new licensing law and the following regulations; something that, as the Assistant Minister responsible at E.D.D. I am determined to see through, subject to support from Ministers and this Assembly. It is important to be clear that these Regulations will not require licence-holders to pay anything extra for their licences from 2007 to date, they simply add R.P.I. (Retail Price Index) from 2007 to 2014 to uprate the cost of licences from now on. The effect of the increases varies by the size and type of business; for example, in 2017, an average pub that can seat 60 people will pay just over £100 more per year than today, or less than £2 per week. Off-licences will pay less than 50 pence per week, or £23 per year in total. The most notable effects of the changes will be in large businesses with multiple licences. One of the largest establishments in terms of overheads for licence fees currently pays approximately £2,200 per year, and this would rise to £2,670 in 2017. But what must be taken into account is the likely turnover of a business with a seated capacity in the hundreds where in likelihood the fee increase should have no meaningful effect, considering the size of that business. One of the issues I do need to comment on, and that is that some Members may well have seen the email and blog postings of the former recent Deputy of St. Martin in reference to his proposition P.117/2007. That has been supplied this afternoon along with a Hansard from that particular date in September 2007, which sought to freeze fees for liquor licence-holders. This proposition was adopted on a standing vote, having been accepted by the then Assistant Minister at E.D.D. The former Deputy of St. Martin made some excellent points in his speech, which mirror the thinking of the group of Ministers currently reviewing liquor licensing. We agree in principal with him that the law has not kept up with modern times, that the need to hold multiple licences to operate one business shows that the system of categories is not relevant in the current market and that the various fees do not properly reflect the benefit the licence-holder gains from selling alcohol. The proposition called upon the Minister to conduct a review of the licensing fee structure before making any further attempt to raise them. The Minister at the time

intended to move forward with an appropriate review, not only in the narrow constraints of that particular proposition, but certainly in a more wide-ranging review in the context of generally updating the legislation, and it was on these grounds that he accepted the proposition. Work on developing a new liquor licensing law began in 2008. The intention at the time was to maintain fees at 2007 levels for a short period, until the new law came into force. Since then, work on the law has been repeatedly delayed for various reasons, but at present time, work is well advanced but has not yet been completed. Clearly, the long delay in work on the development of this new law needs some explanation. There has been an enormous amount of work done since 2007 on liquor licensing, on fee structures and on how the law should work in the 21st century. Sadly, a vast majority of this preparatory work has been under Members' radar as satisfying all parties has proven incredibly difficult, so the law has seen several false dawns. In 2008, E.D.D. issued a Green Paper with various options for change. Responses to this paper were positive about a new law and identified many of the same concerns that the former Deputy of St. Martin, Bob Hill, had raised in his proposition. However, there were significant difficulties in getting agreement between the various departments involved in developing the new law. Health, Home Affairs and E.D.D. all have interests in operation of the licence industry and for a long time these differences proved intractable. Work on the new law was effectively stalled, E.D.D. initially developed a White Paper for consultation in 2011 and this was the subject of discussions between Ministers, which continued into 2012. In order to allow the work to move forward with the approval of all parties, it was decided that political responsibility for alcohol policy, including the operation of the licence industry, should be held by a group of Ministers chaired by the Chief Minister. This body will be created by the new licensing law and will be known as the Alcohol and Licensing Policy Group, or the A.L.P.G. for short. It currently exists in a shadow form and is working to develop the law and to bring it into force in this political cycle. A policy paper was prepared by E.D.D. for presentation to the Council of Ministers in September 2013. After discussion with other departments, it was redeveloped as a paper from the Chief Minister's department for presentation to the Council of Ministers in November 2013 concerning the wider issue of alcohol in society but with the licensing law as a key component. This paper was consulted upon as the Alcohol and Licensing Strategy for Jersey in January last year. Responses were received and considered and drafting was undertaken of what was then expected to be the final version of the new licensing legislation. This is to be a 2-phase approach bringing the A.L.P.G. into existence to determine alcohol policy and developing a new system by which licences are to be granted by primary law, with regulations to follow, outlining the system of categorisation and the fees payable for licences. In September 2014, just prior to last year's elections, the strategy itself and the draft licensing law were released as a report to the States, R.139, and it was this document that I reviewed soon after taking responsibility for licensing matters at E.D.D. last year. Key stakeholders, including the Bailiff's office, were informed about the development of the law. In February, shortly before the law was to be lodged and following the appointment of our current Bailiff, a response was received from the Bailiff's office raising concerns over the content of the law. The central point of this response was a concern that the draft licensing law provided that the Licensing Assembly as a judicial function would effectively be subordinate to the A.L.P.G. as an executive body. This was felt to be constitutionally inappropriate and practically problematic. Having discussed the matter in detail with members of the Licensing Bench, the shadow A.L.P.G. accepts this concern. All parties acknowledge that the current Licensing Assembly and the A.L.P.G., as described in the draft law, could not sit comfortably together. It is therefore clear that any new licensing law which allows Government to set and retain control over an effective licensing policy will require some method of considering licence applications that does not rely on a judicial body. This raises the issue of costs. The Licensing Assembly appears to operate at zero effective cost as its operations are supported by the Judicial Greffe, which also deals with the courts. The application process is dealt with by Treasury cashiers and advice is given by Fire and Rescue Service, States Police and other parties, at

their own cost. All this support does have a real cost in terms of administrative work: the cost of convening the court, the additional burden of the uniform services to prepare reports on the applicants and so on. But these costs are hidden in the budgets of the various departments. In designing any new system, these costs will be crystallised and become visible. In real terms, no additional work will be carried out; in fact, we would hope to see efficiencies against the expense of the court process, but the cost will simply sit clearly in one place and will be available to review. Taking all this together, the shadow A.L.P.G. considers that the freeze in licensing fees cannot continue indefinitely for 2 reasons: firstly, the licence fees are effectively getting cheaper every year, so government is losing out on revenue that clearly will assist with the current financial restraints and play a small part in balancing the books. Secondly, by increasing fees now to the level at which they would have been had the freeze not occurred, we are setting a baseline against which we can have a sensible discussion with the industry about the cost and benefits of a new licensing system when we consult on the current proposals in the early part of next year. In response to the concerns that have been expressed by some Members, I should be clear that, in bringing this proposition, the Minister is not seeking to override any decision of the States; the Minister is just putting the proposition forward for the States to decide. The former Deputy of St. Martin's proposition was a request to the Minister to review the licence fee structure, and I feel that this has been part of what government has been doing for some considerable time, which led to R.139 last year, which was a comprehensive alcohol strategy and draft law. I will do everything I can as Assistant Minister for E.D.D. to bring a new licensing law to fruition within the next 2 years and intend to do this with the support of the trade itself and hopefully, at the time, this Assembly. If Members decide to approve this fee increase, they will be approving something different to what was agreed in 2007, but that will be the will of this current States Assembly.

The Deputy Bailiff:

If we move the principles then, Assistant Minister. Are the principles seconded? **[Seconded]**
Deputy Martin?

13.1.1 Deputy J.A. Martin:

I take the opportunity to speak early because over the last week or 2 I have had much correspondence with the last Deputy of St. Martin, Deputy Bob Hill, who brought this to my attention and brought it to others' attention. He asked me had I read his blogs. I am not a blog reader, so we have been corresponding by email. But the fundamental point that I think the ex-Deputy makes is there was a decision in 2007. I have had emails from the department; they underline the word "request". It was only a request that Economic Development did not raise these fees until we had a sensible, workable licensing law. Read the increase date for these fees. It is a law, the Licensing (Jersey) Law 1974; a 40 year-old law we are working on with these fees and it is £50,000 if you agree it. Now, why am I saying: "Do not agree this today"? It is because there was a debate in 2007, there were clear directions. Now, whatever group they were called, but we now know we have a group called the A.L.P.G., Alcohol Licensing and Policy Group, in shadow form, which is very mysterious to me, because I was an Assistant Minister for Health for 6 years and it was taken over by a policy group in the Chief Minister's Department because of the massive tensions between the health of the people and the economic development and making money. So you agree this today; what does £50,000 do for you if you get 2 chronic alcoholics to put in our hospitals? It is peanuts. I want to support the Constable of St. Brelade to get this law moving, but if you pass this today he has got no incentive, and all the licensees will walk away. Yes, we had a very nice paper last year, R.139/2014, and let me read 6 points, licensing objectives: "To help reduce alcohol-related crime and disorder, to better secure public safety, to help prevent public nuisance, to better detect and improve public health, to help protect children from alcohol-related

harm, and to support the local economy.” Now, there is the one tension: 6. It puts all the others into, like: “Well, how do we do both?” There must be a way to do both.

[17:00]

The stark reality, and I have just had a conversation with Deputy Brée, is that massive supermarkets can have any deals they want. I have had them round my house, the teenagers - Deputy Brée is just getting them - who frontload from the supermarkets: buy your cans, buy your wine, go round whoever's house, before you hit the hard-paying pubs and clubs, who are paying their staff, they are paying licences and they are paying for door people. They all look sober; they can just about get out of the car their mums take to them, get to the door and have one drink and the poor licensee is in trouble, because he never sold them those drinks; they bought them in the massive supermarkets that pay £114 a year for the privilege to sell as much booze as they like to anybody. Now, the Constable says that he is working on this; this has been worked obviously since 2007, and when going through with a fine toothcomb, saying we have got £145 million, we need to find somebody who says: “Oh, we have not increased these since 2007. There was a request, but we are nearly there, we have got some in draft, we have got another lodged. There are 31 pages of how we are going to do it. And I want to do it but there is a problem.” Even the rapporteur said to us now that they have missed out the licence consultation ... or sorry, I misrepresent what he said. But these are all afterthoughts and this law does need someone to get hold of it. It needed someone in 2008, 2009, 2010, 2011, 2012, 2013 and 2014, but we got a 31-page: “Ah” and nothing is changing, just grab a little bit of money so you can talk to the licensees and they will listen to you. All they will do is pass it on. The massive supermarkets will not pass it on, but they are in competition. A small football club that only opens their bar on a Saturday afternoon pays more than the massive supermarkets. **[Approbation]** It is so unfair. Why would the Constable push this through? It absolutely beggar's belief that we are, as he said. Listen very carefully to what he did say: we are overturning a decision of this State that was supported so wholeheartedly by the Council ... we were a Council of Ministers then, yes, 2007, that we had this on a standing vote. It was going to be done and it was going to be brought back and it was going to be sorted out. No, we had fees increasing over 2 years on a percentage of what they should have been over the last 7 or 8 years, and because they do not want to be too hard on the poor licensees, they are going to do it over 2 years. But it is not on the poor licensees; you will see a few pubs go out of business, but you will see the massive supermarkets still being able to discount, because they are not buying it here, they are buying it on the global economy. What you pay for your beers in Waitrose here or Tesco's here, you are paying the same as in the U.K., any part of the U.K., or even sometimes cheaper. So why would you allow this to go through? I cannot support it on that reason, so I do want to see this law sorted out. I want it to be brought into the 21st century, I do not want licences based on how many, 8 different categories that people have to go through, different amounts of money. I think they probably all should pay more, but not when we have not sorted it out justly across ... I go back to a debate when there was impôt on liquor, and the Council of Ministers looked like they were going to lose it; in fact, they did lose it. But they were going to sort other things out, they were going to stop having so many small shops selling liquor, they were going to take it out of big supermarkets, like they do in Australia; you cannot buy your food and drink in the same place. You have to go out of one shop into another. It is not just something you pick up with your loaf of bread; you pick up your bottle of whisky. It is not as easy as that. They were going to make it harder; never been done. So you pass this today and you have got no holding the feet to the fire, as we tried to do in 2007; I think the feet and the boots are all melted and they need a little bit more gas turning up under them. Because this is not good enough; 50,000, few alcoholics turning people to drink really is not worth the money that it is going to bring in with the problems it is supposed to be solving. Six I have read out, all of them are about health, about society. I hope that the Minister for Health and his Assistant cannot support this, because they were leading the charge on health, so

was my Minister, the Deputy of Trinity when she was Minister, and I know she feels really strongly about this. It is a cheap win if you pass this today.

13.1.2 The Connétable of St. Martin:

It is nice to follow Deputy Martin's speech. I notice the Assistant Minister had a long speech; I am not sure on such a subject why it was so long. I think it may be a worry on behalf of the department. I like to prepare in advance for the speeches that I do; on this one I could not in this instance because things have been added continually during today, I think, and even during the proposition we were handed something further. Obviously intoxicating liquor and taxes are an emotive subject, and I have spoken before in relation to taxes, but this, of course, is not a tax; it is a payment, a fee, for work undertaken by the Judicial Greffe, I understand, and for the Licensing Bench and gathering the Licensing Bench together to listen to applications for the granting of new licences and for renewal of liquor licences. I want to be fair to the licensees as well on this one: I am sorry I have not been able to read the email that came out from the department earlier this morning. We have had a busy day, it did arrive on the day, I had trouble with the iPad and I spent lunchtime on the 8th floor at Cyril Le Marquand House trying to get that going, and I had the media outside wanting to speak to me, obviously for other reasons, and I even missed the Privileges presentation at lunchtime today that I could not go to. Now, I am presented with something further. I am a little surprised at the comment in the paper about the consultation with key stakeholders it has been agreed, licence-holders agreeing to pay more during these difficult times; I am sure the Assistant Minister will tell me that that true, but I just know some of them are struggling. Unless, of course, the keyholders the Ministers and Assistant Ministers are referring to are not in the licensing trade. This is a nearly 20 per cent increase; while accepting there has been no increase since 2008, I wonder if this rectification is necessary at this time and, if so, whether it has to be such a high jump that is being proposed. What is not a surprise to us was an appendix as to how much work is undertaken by the Judicial Greffe's department, in particular in relation to the annual renewal. A new licence, I understand, takes a lot more work; an annual renewal is not the same. It did not indicate the cost of the work associated with the application to bringing it back into line, I do not think. It is 19.5 per cent. What I was going to say, if fees are to increase in line with inflation and in line with the States of Jersey financial direction, increases in States fees and charges, then it shows how important it is for us to set the fees realistically when first approving a piece of legislation. I think the States fees have been raised a couple of times today, earlier this morning in some of the other debates. Fees are administered both by the States and by the Parishes, and an example includes Sunday trading permits, firearms certificates and places of refreshment to name just a few, and those fees should reflect the work that is undertaken to grant that. I would like the Minister, if he can - I know it is short notice now - to explain and confirm the increases again, and not to the extent he has done; I think he realises that there is a problem there, and see how much of a difference there is between the granting of a new licence and a renewal licence.

The Deputy Bailiff:

Does any Member wish to speak on the principles?

13.1.3 Deputy M.R. Higgins:

I wanted to seek clarification from the Assistant Minister. The inflation rates that have been mentioned; would he clarify whether they are just notional inflation rates or real inflation rates? The 19.5 per cent, I am surprised that is a figure. Could he clarify how they arrived at those figures?

13.1.4 Deputy M. Tadier:

Clearly Deputy Martin has led the charge against this and has given us some reasons why we should at least be cautious or vote against this so it can be thought out more holistically. I would

simply say first of all that it would seem to make more sense to me, and hopefully to most Members, that the charges that are put in place for a licence should be commensurate with the amount of alcohol that is sold. I would even question whether we could scrap a licence fee, but still issue licences of course because you would need the ability to revoke licences when they were misused, *et cetera*, or to put in sanctions, and just say: "We will put it on unit of alcohol that is sold" and then you can do that for licensed premises, whether they be drinking establishments, for entertainment, *et cetera*, and you can do that equally to large supermarkets which sell copious amounts of alcohol, as Deputy Martin has said. It seems to me then that would balance itself out, the licensing fee argument about the small social club which may open once a week; in fact, it may even open less frequently than that, it might be only on match days, and match days could be less regular if you are only having home games once every 2 weeks or once every month. I think the valid argument of fairness, we have been talking a lot about fairness today in a different context, but that fairness obviously has to include licensing matters and supporting, I think, small businesses, charitable clubs, *et cetera*, so we should bear that in mind. I would ask the rapporteur to consider why a different approach could not be taken which would perhaps alleviate much of the red tape. We know that there are many of us in this Assembly who talk about unnecessary bureaucracy. This is one area which we could all agree on there is a better way to do things. I hope we hear from the Minister for Health or the previous Minister for Health, because they have been very vocal when it comes to an overarching alcohol strategy. We hear a lot about this. I do not think I have ever seen an up-to-date copy of that strategy. We know that the 2 most dangerous drugs in Jersey and probably in the U.K. are not so-called legal highs, they are not any other of the other drugs like cannabis, ecstasy that we hear about being taken perhaps by some individuals in the Island - relatively safely, it has to be said - but the 2 worst offenders are smoking tobacco and also alcohol. As the tobacco industry is being forced out and people realise through education that smoking is bad for you and so they are stopping, and also by Government intervention by not banning but blocking the advertising and even display of tobacco, one has to ask the question what is being done with alcohol, which can be consumed moderately, of course, and possibly there is lots of debate about whether you can consume alcohol moderately and whether there are health benefits. There certainly is a cultural and entertainment benefit to it, but it is prevalent in our society and it seems that the new definition of a moderate drinker - and I challenge anybody to go to St. Helier of an evening at the weekend and find a moderate drinker - is somebody who only binge-drinks twice a week and then goes a couple of days before binges. That is what the reality is, the young people. It sounds shocking. I think we do need a proper strategy with this. I do not think that the way this is being brought today is particularly going to do that. I hope that it can go away, be rejected and come back with a proper overarching alcohol strategy. Just to finish, it is strange that you can go into a supermarket with your youngsters and you will see stacks of alcohol, which we are supposed to be telling people is not great for them, being advertised. I remember going to the bowling alley and seeing massive Fosters signs at the end of the bowling alley while children were throwing balls down the lane. It does seem to send out very mixed messages and there must be a better way of doing this, so I commend the comments that Deputy Martin has raised with us, and also the former Deputy of St. Martin, Deputy Bob Hill, for having raised these issues with us.

13.1.5 Deputy S.M. Wickenden:

I would ask the Constable of St. Brelade that if we knew in 2007 that the Licensing (Jersey) Law 1974 was out of date and it needs work - and work has been done - that maybe in his summing up I would hope that he could give us some assurances of when this will be renewed, when he will be bringing the new law to the Chamber for us to vote on. I would hope that he could come with some form of date in his closing on when that would be.

13.1.6 Senator A.K.F. Green:

I thought I would just come to the defence of my colleague, the Constable of St. Brelade, because I sit on the same new panel as the Constable, and the sort of debate that we have been having here today is precisely the debate that we had at that panel. But the fact is we do need to have an alcohol strategy. Deputy Tadier is absolutely right, we need to bring it up-to-date, and the sort of things that I would like to see - and we have talked about this - is things that encourage people to drink in a safe manner and under supervision, so if you start to look at how you might licence or allow people to drink in licensed premises rather than frontloading from the supermarket. All that is work that is underway, but the fact is that these fees have not gone up for that period of time, and frankly, to talk about pubs going out of business for £2 a week is nonsense. That is what we are talking about here. We have come forward with a short-term proposal just to get the fees where they should be, and we do need to address things like those football clubs, and as I said before, the off-licences as well.

[17:15]

But frankly, to talk about businesses going bust for £2 a week is nothing more than scaremongering. I urge Members to support the panel, support the Constable in bringing these fees up-to-date while we get on with the work. This is no sop, this is work that is really underway at the present time.

13.1.7 The Connétable of St. John:

Forgive me if I have got the wrong end of the stick but, as I understand it, there would be no fee increase until such time as the new licensing law had been brought forward, in which case it is a matter of principle: are we going to honour what we have committed ourselves to do or are we not? Sorry, we must reject this.

13.1.8 Senator A.J.H. Maclean:

Yes, just briefly, as I am quoted in this debate in 2007. It is a long time ago and it is quite remarkable in many respects that we have not been more successful in bringing forward the new licensing law. As other Members have pointed out, and I can just confirm to those that are not familiar with this, it has been a long and tortuous process. There are very many important issues contained within this which need to be addressed, and it fell between Economic Development, which clearly is the economic argument, Home Affairs, policing and suchlike, and of course Health. Those 3 departments, with their different priorities, made it very, very difficult to move at any pace or reach consensus as to how this matter could be progressed. But I have to say that with the Alcohol Licensing Political Group that has moved forwards and there has been progress. I know Senator Routier behind me is doing a sterling job and I have no doubt that he will succeed where others have so far not been able to pull this together. But the point really is not about all the many issues that these different departments were trying to put forward with regard to this matter, notwithstanding the very fair point that the Constable of St. John has made about the fact that there was an undertaking given in this Assembly some years ago, we have to also recognise that for all sorts of reasons it has taken longer than it should, and is it reasonable that we are not recovering costs in this area? That is simply what this proposition is seeking to do, cost recovery, effectively 2.5 per cent, or barely that, because 2.5 per cent per annum over the period, the intervening period. I think Deputy Higgins was asking how was that arrived at. That is broadly the anti-inflation figure that was used. In fact, if it was R.P.I., the cumulative increase would not be something like 17 per cent, it would be more like 29 per cent. It is just trying to catch up on a cost recovery basis, and I think it is not an unreasonable position. A lot of progress has been made. This does need to be finished off, and as I have said, I have no doubt that Senator Routier and the team involved now will get this eventually over the line and a new licensing law will come before this Assembly for debate. It is important, but it is not today that we are discussing important matters around alcohol

abuse and access to alcohol, minimum pricing and so on and so forth. That is for another day and another matter. This about ensuring cost recovery of the department that has to licence these premises or manage the licensing of these premises. I would ask Members to support the Assistant Minister for Economic Development in making this sensible and pragmatic move.

13.1.9 Senator P.F. Routier:

Members will be aware that the alcohol licensing policy has been very difficult to progress over a number of years. It was highlighted by the Assistant Minister and a number of people have mentioned it several times. The work that has been going on in recent times, which I have been asked to chair on behalf of the Chief Minister, we have made significant progress with regard to the way we might be able to licence premises in the future. That is coming to a conclusion very, very soon. The issue with regard to the increases today that are being asked for is simply a matter of bringing things up-to-date. People have questioned whether there have been discussions with the licensing trade about this and I can confirm that has happened. We are in good negotiations, in good communication with the licensing trade, not only with regard to these fee increases which are suggested today, but also with regard to the new structure of the legislation, and things have been moving along, I believe, very effectively and I think it is a time when the trade are quite prepared to accept these increases. I realise there is the issue with regard to there was a request by Deputy Hill for this Assembly not to increase fees, but I do not think at that stage when that was agreed there was any thought that we would be still waiting at this stage for it. It is because it has taken so, so long to get to where we are today. But we have made significant progress in recent times and I would suggest to Members that it would be appropriate to approve these fee increases.

13.1.10 The Connétable of St. Helier:

I rise with some trepidation because I am on the new group, but I speak simply to make my position at the next meeting, which is not yet in the diary, but I speak to make sure that my position is not compromised. This is not really about whether the trade welcome these increases or not; it is not about the speed or otherwise that the current group is progressing. It is about a States decision, **[Approbation]** and at the risk of repeating what others have said, I am uncomfortable about going against a previous decision by the States, particularly once it has been highlighted to us, unless there is a really good reason for doing it. Sometimes there is, but I think in this case, if it is true that the new group is going to come forward with findings in short order, then what is the harm in setting aside this increase and probably coming forward with a much bigger increase, certainly for some parties? I would think the off-licensing trade is going to see some increases, significant increases. Let us do it in one go and let us do it quickly. As Deputy Martin said, we need something to keep our feet to the fire and possibly the mood of the Assembly in not renegeing on a previous decision will do just that. So regretfully, as a member of the group, I am not inclined to give this my support today because of a decision of a previous Assembly.

13.1.11 The Connétable of St. Clement:

I think I must have missed something, because some Members are talking about this licensing group, they are talking about a new licensing law, which may or may not come in the decade or so, but the proposition of the former Deputy of St. Martin, if you read it, is nothing to with the new licensing law, of review of the licensing law. All he asked for is a review of the structure of the current - current, that means what we have got now - liquor licence fees charged. That is all, the current fees charged, and asked the Minister for Economic Development to finalise the review and publish its findings no later than 1st August 2008. Not the new licensing law, not a review group, just look at the current licence fees. It appears that the Minister or the 2 Ministers have not done that and perhaps they ought to.

13.1.12 Senator P.F.C. Ozouf:

There are a few traditional traits of this Assembly, and that is when speaking about matters alcoholic, I sometimes wonder - and I will not be wishing to cast absolutely any aspersion on any Member of this Assembly - we do somehow get into what could appear to be some sort of alcoholic, inebriated, emotional state, because all sense flies out of the window. I have just sent around an email to Members. I was the Minister for Economic Development, just as my much esteemed predecessor was, and we have been trying to deal with ... and I wish my current colleague, the Assistant Minister for Economic Development, every success with the panel chaired by Senator Routier on trying to solve the impossible; well, the resolvable. The fact is that there has been enormous difficulties, and it is all very well for Members to recall with great affection the former Deputy of St. Martin, who I have had to stand across and defend, because it is all very well for Members to scold Ministers and say: "Do it, get on with it" but when you are faced with the reality of something and you are dealing with fiercely-held views on either side, it is more difficult when you have to do it than it is just to criticise. It is easy to criticise; it is more difficult to do, as I found. But solutions must be found. Why I say that I found the Members of this Assembly's debate, if I may say, on matters alcohol ... and I dare not look across to catch any Constable's eye, just in case I offend them, but of course the benevolence of this Assembly in not putting increases either on duty or licence fees does not translate to benevolence of those entities selling such products. I refer Members politely, if I may, to the email that I have sent, the report that was published by the Statistics Unit last week, which said quite clearly that, once again, there is an issue that Members must recall about the pre-tax price. This is relevant to licence fees, because this is the underlying profit, which means that Members need to ask, are Members going to simply scold Ministers who have not delivered on the ... I would say very difficult, but they are delivering and I know that they are delivering. Are they going to scold them and not put proper increases in terms of the licence fees, which are the licence fees that are being collected in order to give those establishments the permission to sell those products? Yes, we all know that the licence fee regime is wrong. It is wrong to a great extent, because it does not charge to anything like the kind of extent for those big pub and nightclub and night-time economy places the charges that they do. It does not charge anything like the off-licence big retailers the kind of costs incurred that the States police and all the law enforcement agencies and the Constables and their Honorary Police and particularly that St. Helier has to do. The Constable of St. Helier may well say: "Oh, just send those Ministers a message this year, do not put up those fees because they might be increased even more next year." He knows the reality of it. They have to go up. The reality is that U.K. price Jersey comparison is that a pint of beer in one of these licensed premises, which is oh so painfully going to have to take, what is it when we come to it? I do not know, a 2.4 per cent increase on not very much? Somebody will tell me, but it is not very much, basically 2.5 per cent. It is more than 2.5 per cent that the margins have been. The benevolence of States Members in not increasing fuel ... oh, that was a Freudian slip: in alcohol duty. That one is true as well. Not tobacco, that one has worked, by the way, as the margin has gone down to 13 pence as opposed to 90 pence a packet. A sensible decision of the Assembly to put up duty has not punished the consumers, it has gone into the Treasury's pocket. It is good. In terms of the alcohol trade, what is the reality of a pint of beer which these retailers ... I like retailers, I like going into the pub and having a drink, but effectively the U.K. Jersey price means that a pint of beer pre-tax in Jersey is £3.03 versus the U.K. £2.05. I will do my annual visit to Wetherspoons to the U.K. to confirm that in some places it is even more. That is 98 pence. The basic price - I will repeat it - of a pint of beer, taking out duty in tax in the U.K. £2.05, Jersey £3.03, 98 pence more. Does that stretch of water cost that much? I do not think so. The benevolence of States Members in making nice, warm, cuddly decisions for the drinking and nice retail buying, sensible, non-alcoholic, responsible parishioner and other people does not translate into consumer welfare.

[17:30]

It does not, so we, as a responsible administration, have to put fee increases reasonably. We know the fee structure is wrong. It has to change and it will change, and big retailers are going to pay more, but for goodness sake, please, these fees have not gone up, it could be argued, since 2008. That is not sensible. Small decisions made regularly are far better than big jumps and what is being asked for here by the Assistant Minister for Economic Development, who has to run these services and collect revenue for a service that is being provided, *et cetera* - we have had that discussion on many times - effectively needs to be done. I will give way happily to the Constable of St. Mary if she wants to ask me, because I know there may be a question about St. Mary's pub, if she wants to. No, she does not want me to give way. That is fine, good. This is sensible ...

The Connétable of St. Mary:

If he wants me to, I will ask him a question.

Senator P.F.C. Ozouf:

I know she cares about St. Mary's pub.

The Connétable of St. Mary:

I care enormously about it, but I am just wondering why we are talking about the increases on duty on pints when we are talking about the increase in the fee. The Senator has just said: "Small bites, small increases." We are only asking for a very small review of a small part of the licensing law in 2007 for 2008. That is a small thing. Why have we not done it?

Senator P.F.C. Ozouf:

I will just repeat again: punishing Ministers for something that, with respect, they should not be punished for ... and I know the Constable is very proper in the way she does it, but I am sorry, but a tavern licence, which if we go on to discuss this, is going to increase from £498 to £547. That is an increase, in my mind, of £101. Have I got that right? It is about £2 a week. The margin on a pint of beer is £1 more than that of the U.K. It is absolutely bananas. The market is not working, so when prices are not charged, whether licence fees or duties, they do not create welfare to the Constables and responsible drinkers in St. Mary. It just does not work that way, and Government has to raise money properly and sustainably. I urge Members not to punish Ministers, but to put a proper increase on something that should have been done a few years ago, as well as the reform of the licensing law, which will come. I urge Members to be sensible and be rational, not to just be charged with emotion on these quite easy sound bites, but are not borne out by scrutiny.

The Deputy Bailiff:

I have had notification that one more Member wishes to speak, but now is the time to ask whether or not we will move to the adjournment.

Senator P.F. Routier:

Propose the adjournment, Sir.

Senator P.F.C. Ozouf:

We need a drink, Sir.

The Deputy Bailiff:

Very well. Before we adjourn, the following have been lodged: Medium-Term Financial Plan 2016-2019 (P.72/2015) fourteenth amendment and fifteenth amendment respectively in the names of Deputy Maçon and Deputy Southern and the Draft Aircraft Registration (Jersey) Law 2014 (Appointed Day) Act 201- lodged by the Minister for Economic Development. Very well, the States stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:33]