

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 6th JUNE 2017**

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[9:30]

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

**Senator S.C. Ferguson:**

Can we lift the défaut on Senator Farnham please?

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

And Deputy Tadier.

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

And Deputy Doublet.

**The Deputy Bailiff:**

Very well, the défaut is lifted on Deputy Doublet, Deputy Tadier and Senator Farnham.

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **1.1 Welcome to His Excellency The Lieutenant Governor**

**The Deputy Bailiff:**

The first order of business is of course that I would ask Members to welcome His Excellency, who is in the Assembly today. **[Approbation]**

### **1.2 London terrorist attack – minute's silence**

**The Deputy Bailiff:**

I would also like to invite Members to stand for a minute's silence at 11.00 a.m. this morning in recognition of those who lost their lives during the recent atrocities in London.

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **2. Nomination of Deputy S.M. Wickenden of St. Helier as a member of the Privileges and Procedures Committee who is either a Minister or Assistant Minister**

**The Deputy Bailiff:**

We now move to F, and in accordance with Standing Order 122(5) the chairman of the Privileges and Procedures Committee, after consultation with the Chief Minister, wishes to propose Deputy Wickenden of St. Helier as a member of the committee in the category of a person who is either a Minister or Assistant Minister.

#### **2.1 Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee)**

As Members know, 2 members of the P.P.C. (Privileges and Procedures Committee) have to be a Minister or Assistant Minister. As Members will recall there is a vacancy for such a member and having consulted with the Chief Minister I am delighted to propose Deputy Wickenden as a member of the committee.

**The Deputy Bailiff:**

Is the nomination seconded? **[Seconded]** Are there any other nominations? Then I declare that Deputy Wickenden is now a member of the Privileges and Procedures Committee. **[Approbation]**

## **QUESTIONS**

### **3. Written Questions**



**3.1 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING AN UPDATE ON INFORMATION PRESENTED IN ‘HOUSING STRATEGY: CONSULTATION DOCUMENT – OCTOBER 2015’ (R.116/2015): [1(308)]**

**Question**

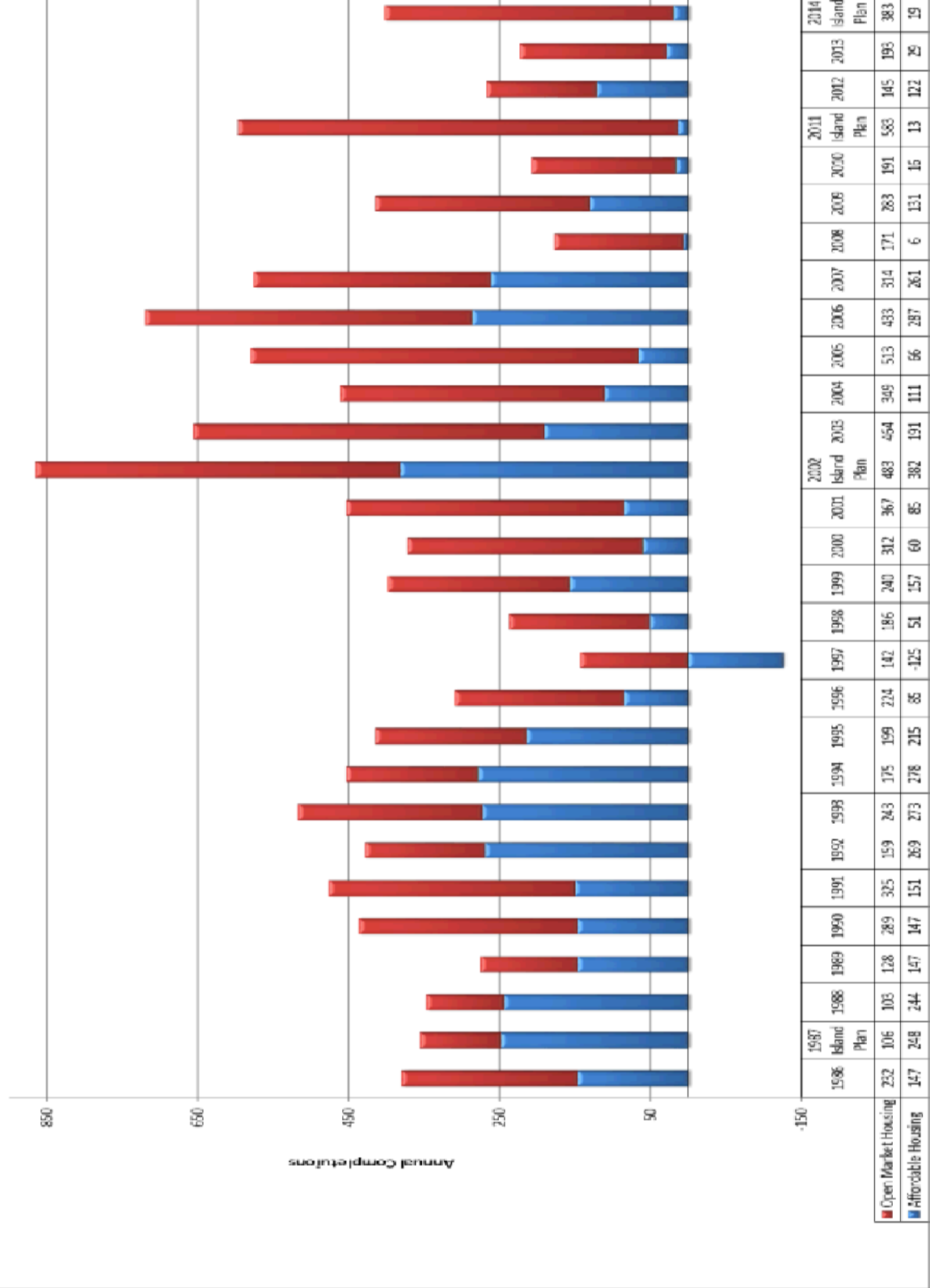
Given the Guiding Principles for housing strategy outlined in ‘Housing Strategy: Consultation Document – October 2015’ (R.116/2015), will the Minister –

- (a) update Figures 5 and 6 of that report and provide the number of housing completions by type for the years 2013 onward;
- (b) indicate how many, and what proportion of, the 1,000 new home completions given as a target for Andium Homes in ‘Annual Report 2015’ (R.78/2016) will be ‘affordable’ rental homes;
- (c) advise what work, if any, she has done to establish how many of the over 600 households shown in Figure 4 of R.116/2015 as being in urgent need of housing are realistically candidates for anything other than affordable rental housing with assistance from Income Support;
- (d) advise what the average rent on new tenancies is for affordable Andium rental properties for 1 and 2-bedroom flats and 3-bedroom houses as a proportion of household income, along with the mortgage payments required for affordable purchase homes as a proportion of income; and
- (e) provide updated figures for the house and rental price index to 2015/16, as shown in Figure 7 of R.116/2015, alongside the rise in R.P.I. and average earnings, for the period 2002 to date?

**Answer**

- (a) The number of housing completions by type for the years 2013 onward are shown below:

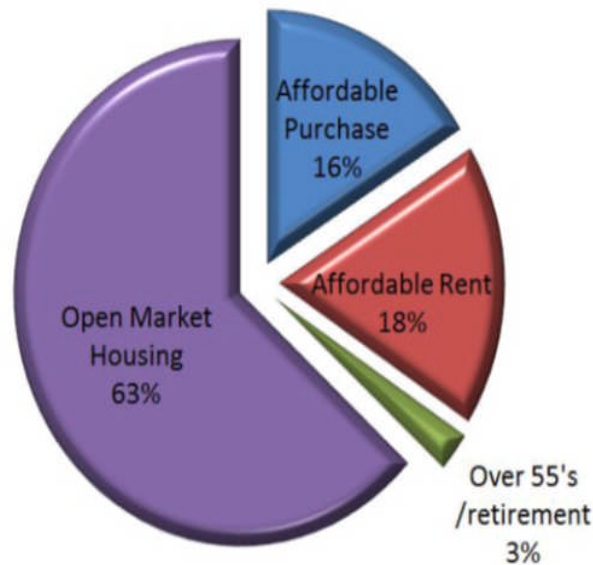
**Figure 1:**



**Housing completions by type**

## % of Housing Completions by Type

Chart Area



*Figure 2: Percentage of completions by type*

- (b) Andium Homes is planning to build 1,063 new homes by 2020. Of this figure, 863 homes will be built on identified sites, including 758 affordable rented homes and 105 affordable homes for first time buyer purchase. The remainder of the 200 homes will be built on new sites that are currently considered commercially sensitive, but will deliver a mix of affordable rent and purchase.

Andium Homes has already delivered 227 new homes since incorporation, all of which have been for affordable rent.

- (c) Figure 4 of R.116/2015 shows the Affordable Housing Gateway waiting list from January 2014 to August 2015, including the total number of applications and the number of households recorded in the highest level of housing need (bands 1 to 3 and 6). These bands relate only to affordable rented housing and are accessible to households whose housing needs are not met by the private rented sector.

Affordable housing also includes affordable homes for purchase by households who cannot afford to do so at an affordable level without some form of assistance. Households who wish to purchase an affordable home are registered in Band 5 of the Affordable Housing Gateway waiting list. 767 applicants are currently registered in Band 5.

There is clearly a significant demand from first-time buyers to purchase their own home, which is demonstrated by the 600 individuals, couples and families who attended the Andium Homebuy event over two days in April 2017. Andium Homes will sell more than 300 affordable homes over the next five years through the Andium Homebuy scheme.

- (d) The average rent on new tenancies for affordable Andium rental properties for 1 and 2-bedroom flats and 3-bedroom houses are £193.59, £248.05 and £330.14 per week respectively. A full list of rents charged is available on the Andium website<sup>1</sup>:

<http://www.andiumhomes.je/yourhome/Pages/PayingYourRent.aspx>

Only 29% of Andium Homes tenants have moved on to the 90% market equivalent rents policy. Overall, average rent levels are currently at 77% of the market. Information regarding the proportion of household income that is utilised in relation to rent is not available as the circumstances will vary between households.

Income Support recognises the full weekly rent of any social housing property, providing that the property size is appropriate to the needs of the household. In this way, low income households are protected from increases when they move on to the 90% policy through Income Support.

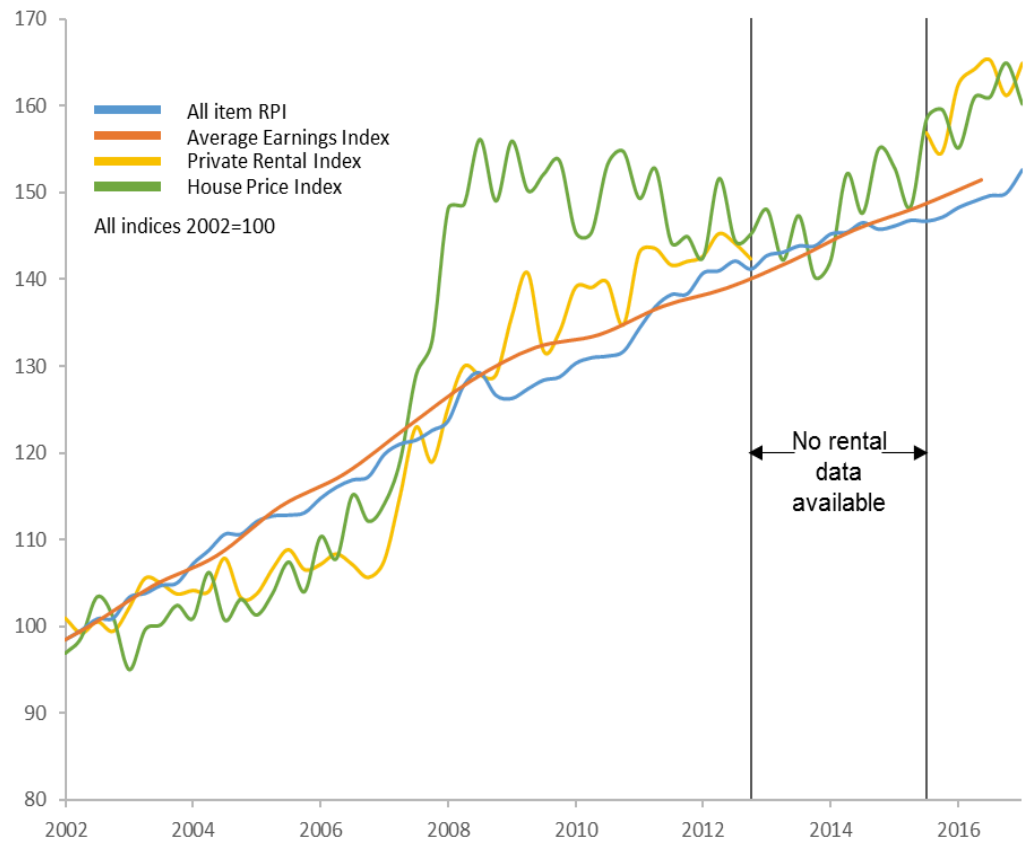
Applicants purchasing through the Andium Homebuy Scheme are typically borrowing between 4 ½ and 5 times their income, although it is for the lenders to use their normal calculations in terms of affordability.

It is not possible to identify the mortgage payments required for affordable purchase homes as a proportion of income, again, as the circumstances will vary between households. However, in the last five years, the House Price Index shows that property prices have kept pace with earnings – the Jersey House Price Index has increased by 9% and average earnings have increased by 11%, demonstrating that the affordability of buying a home has not worsened.

- (e) Figures for the House Price Index and Private Rental Index shown alongside figures for the Retail Price Index (RPI) and average earnings for the period 2002 to date are provided below. A Private Rental Index has been produced since Quarter 3 2015, following a pause of three years where the Population Office no longer recorded this data.

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<sup>1</sup> The average rents displayed on the Andium Homes website are average rents across all housing stock, not only new tenancies.



### 3.2 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF PUBLIC SECTOR PAY POLICIES AND CLAIMS: [1(309)]

#### Question

Will the Chief Minister –

- summarise for members in tabular form the net impact in percentage terms of wage-restraint policies and inflation on public sector pay, broken down by pay group, over the period 2009 to 2016;
- advise what his proposals are for public sector pay claims over the 4-year period 2017 to 2020 and which groups are to be involved in the proposed 'single spine' for pay and conditions over this period; and
- detail what savings in public sector costs, if any, are targeted from these proposed changes to working conditions, broken down by pay group?

## **Answer**

- (a) Appendix attached.
- (b) The SEB has been involved in detailed redesign of its reward and terms and conditions structure since 2013 working closely with its recognised Trade Unions. It has been in active negotiations since the start of 2016, which culminated in a joint approach from SEB and Trade unions for further investment to COM in January 2017, which was approved. Further negotiations have continued since then to date. Given these negotiations are live it is inappropriate to comment further.

The pay groups in scope are Civil Servants, Nursing and Midwifery, and Unite Manual workers and affiliates.

Police, fire and prison officers, teachers and head teachers are not in scope and are subject to the normal collective bargaining. It is planned that these groups will undertake modernisation discussions /negotiations in the period.

All negotiations are taking place within the MTFP2 cash limits as set by the Assembly

- (c) There are no savings targets expected from the redesign of the reward structure and terms/conditions. The redesign will promote fairness across pay groups, reduce bureaucracy and create a modern, flexible workforce. The budget for staffing remains as agreed in the MTFP2.



Year	JERSEY RPI % change	Fire	Difference to Jsy RPI for Fire	Police	Difference to Jsy RPI for Police	Prison	Difference to Jsy RPI for Prison	Civil Servants	Difference to Jsy RPI for Civil Servants	Manual Workers
2009	2.1%	0.0%	-2.1%	0.0%	-2.1%	0.0%	-2.1%	0.0%	-2.1%	0.0%
2010	2.1%	2.0%	-0.1%	2.0%	-0.1%	2.0%	-0.1%	2.0%	-0.1%	2.0%
2011	5.4%	2.0%	-3.4%	2.0%	-3.4%	2.0%	-3.4%	2.0%	-3.4%	2.0%
2012	2.8%	0.0%	-2.8%	0.0%	-2.8%	0.0%	-2.8%	0.0%	-2.8%	0.0%
2013	1.2%	1.0%	-0.2%	1.0%	-0.2%	1.0%	-0.2%	1.0%	-0.2%	1.0%
2014	1.9%	4.0%	2.1%	4.0%	2.1%	4.0%	2.1%	4.0%	2.1%	4.0%
2015	0.1%	0.0%	-0.1%	0.0%	-0.1%	0.0%	-0.1%	0.0%	-0.1%	0.0%
2016	2.0%	0.0%*	-2.0%	1.0%	-1.0%	1.0%	-1.0%	1.0%	-1.0%	1.0%
Cumulative % increase from 2009 to 2016	<u>18.9%</u>	<u>9.3%</u>	<u>-8.4%</u>	<u>10.4%</u>	<u>-7.5%</u>	<u>10.4%</u>	<u>-7.5%</u>	<u>10.4%</u>	<u>-7.5%</u>	<u>10.4%</u>

\*2016 Fire Pay Award is subject to Arbitration. A 1% award was offered by the Employer.



**3.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PROSPECT OF ADDITIONAL SUPPORT FOR RECIPIENTS OF INCOME SUPPORT WHO CANNOT FIND EMPLOYMENT: [1(310)]**

**Question**

Will the Minister state what measures, if any, she has under consideration to provide additional support to those recipients of Income Support who cannot find employment, in light of the cessation of the disregard for Long Term Incapacity Allowance benefits and the erosion of the value of Income Support produced by the rise in R.P.I. of 16.4% since 2009?

**Answer**

P.45/2017, published last week, gives details of proposed increases in all Income Support components. Subject to States approval these will rise by 2.9% in October, in line with the current headline RPI figure. These increases will be applied to every Income Support component including: adult, child, household, personal care, mobility and clinical cost. In addition rental components in the private sector will increase by 2.9% with social sector rental components rising automatically in line with social rental values. At the same time, all income incentives within Income Support will be increased from 23% to 25%. These measures create a comprehensive package that will be of benefit to every Income Support household.

Increased support has been provided to LTIA claimants on Income Support over the last two years as the Back to Work teams have extended the range of services available and tailored support for those with long term health conditions is now available. This extra support is helping to reduce the number of claimants who are unable to find employment. Overall, the number of Income Support households that are wholly dependent on Income Support payments has decreased steadily over the last five years.

The Disability Strategy published last week sets out a wide range of measures and is supported by businesses and third sector organisations as well as government departments, all of whom are committed to working together to improve job opportunities for people with a disability or long term health condition.

As Members will be aware, the Department will commence work on extending the Discrimination law to cover disability later this year, with the intention of introducing regulations in 2018.

**3.4 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE DUTIES AND ROLES OF THE LAW OFFICERS IN RELATION TO MINISTERS, MEMBERS AND THE ASSEMBLY AND PORENTIAL CONFLICTS BETWEEN ANY OF THESE GROUPS: [1(311)]**

**Question**

Will H.M. Attorney General explain to members in detail the role and duties of both himself and H.M. Solicitor General with respect to Ministers, members and the Assembly and explain how each Law Officer would operate in the event of a conflict arising between any of the three?

Will he also explain the legal basis for their duties and powers in respect of Ministers, members and the Assembly and where any documents setting out this legal basis can be examined?

**Answer**

Since the passing of the Loi (1930) Constituant la Département des Officiers de la Couronne, the offices of Attorney General and Solicitor General have, in respect of giving advice to the States, evolved into what they are today. The 1930 Law has now been replaced by the Departments of the Judiciary and the Legislature (Jersey) Law 1965.

As was recognised by the Carswell Report in December 2010, the “*core function*” of the Law Officers is, in modern times, to give advice to the States. This extends to Ministers, Scrutiny Panels, and individual members of the Assembly and is referred to in the Members’ Handbook which says:

*“Any member may request a Law Officer to give legal advice on any matter currently before the States.”*

The question of possible conflicts was considered in the answer to sub-paragraph (d) of the response to a question from the Deputy on 30 January 2017.

In that answer it was explained that the Law Officers’ Department is structured so as to manage any conflicts of interest. The Attorney General and Solicitor General are independent Law Officers; the Criminal and Civil Divisions of the Department are managed and operated quite separately from each other and both are segregated from one another by an electronic case management system, which enables files to be locked electronically with only certain lawyers and staff having access to such files.

Accordingly, in the event of there being a conflict between the parties seeking advice, whether it be a Minister or a member who is not a Minister, then a separate Law Officer can give advice and, if for any reason that is not possible, then a senior lawyer in the Civil Division may provide advice to the member in question. In very unusual circumstances, it may be necessary for the Law Officers’ Department to instruct a lawyer in private practice to give such advice. Generally it is preferable for all parties to be advised by the Law Officers’ Department where possible in order to ensure general consistency of advice (particularly where such advice may ultimately be repeated before the Assembly) and to ensure that public expenditure is kept to a minimum. In accordance with well-established principles neither the fact that a member has sought advice nor the content of that advice will be revealed by a Law Officer to another member of the Assembly without the consent of the member seeking advice and the consent of the Law Officer who has given that advice.

### **3.5 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DECISION TO WITHDRAW ‘FUTURE HOSPITAL FUNDING STRATEGY’ (P.130/2016), AS AMENDED: [1(313)]**

**Question**

Will the Chief Minister state –

- (a) whether an informal meeting of Ministers and others took place on 19th May 2017 to discuss the funding of the new General Hospital and, if so, the names of those who were present, as well as the names of those who decided that ‘Future Hospital Funding Strategy’

(P.130/2016), as amended, should be withdrawn, thereby delaying the hospital funding debate, and if not, why not;

- (b) whether a formal decision was taken by the Council of Ministers to ratify the decision to withdraw P.130/2016 and, if so, when it was taken and in what form it was taken (i.e. physical meeting, conference call or email exchange); and
- (c) if a formal decision was not taken by the Council of Ministers, when and how Ministers were notified of the decision that P.130/2016 would be withdrawn?

### **Answer**

The Minister for Treasury and Resources called a meeting on Friday 19<sup>th</sup> May to discuss the funding of the hospital. The meeting was attended by Treasury officials, members of the Treasury Advisory Panel, a private individual with relevant expertise, advisors from the UK, the Health and Social Services Minister and myself.

On Monday 22<sup>nd</sup> May Ministers attending their weekly, informal ministerial meeting discussed the possible withdrawal of the hospital funding proposal.

A formal decision was not taken by the Council of Ministers as the proposition had been lodged by the Minister for Treasury and Resources and it therefore had to be his decision to withdraw it.

The Minister for Treasury and Resources notified States Members by email on 22<sup>nd</sup> May and by statement to the States Assembly on 23<sup>rd</sup> May.

### **3.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE APPLICATION OF COLLECTIVE RESPONSIBILITY TO DECISIONS OF THE COUNCIL OF MINISTERS: [1(314)]**

#### **Question**

Further to ‘Code of Conduct and Practice for Ministers and Assistant Ministers’ (R.11/2015), and in particular the reference in paragraph 4 that Ministers should “*maintain a united position when decisions have been reached*”, will the Chief Minister explain whether this means that Ministers are only bound by collective responsibility following decisions made by all members of the Council of Ministers at a formal meeting after informed and inclusive debate; or whether it means Ministers may be bound by the decisions of one or a smaller number of Ministers where there has been no consultation or they have no prior knowledge of the decisions that have been taken, and are informed afterwards; or can collective responsibility apply in both instances?

#### **Answer**

Ministers are corporation sole, responsible for discharging of their legal functions, and within this, as stated in the Code of Conduct and Practice for Ministers and Assistant Ministers (R.11/2015), “Ministers should uphold the principle of collective responsibility, save where it is explicitly set aside by the Chief Minister.”

Further guidance on the usual operation of the principle of collective responsibility can be found in the Cabinet Manual published in 2011 by Her Majesty's Government: "The Cabinet system of government is based on the principle of collective responsibility. All government ministers are bound by the collective decisions of Cabinet, save where it is explicitly set aside, and carry joint responsibility for all the Government's policies and decisions. In practice, this means that a decision of Cabinet or one of its committees is binding on all members of the Government, regardless of whether they were present when the decision was taken or their personal views."

The principle of collective responsibility is being reviewed and proposals are expected to be lodged later this year, as explained at a recent quarterly scrutiny hearing and as widely reported in the media.

### **3.7 DEPUTY M.R. HIGGINS OF ST. HELIER THE MINISTER FOR TREASURY AND RESOURCES REGARDING PROGRESS IN THE PROVISION OF NEW HEADQUARTERS FOR THE JERSEY SEA CADETS: [1(315)]**

#### **Question**

Will the Minister update members on what progress, if any, there has been to provide the Jersey Sea Cadets with a new headquarters and explain, if such decisions have been taken, where it is to be located and whether it will be a standalone or shared facility?

Will he also explain what sums have been expended to date on this matter, and to whom, and what the latest cost estimate is for this venture?

#### **Answer**

Ports of Jersey, now an incorporated body, is assisting in project managing the Jersey Sea Cadets headquarters project and providing the land required for the proposed facility.

The Council of Ministers pledged a contribution of £1.2 million towards the relocation of the Sea Cadets as long as the full cost of the project is funded. The Minister understands from Ports of Jersey that the cost of the project is likely to exceed £1.2 million, so additional fund raising will be required. If, through external fundraising efforts, the burden on government funding is able to be reduced, then that would be welcome. At this point no additional States or Ports of Jersey funding is available.

The Minister is further informed by Ports of Jersey that, following on from the previous work conducted, Ports of Jersey established a working party including the Sea Cadets, Jersey Rowing Club and other stakeholders to discuss and develop all aspects of the project. The working party has developed what is considered to be a good solution, and is currently fine tuning the plans. Subject to reaching conclusion on the options available it is anticipated that a planning application will be made during 2017.

The Minister is informed by the Minister for Infrastructure that expenditure on previous projects directly by the States (Jersey Property Holdings) remains as stated in his response to Deputy Hilton on 20<sup>th</sup> January 2015 (link to Hansard):

<http://www.statesassembly.gov.je/AssemblyQuestions/2015/2015.01.20%20Dep%20Hilton%20to%20Min%20TR%20re%20grant%20%20to%20Sea%20cadets%20for%20construction%20of%20p%20remises.pdf>

**3.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING MEASURES UNDER CONSIDERATION IN LIGHT OF THE CONTINUING ABSENCE OF A RESOLUTION TO THE DISPUTE BETWEEN CARE STAFF AND THE MANAGEMENT OF FAMILY NURSING AND HOME CARE: [1(316)]**

**Question**

Further to his answer to oral question 1(300) on 23rd May 2017, will the Minister detail for members what measures, if any, he now has under consideration in light of the continuing absence of a resolution to the dispute between care staff and the management of Family Nursing and Home Care (FN&HC), given his duty of care to ensure quality care in the home, in terms of continuity of service, to FN&HC clients; and, if no measures are under consideration, will he explain why not?

**Answer**

As previously stated, clients who receive funding from HSSD or the Long-Term Care Scheme can choose to have their home care provided by one of the 23 Approved Providers. My Department assures the quality of care provided by each of these organisations.

The Department has a policy in place, which has been successfully implemented previously in similar situations where care has needed to transition to alternative providers. Accordingly, my Department is continuing to work closely with FNHC to ensure that there is a safe level of service for clients. FNHC is identifying any clients who may wish to transfer care providers and will support those clients who need to transition to an alternative Approved Provider to ensure continuity of care.

Regarding FNHC home care staff, FNHC continues to work with the unions to seek to resolve outstanding issues. FNHC is transferring staff members who wish to continue to work for the organisation and is supporting staff who have chosen to leave.

**3.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING STATISTICS IN RESPECT OF THE NUMBER OF CARE WORKERS ARRIVING IN THE SILANDS SINCE 2012: [1(317)]**

**Question**

What figures, if any, does the Minister have from the quarterly number of licences registered under Control of Housing and Work legislation, or from the labour market reports, on the number of care workers arriving in the Island since 2012 in the sectors entitled in those reports 'education, health and other services' and 'miscellaneous business activities'?

**Answer**

People applying for licences under the Control of Housing and Work Law are not required to declare what kind of work they are seeking.

When businesses provide information for the labour market survey on how many people they employ, they are not required to provide job titles. So while a care home might employ 40 people, they are not asked how many are care workers and how many are receptionists, chefs, gardeners or maintenance staff.

The Chief Statistician advises that the Statistics Unit could, if required, analyse labour market data to estimate changes in the numbers of non-qualified workers in specific industries. The Deputy is invited to discuss this with the Chief Statistician.

**3.10 DEPUTY R. LABEY OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING CONSULTATIONS, REVIEWS AND STUDIES UNDERTAKEN SINCE 1997 IN RESPECT OF FORT REGENT: [1(318)]**

**Question**

Will the Minister provide a list, in reverse chronological order (commencing with the most recent) of all consultations, desktop studies, design advice and drawing submissions, together with any internal and external reviews that have been conducted, in relation to the development and maintenance of Fort Regent since 1977?

Will the Minister provide the relevant dates and costs of each project, with the costs adjusted for inflation to reflect current values; and will he indicate within the list the name of the relevant Committee President or Minister in office at the time of preparation of the pertinent documents?

**Answer**

In the time available it has not been possible to provide a complete list of the documents requested by the Deputy nor has it been possible to provide the detail requested for each item.

The list below reflects a period over which a number of Departments and Ministers/Committee Presidents have been involved with Fort Regent. The various Departments will have retention schedules for documentation which may mean that the information required is no longer retained by those Departments. Those reports may have been procured by Departments other than that which had operational responsibility for the Fort and, as such, reference to ‘...relevant Committee President or Minister in office at the time...’ is not germane.

The question is unclear as to whether the Deputy is referring to the reports generated or the cost of work resulting from these reports. If this were a question asked under Freedom of Information legislation we would require further clarification, however, we have not been able to obtain this from the Deputy.

I would, therefore, invite the Deputy to meet with myself and relevant officers to see if we can clarify the information he seeks and provide him with a focussed and targeted response that meets his requirements and limits the need to use valuable officer resource.

Article/Report Title	
Top: Scoping proposed Expressions of Interest exercise	Internal
Top: Scoping Exercise for future redevelopment options	Internal
Agent Swimming Pool Jersey & Cable Car	C&D Demolition Consultants on behalf
Veget Business Case	IPW
	SMETT
Facilities for Jersey Centre or the Future	Parsons Brinckerhoff
	Sally Greenhill at The Right Solution Ltd
	T & G Limited - Consulting Engineers
	Internal
ation of three existing lifts	Internal
Interim Report	Dewar Partnership Limited (Elevator Co
ons	Internal
	Asup UK
	Frederick Sherrell Limited (Consultant E
imming Pool)	Consus International (Channel Islands) L
	Education and Home Affairs Scrutiny Pa
including Fort Regent)	Drake and Kammeyer
- Heller	EDAW PLC Planning, Design and Econo
gent Jersey	Antony Gibb
ment Brief	PMP - strategy finance delivery
	The Tourism Company - Tourism Develo
ent - Phasing Document	Saville Jones Architects
agent	Saville Jones Architects
ports Village - Structural Scheme Design Report	Adams - Kara - Taylor Consulting Civil ar
	Saville Jones Architects
Sports Village - Community Sports Centre Into the Millennium with 20:20 Vision	Roger Quinton Associated Ltd
y to Unlock the Future of Fort Regent	Saville Jones Architects
	Scottish and Newcastle plc
	G.Maunsell & Partners

## 4. Oral Questions

### 4.1 Deputy J.A. Martin of St. Helier of the Chief Minister regarding the decision to reappoint Senator P.F.C. Ozouf as Assistant Chief Minister: [1(324)]

When did the Chief Minister make the decision to re-appoint Senator Ozouf as one of his Assistant Ministers, did he consult the Council of Ministers before doing so and, if so, was there unanimous support for the decision?

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

A successful financial services sector is essential if Jersey is to maintain a strong economy. We need the best person for the job at this critical time; significant work is needed in the financial services and digital sectors over the coming years. That is why I reappointed Senator Ozouf. I discussed this issue with Ministers on the morning of Thursday, 25th May, and signed a Ministerial Decision appointing Senator Ozouf as Assistant Chief Minister late on Friday. Appointing Assistant Ministers is for the Minister to decide and therefore did not require a vote.

#### 4.1.1 Deputy J.A. Martin:

Supplementary please. The Chief Minister has given us a lot of background but not answered the question. No, the Minister is shaking his head. He may have not had to get unanimous support. My question was: did he get unanimous support? It is quite simple: yes or no?

#### Senator I.J. Gorst:

As I said, the appointment of Assistant Minister is for the Minister and therefore there was no need for a vote. Ministers held various views, all of them recognised and said that it was my decision. Certainly one, perhaps 2, said that they would not have made that decision. All of them recognised that it was a difficult decision considering what some in this Assembly and in the public might

think, but also recognised that Senator Ozouf had particular skills that importantly we needed to harness in these areas at this particular time.

#### **4.1.2 Senator S.C. Ferguson:**

But did the Chief Minister get unanimous support, as was quoted by his Deputy Chief Minister?

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

I was out of the Island at the point that the Deputy Chief Minister gave that interview. I have had it referred back to me about what he said. He and I interpreted - he being the optimist - all Ministers saying that it was a decision for the Chief Minister as not objecting. I was being optimistic but trying to understand nuances and the diplomacy of what ... the diplomatic approach that some Ministers might take the view that I had just outlined to the Assembly. That while they said it was a decision for me there were some who were indicating it would not be a decision that they would make.

[9:45]

#### **4.1.3 Deputy M.R. Higgins of St. Helier:**

Will the Chief Minister confirm he wanted Senator Ozouf appointed as a Minister but his other Ministers disagreed and therefore he used his power to appoint an Assistant Minister?

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

Right from the start of this Government I said that I wanted to appoint a Minister for Financial Services, Digital Competition and Innovation. Because of a number of factors that did not take place, and I proposed that Senator Ozouf remained as an Assistant Minister. If I am honest - and this is what seems to be upsetting people - Jersey is best served by a Minister for Financial Services and Digital, but there are a number of people in this Assembly who have said to me they would not support that position. As difficult as I find that situation, I have to accept and understand that Members of this Assembly at this point are not prepared to allow the creation of such a ministry but I am in no doubt that Jersey would be best served by the creation of such a Minister.

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

Supplementary. The Chief Minister did not answer the question. The question was: did his other Ministers say they did not want to see Senator Ozouf in the Council of Ministers as a Minister and therefore you had to appoint him as Assistant Chief Minister?

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

They said that they felt that Members of this Assembly, and therefore they would find it difficult to support it, would not support the creation of a ministerial position. That was, as I understood that conversation, removed from whether then Senator Ozouf would be appointed to it. That would be a second order decision for this Assembly, but it was along the lines of they felt that generally this Assembly would not support the creation of a ministry at this time.

#### **4.1.5 Deputy G.P. Southern:**

Here we are again. Is it not the case that the Chief Minister must take some responsibility for this debacle in that it took him over 13 months to execute his wishes to appoint the Assistant Minister to his department in the first place?

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

The Deputy knows because Deputy Martin asked the question at the last States sitting that Senator Ozouf was the first Assistant Minister of the Chief Minister's Department to be appointed, and not as he suggests.



#### **4.1.6 Deputy M. Tadier of St. Brelade:**

The Chief Minister knows that it is possible to create a new Minister with a mandate from this Assembly without creating an entirely new ministry because we already have that in the Minister for Housing. Is it not the case that the real reason that he does not want to create a Minister specifically for this portfolio is not because he does not think the Assembly would support it, because he has not asked the Assembly - and I suspect the Assembly may well support it - but it is because the Assembly would not choose his preferred candidate to fill that role. Is that not the real reason that he will not create a Minister for FinTech?

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

If the Deputy is asking me to bring forward the legislation and he wants an in principle decision to do it, then let him lodge it. I would support that. However, I think you are a scholar of history, Sir, I recall the same Deputy that has just asked me that question suggesting that when the former Chief Minister created the Assistant Minister for External Relations it should have been a ministerial position. This Assembly should have had the right to vote on it. When I came to office, one of the first things I did was create the Minister for External Relations in a ministry and the Deputy that has just asked this question then said: "Sir, there is no need to create a ministry. The assistant ministry is working perfectly well." Let us not reinvent history. The Chief Minister has the ability to appoint Assistant Ministers; that is what I have done. I have outlined my reasons for doing so. If Members wish me to bring forward legislation to create a ministry and a Minister for Financial Services and Digital I am perfectly willing to do so, because I think Jersey is best served by that.

#### **4.1.7 Deputy M. Tadier:**

Supplementary. I may well do that, and I would prefer it if it was the Chief Minister who brought that forward himself seeing as he believes in it, but I guess we do not always act on what we believe in this Assembly necessarily. May I ask the question then about confidence in the Minister and his Assistant Minister? He said that there were one or 2 in his Council of Ministers who did not agree with the decision. Now, was it one or was it 2? There is a margin of error of 50 per cent there, or 100 per cent, depending which way you look at it. Who were those 2?

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

It may come as a surprise to the Deputy but very few decisions around the Council of Ministers' table, when we reach a decision, are unanimous. We have a robust debate. There are all sorts of issues which are at interplay about why a particular Minister may or may not support a particular proposal. But I return to the comments that the Deputy Chief Minister made in my absence, that all Ministers round that table said they recognised it was a difficult decision but it was a decision for the Chief Minister to make.

#### **The Deputy Bailiff:**

There is already a fair amount of time that has been afforded to this, the first question. So I have Deputy Le Fondré, Deputy Mézec and then a final supplementary.

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

I am glad the Chief Minister made the last point because it brings us back to, I think, the purpose of the question. Senator Green, on the radio, was very, very clear. He categorically stated it was quite clear there was 100 per cent support for bringing Senator Ozouf back as an Assistant Minister. From the public's point of view that is the information they have been given. Is that factually correct or not? If it is not should that statement be retracted?

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

I think I answered that question when I said I did not hear the interview. I was out of the Island. Senator Green interpreted Ministers saying that it was a decision for the Chief Minister as support. I interpreted some of their nuanced positions and conversations differently, that if they were me ... it was me making the decision but if they were me they would have made a different decision.

**Deputy J.A.N. Le Fondré:**

So that is not then?

**4.1.9 Deputy S.Y. Mézec of St. Helier:**

My understanding when Senator Ozouf was last Assistant Chief Minister his areas of responsibility were - and please correct me if I am wrong - finance, digital, innovation and competition. Can the Chief Minister confirm whether or not this time round with Senator Ozouf as Assistant Chief Minister he has responsibility for those 4 specific areas and if not, why not?

**Senator I.J. Gorst:**

The Deputy will know from the Ministerial Decision and from the press release reappointing Senator Ozouf is to financial services and digital because they are the 2 critical elements for our economy and they are the 2 areas which I think are best aligned to Senator Ozouf's skills and where this Island needs Senator Ozouf's skills in those particular areas. There is an ongoing anti-trust issue with regard to competition and I think that that needs to find its way through the system before I consider again where competition would sit, and likewise with innovation. There are some details around the monitoring of the current loans and working up how we are going to support innovation into the future before that can move again from where they both currently sit, which is with Senator Routier.

**4.1.10 Deputy J.A. Martin:**

I would like to push the Chief Minister on given that the controversial way that Senator Ozouf stepped aside many months ago, is the Chief Minister still saying and telling this Assembly that Senator Ozouf is the only one who can do financial services and digital; the only one he would have in the job and there is no one else in this Assembly who could do the job?

**Senator I.J. Gorst:**

I have been doing the job for the last 4 months, it seems like a year, because there is so much travelling, there is so much speaking, there is so much meeting of senior executives from international financial services brands. Other Members of this Assembly perhaps over time could get to the position that Senator Ozouf is in relation to carrying out this function but the challenges that we face as an Island today mean that Senator Ozouf is up to speed, Senator Ozouf has got the relationships, and he is the one best suited to build on that base and to take Jersey forward in these particular areas. On Thursday, or on Friday, we will probably have a new Government in the United Kingdom. It is critically important that from a financial and business services perspective that relationship is started and built upon from day one. We face the non-co-operative listing of jurisdictions in Europe all about financial services. It is critically important that someone - that someone has to be today Senator Ozouf - takes on that role and continues to work with it. We have got a strategic refresh, which is looking at financial services into the future. It is looking at the changes in banking, it is looking at the transformation of effective digital; those 2 things sit together. Over time others could do this role but I want the best person in the job for today to start working today and that person, in my view, for the best interests of Jersey and her citizens is Senator Ozouf.

#### **4.2 Connétable C.H. Taylor of St. John of the Minister for Treasury and Resources regarding the timeline followed for introducing short-term borrowing as an option for funding the Future Hospital: [1(334)]**

Will the Minister explain what timeline was followed for introducing short-term borrowing into the equation as an option for funding the future hospital?

#### **Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):**

As a member of the Corporate Services Scrutiny Panel and having received copies of reports from our professional advisers EY (Ernst & Young), the Constable of St. John will be aware that many external debt options were considered and analysed in some detail in the report of our professional advisers, which was dated July 2016. The analysis included financing from banks as an option, which is usually available at a shorter term than we are seeking. While such borrowing has the advantage of more flexibility for drawdown banks may well require financial covenants and interest is often of a floating nature, hence not providing certainty of costs. Very recently it has been suggested that other options of short-term borrowing or similar could be an option to be used over the longer term by, for example, a programme of rolling such borrowing over. The Treasury Advisory Panel is currently examining such an option and will continue to consider credible options as and when they are brought forward.

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

The Assistant Minister said “very recent”. Could he please give us a timeline because that is the question I asked and that is what I am particularly interested in? What does he call “very recent” and can I have more information on that?

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

Certainly. I am aware of 2 approaches made during the month of May from 2 different financial experts that are well experienced in the debt markets who had offered their advice via some Members as well to the Minister for Treasury and Resources. I think the Constable of St. John is talking more focusedly about the meeting of 19th May which is, I think ... I would appreciate if he could confirm if that is what he wishes me to address? **[Aside]** Thank you. On the meeting of 19th May an individual of tremendous experience in the debt market offered some options for the Minister to consider. The Minister managed to invite him in on 19th May for a meeting to discuss the options, which is entirely appropriate that we, as a Treasury, should consider before making a final judgment. I think the next question will be about who was at the meeting, so I will give that answer to the Constable of St. John now.

##### **The Deputy Bailiff:**

You are running perilously up to the time limit for your answer.

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

I will wait for his next question then.

##### **4.2.2 Deputy G.P. Southern:**

I will do the favour, I think. Was another Minister present at that meeting and if so, which ones?

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

I can confirm that the Minister for Treasury and Resources was there - he called the meeting - the Treasurer of the States was also present, the Chief Minister, the Deputy Chief Minister and Minister for Health and Social Services, a member of the Treasury Advisory Panel and the third party giving the breadth of their experience.

#### **4.2.3 Senator S.C. Ferguson:**

As Members know, I have got over 40 years working in the finance industry and I have taken soundings about short-term borrowing. The general feeling was no, no, no. So where and when and who did this particular piece of advice emanate from?

[10:00]

#### **The Connétable of St. Peter:**

It is the role of Treasury to listen to all advice, and that is merely what we are doing. If somebody with a great breadth of experience in the debt market, many years of very valuable experience, it would be wrong for us to ignore that experience.

#### **4.2.4 Senator S.C. Ferguson:**

Supplementary. But who gave the advice? I am sorry, the feeling in the industry is not short-term borrowing, so who said: "Why not?"

#### **The Connétable of St. Peter:**

I am afraid I cannot give the person's name. He was not engaged by the Government. He is not contracted at all to the Government. They came in out of the kindness of their heart to offer their breadth of experience to us.

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

It gets worse and worse. In the written answer to my question, question 5, it mentions it was a private individual so the Assistant Minister is going on about professional firms and so on, it was a private individual who gave this information surely the States should know who has given it. What is the name of the individual?

#### **The Connétable of St. Peter:**

I believe Standing Orders would prevent me from identifying a private individual within the Chamber.

#### **The Deputy Bailiff:**

I think that is right.

#### **4.2.6 Deputy J.A. Martin:**

I would like to ask the Assistant Minister, I really must push him on this private individual. I do not need to know the name but the Minister just told us that this individual came in out of the goodness of their heart, not paid anything, and what retention, what reliability then, would you put on somebody who just wants to come in, have a nice discussion about the biggest debt that this Island is going to have, and we then, the next day, decided we are not going ... is the Minister telling us, on this one individual's advice, who is not retained by the Government, then we decided not to have the biggest debate on the biggest amount of money that this Island is ever going to have? Is that what the Minister is telling this Assembly?

#### **The Connétable of St. Peter:**

Certainly, the person coming into Treasury did do so out of the kindness of his heart. He has a breadth of experience, as would anyone else at the top of their career in the debt markets would do. He is not representing his company. He has significant experience in the debt market and he has offered an alternative that it is right for us to consider. Because we need to consider that, the decision was led that the debate should not have gone forward at the last sitting and therefore to give time for the Treasury Advisory Panel to fully analyse the advice that they are being given.

#### **4.2.7 Deputy J.A. Martin:**

Does the Minister say ... then why are Treasury still retaining Ernst & Young and not employing this absolute expert at the top of their game given their absolute free advice to the Minister? What is going on?

#### **The Connétable of St. Peter:**

I can confirm that Ernst & Young are reviewing that person's comments.

#### **The Deputy Bailiff:**

As again we have spent quite a long time on this question I therefore have the Deputy of St. John, Deputy Tadier and then a final supplementary from the Connétable of St. John.

#### **4.2.8 Deputy T.A. Vallois of St. John:**

I am really concerned over what I am hearing from the Assistant Minister for Treasury and Resources because this calls into question the integrity of the decision making within the system. Considering the proposition was lodged in November and we were almost forced to make a decision in January and are now told that somebody who clearly has experience, but why the Assistant Minister or the Minister has not contracted that person to give proper open transparent advice to the Government because eventually the decision will have to come to the States. Why this person was not spoken to earlier because the EY report has been in the domain for a while now?

#### **The Connétable of St. Peter:**

I fully understand the Deputy of St. John's comments there. It is a difficult one. This person came forward rather late in the piece. They work most of their time off-Island albeit they are resident in Jersey. That is solely the reason why it has come to the party rather late. But as I have said several times already this morning, it would not be wise of us not to take the advice of somebody widely experienced in the international debt market.

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

Supplementary. Can I just ask the Assistant Minister to clarify then for me? It was raised as a concern with regards to the bond market in terms of the rates back in January, can I ask: if the advice that comes out is that we are just going to stick with the bond, what is the potential risk or the potential cost then to the States?

#### **The Connétable of St. Peter:**

I am afraid I cannot give a direct answer to the final part of the question, but certainly there will be a risk there. The market is constantly moving. Fortunately at the moment it is relatively static and I believe is slightly better in our favour but that could change in a moment.

#### **4.2.10 Deputy M. Tadier:**

I am wondering why if this information was known at the last sitting, when we were given less than 24 hours' notice, much less than 24 hours' notice, about possibly the biggest spending plan that this Assembly will ever be asked to approve, and the Assistant Minister and the Minister's knew it was because, as the members of the public see it, somebody in the Assembly says: "I have got a mate who knows a mate, he reckons he has got a better idea than all of you Ministers and Ernst & Young and Scrutiny, is it possible we can have a 10-minute chat to see if his idea is better than the rest?" Why is it that we were not told about this, if this Government espouses the principles of honesty, openness and accountability? Was it not germane to the Assembly's decision at the time?

#### **The Connétable of St. Peter:**

I can understand Deputy Tadier's rather colourful comments and I think most people would probably think with him. But the fact remains it was appropriate for the Treasury Advisory Panel to explore, along with Ernst & Young, the information they were being given first. I cannot speak for the Minister on why he did not give that to the Chamber when he made his statement on 24th May.

**4.2.11 Deputy M. Tadier:**

What is so special, and I do not know the individual so it is not a question of denigrating him or putting him under question, but what is so special about one individual for him to be able to come forward, or her, and to get the ear of the Minister for Treasury and Resources to grind everything to a halt, when we have got our mechanisms in terms of Scrutiny, they were being resisted time and time again by the Council of Ministers? Will he not simply tell us who this individual is, what his expertise are and who it was that suggested we grind everything to a halt for this person's benefit?

**The Connétable of St. Peter:**

Can I repeat what I said earlier on for the final part of Deputy Tadier's supplementary question? Standing Orders prevent me from naming who this person is other than to say a person of international acknowledged breadth of experience.

**4.2.12 The Connétable of St. John:**

When the decision was made on Monday, 22nd May, can the Assistant Minister tell me who was present in the room? As it was a collective responsibility and a Council of Ministers' decision to bring P.130 in the first place, how many Council of Ministers' members were present and how many agreed to the withdrawal of that proposition?

**The Connétable of St. Peter:**

I apologise to the Constable of St. John, I do not have that information. All I can say, I was not present and I have been given an idea of who was there but I cannot confirm or deny that because the Minister has not been here to be able to verify who was at that meeting.

**4.2.13 The Connétable of St. John:**

Could the Minister for Treasury and Resources when he returns give that in writing to the Assembly?

**The Connétable of St. Peter:**

I will undertake on behalf of the Minister for Treasury and Resources to do so.

**4.3 Senator S.C. Ferguson of the Chief Minister regarding changes which had been made to the structure or workings of the Economics Unit: [1(330)]**

Will the Chief Minister explain whether any changes have been made to the structure or workings of the Economics Unit, or whether any such changes are being considered?

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

There has been a temporary change to the working arrangements of the Economics Unit as the Chief Economic Adviser is working remotely from the U.K. (United Kingdom) on a contract basis following his decision to return to the U.K. for family reasons. He fulfils his responsibilities through email, telephone, videoconferencing and attending in person when necessary. This arrangement will remain in place until a replacement is recruited.

**4.3.1 Senator S.C. Ferguson:**

Is this not rather sudden? Why is the Economic Adviser working for the States in Scotland? What project is he working on and is there any connection with any of the sort of various things that have been going on with the Council of Ministers?

**The Deputy Bailiff:**

I am not sure that last phrase in the question is rather too wide with anything “going on”. You have to be more specific than that, Senator.

**Senator S.C. Ferguson:**

With the reports that have been issued by the ... no, I think we will leave that one and come back to it.

**The Deputy Bailiff:**

Are you withdrawing the entire supplementary question?

**Senator S.C. Ferguson:**

No, just the last phrase.

**Senator I.J. Gorst:**

I said in my opening response that the Chief Economic Adviser has moved to the United Kingdom; yes, that happens to be Scotland, that is where he has family, and he has moved there for family reasons and he moved in a timely manner to coincide with the start of the summer term. So he has been there since the Easter holidays; I think that is correct. But he is working on contract. That does not add extra cost to the States, while we now undertake a recruitment for a replacement.

**Senator S.C. Ferguson:**

Supplementary.

**The Deputy Bailiff:**

Just a moment, Senator. If there are no other questions then you have your final supplementary.

**4.3.2 Deputy J.A.N. Le Fondré:**

Family reasons always seems to cover a whole multitude of sins but can include family reasons. Given that it seems to have taken place at Easter why has there not been any announcement, bearing in mind it is the Island’s Chief Economic Adviser?

**Senator I.J. Gorst:**

Because he is still employed and he is still providing economic advice; just remotely because of family reasons.

**4.3.3 Deputy J.A.N. Le Fondré:**

I am sorry, the Chief Minister has just said he is retiring or ending his position at some point and normally on these things, there is normally a notification publicly that says: “The Chief Economic Adviser has declared his retirement” or resignation or whatever and there is a timeframe and that he will be leaving on such and such a point. There are measures in place for recruitment and all that type of thing. We have heard nothing. The first thing I heard about this was from this question.

**Senator I.J. Gorst:**

The Chief Economic Adviser is still employed by the States, still doing work. If the Deputy felt that we should have made public the change from Jersey to Scotland then I can only apologise for that.

#### **4.3.4 Deputy J.A. Hilton of St. Helier:**

Is there not a Deputy Chief Economic Adviser? I am just really surprised to hear this news this morning that the Economic Adviser has moved to Scotland and is working there. With the best will in the world I cannot see how that is going to continue to be of benefit to States Members and the Island as a whole. So how long is he going to be employed while he is resident in Scotland?

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

The start of the search for a replacement has already started. There is another economist in the Economics Unit who was promoted earlier this year to senior economist and is doing excellent work. The Chief Economic Adviser is still available via telephone, videoconferencing and, from time to time, in person. It does not interfere with any of his work at all in this regard. Economists, most of their work is research, is writing reports and is giving written advice. That can be done remotely and because of the shortness of the notice that the Economic Adviser wished to give in order to move his family, as I have said for schooling purposes, it was felt best to continue his employment for a period of time while we could undertake a recruitment process.

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

Has the Chief Minister any idea how long that period of time will be?

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

It is my understanding - we are in the second quarter now - that date comes to an end during the third quarter.

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

The Chief Minister referred to a shortness of notice. The reason I am puzzled is that I always understood in senior positions that you could not give short notice on these type of things for the very reason we wanted to make sure we had a good handover period and things like that. What has happened there? Is this a change in policy or something they have overlooked?

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

Absolutely not. Somebody continuing their employment from elsewhere allows exactly that. Would it not be unreasonable as an employer for somebody who wants to ... they have made their decision that they want to go for purposes of schooling.

[10:15]

I would have expected the Deputy to be understanding about an individual's family circumstances and the need to find places in schools at the start of term rather than mid-term, so we were being a reasonable employer.; the Chief Economic Adviser continues his excellent work remotely, and that is what he is doing while we now seek to recruit a replacement.

#### **4.3.7 Senator S.C. Ferguson:**

Previous Economic Advisers found they needed frequent contact with businesses in Jersey. We have all seen Mr. Powell running round town so that he can visit people. If our current Economic Adviser moved at Easter when did recruitment start and why is it not well underway now? We should be interviewing by now.

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

It is underway; I do not have the detailed timeline in front of me. Perhaps I can give the Senator some reassurance that that previous Economic Adviser is still running around town speaking to businesses on behalf of Government and helping with policy formation as well.



**4.4 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding the publication of his response to ‘Tertiary education: Student Finance’ (S.R.2/2017) and the work of the ministerial sub-committee tasked with finding a solution to the problems of financing students: [1(332)]**

In the absence of a published response to the Scrutiny Panel’s report, S.R.2/2017, will the Chief Minister advise the Assembly what the terms of reference will be for the ministerial subcommittee tasked with finding a solution to the problems of financing students and provide an update on any progress made to date?

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

There had been a delay in responding to the panel’s work. This of course is not a reflection of the importance of the work and a response has now been published. The ministerial sub-committee is investigating ways to support more of our young people to go into higher education and to reduce the burden on parents. The terms of reference for that sub-group will be published this week. They include looking at student loans, bursaries, more local degree courses, easier access to European universities and student saving schemes.

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

Supplementary. How can the Chief Minister expect the Assembly to believe that he does place any kind of importance on the Scrutiny process when he cannot meet established deadlines for responding to Scrutiny reports? Furthermore, regarding the subject of the report, how can he expect Islanders to believe that he places any importance on the young people who are being denied a university education because his Council of Ministers have failed so far to make any kind of progress towards a solution?

**Senator I.J. Gorst:**

I do not think it is fair to say that no progress has been made. I think that the Scrutiny Panel have produced a very good report, which is feeding into that process. I set up the ministerial sub-group in order to take these issues forward and to make progress. One of the findings of the Scrutiny review was that perhaps there had not been sufficient progress made when it was left to individual departments. I think I accepted and acknowledged that during the course of the Scrutiny hearing process. That is why we have set up the sub-group. Chief Officers will be meeting in the next 2 weeks to discuss further costings for various models and therefore progress is being made, but I accept that in an ideal world greater progress would have been made. But now progress is being made.

**4.4.2 Deputy J.M. Maçon:**

The sub-group was established in December, we are now June, can the Chief Minister please tell us how many meetings the sub-group has had since then?

**Senator I.J. Gorst:**

The sub-group determined that it wished to have the benefit of the Scrutiny report. We have met twice during ... Ministers have met twice in that period. Officers, I think, have met more than that. We have now asked officers to go away and, as I have said, cost-up some of the options that builds on some of the recommendations that the Scrutiny Panel asked us to look at. So that is tax breaks, looking at the interaction with Income Support importantly, looking at what is possible with a loan system, looking at if we are going to do that what would be the best way of doing it. Would it be funding, fees and living or part of that? So trying to make those figures balance, looking at the increased investment that we believe we are going to make in that area will take time.

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

In a previous answer by the Chief Minister he advised that the terms of reference will be published next week, but in the response to the Scrutiny report it has been advised: "Terms of reference will be published together with a timeline for the work. Target date of action or completion quarter 3 2017." Could he just clarify exactly when the terms of reference will be published for the benefit of the public and States Members to hold them to account?

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

I confirmed with my officer this morning prior to coming to the Assembly that it would be published this week.

#### **4.4.4 Deputy G.P. Southern:**

Does the Chief Minister not consider that the response to this issue has been woefully slow on the part of the Minister for Education and himself in that we are already seeing numbers of our young people going to higher education fall by, I believe, over 10 per cent in the last couple of years? Does he not think it is time for swift action to correct this?

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

That is why I set up the ministerial sub-group, to bring the department and Ministers together in order to take action. I think Scrutiny know that some of the proposals on the table are complex and will have implications at various income levels and they have got to be properly costed. That takes some time.

#### **4.4.5 Deputy G.P. Southern:**

Is the Chief Minister satisfied with the performance of the Minister for Education?

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

I work with Ministers. The Minister for Education is transforming his department in many areas. We are seeing standards improve. We are seeing extra money put into the Pupil Premium. We are seeing schools given more autonomy. We are seeing a change to the curriculum, so he is doing great work. This is an area that needed extra support and needed the creation of the Council of Ministers' sub-committee in order to move it forward.

#### **4.4.6 Deputy S.Y. Mézec:**

The ministerial sub-group has existed since December last year and the Scrutiny report's recommendation that its terms of reference should be published has been in the public domain for quite some time now, yet we will not get the terms of reference until later this week apparently. Could the Chief Minister explain why the terms of reference could not have been published much sooner given that this very simple recommendation has been in the public domain for some time and could he also explain with hopefully something close to an exact date of when the terms of reference were finally fully approved?

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

I think I have outlined that they will be published this week and I confirmed that with officers this morning. I do not have the exact time of when they were approved. I think that was at our first meeting but I do not have the timeline of that first meeting with me.

#### **4.4.7 Deputy A.D. Lewis of St. Helier:**

I just wondered if the Chief Minister could explain how much attention has been given to the academic calendar with regards to these discussions as parents are now planning for next year and for the academic process they are going through now, exams are happening now, people have

selected universities. How can parents of families plan with all this uncertainty? Can he give some indication of a timetable as to when he thinks this panel and others may come up with some kind of solution? This is essential for families to plan their financial future and the future of the education of their children. What timetable can he give to finding a solution?

**Senator I.J. Gorst:**

The Deputy knows that the Treasury Department, when making changes to tax rates or allowances, does that through the budget process and I think quite clearly that that was the stipulation of the timetable that they were going to be bringing forward, and that they could not work outside of that budget timetable. But that is not the only thing that this review is looking at. That is just one of them, importantly as I have already referred to. It is looking at the interaction with Income Support but it is also looking at access to European universities. It is looking at a broader programme locally at the university college up at Highlands, which is seeing more people attend for better quality degree courses, and that is continuing as well. So it is not just the one-off item. Albeit I absolutely accept that this item is perhaps publicly seen as the most important item, and it is important.

**4.4.8 Deputy A.D. Lewis:**

Can I take from that then the Chief Minister is acknowledging the fact that there is a different timetable here called the “academic calendar” rather than the budget calendar, and he is attempting to do something about that so that we can get to grips with the academic calendar, not necessarily the budget year, which of course is challenging, I understand that.

**Senator I.J. Gorst:**

Yes, but there is sometimes an expectation that I can override the law as Chief Minister and tell Ministers and departments how they should operate their own law outside of that law. I do not have that ability. What I do, and can do, is work with Ministers to help them understand some of the wider issues and how they need to work in a timely manner, and that is one of those timely manners.

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

Given that the Chief Minister has committed to swift action in this area, will he provide monthly updates to the Scrutiny Panel on the progress of this sub-committee?

**Senator I.J. Gorst:**

I can ask officials to undertake that, yes.

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

Was that a yes?

**Senator I.J. Gorst:**

It was, yes.

**4.5 Deputy C.F. Labey of Grouville of the Minister for Treasury and Resources regarding the disposal of properties by the States of Jersey Development Company: [1(307)]**

Will the Minister, as shareholder representative, clarify whether the description by the States of Jersey Development Company in its Annual Report and Accounts for 2016 of “the disposal” of properties means the sale of freeholds or does it include the sale of any leaseholds the company administers on behalf of the public of Jersey?

**The Connétable of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):**

Yes, I am pleased to confirm the description of disposal of properties by S.o.J.D.C. (States of Jersey Development Company) does also include leaseholds.

#### **4.5.1 The Deputy of Grouville:**

That statement concerns me greatly. When the States first decided to set up the States of Jersey Development Company to administer the land it was on a 150-year leasehold and I would like to know who made the decision to now dispose of public property and when these decisions were made?

#### **The Connétable of St. Peter:**

The decisions were notified to Treasury and in my role as shareholder responsible for the States-owned entities I did approve those sales by way of a Ministerial Decision. If I may just remind Members that when S.o.J.D.C. were set up in this Chamber on P.73/2010 it did say in there: "Once developments had been completed it should be sold in the open market or if there is a strategic reason for long-term ownership by the States transfer to the States of Jersey at market value. Where assets are sold into the market they should be subject to an independent valuation to ensure best value is achieved" and that is what we have done.

#### **4.5.2 Senator S.C. Ferguson:**

Do these sales include the former lease of the UBS building which was taken over by S.o.J.D.C. as part of the deal for UBS to move into ... I do not know, is it Building 4 now?

#### **The Connétable of St. Peter:**

It was Building 4, now Building 1, and the answer is no.

#### **4.5.3 The Deputy of Grouville:**

So the Assistant Minister for Treasury and Resources made a decision to dispose of public assets on the Waterfront estate notwithstanding the fact that this Assembly had decided to make those properties on a leasehold basis.

[10:30]

So, can he just confirm that because I find this absolutely astounding?

#### **The Connétable of St. Peter:**

Yes, as I said in answer to my earlier question, we are only following the principles set out within P.73/2010. As an additional comfort to perhaps the Deputy of Grouville, I can confirm the sale of one of the leases was a substation at Liberty Wharf, which we had £230,000 for, the sale of the offices at Harbour Reach at £1.65 million, and the sale of the Waterfront Hotel ground lease at £3.15 million. All of those were advised and put in the public domain and the 15-day grace period was applied to that to allow Members to comment before the actual transactions took place.

#### **4.6 Deputy G.P. Southern of the Chief Minister regarding the policy in respect of pay offers to the public sector workforce: [1(329)]**

Will the Minister as shareholder representative ... no, that is the wrong question.

#### **The Deputy Bailiff:**

Question 6, Deputy.

#### **Deputy G.P. Southern:**

We could try it again if you like, Sir, but I think I will ask mine. In the light of recent statements from the Chief Minister about the good state of the economy, will the Chief Minister bring to an end the policy of below-inflation pay offers either to be agreed by or imposed upon the public sector workforce and will he inform Members what offer he has under consideration for the 4-year period 2017 to 2020, taking into account inflation estimates for this period?

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

Jersey's financial position has improved following the investments and savings targets agreed as part of the Medium Term Financial Plan. While 2016 has seen positive results for our economy and public finances, global uncertainties remain and we must stay on track to achieve our agreed aim of balancing the books over the M.T.F.P. (Medium Term Financial Plan) period. As we are currently negotiating pay claims, it is inappropriate to discuss details other than to say these negotiations are taking place within the cash limits already set by this Assembly.

**4.6.1 Deputy G.P. Southern:**

Is it the case that the Chief Minister has under consideration a 4-year pay deal with the public sector consisting of 0 per cent this year, 1 per cent the year after, 1.5 per cent the year after that, and 2 per cent in 2020 in the light of predicted inflation figures of around 3 per cent? Is that not the case?

**Senator I.J. Gorst:**

As I said, it would not be appropriate to go into details. The Deputy knows that we are working on proposals for workforce modernisation and that pay increases are included in those proposals.

**4.6.2 Deputy M. Tadier:**

What message does it send out to the public and, indeed, public sector workers when the directors of an entirely States-owned company - for example, the States of Jersey Development Company - are receiving pay increases which are vastly above the rate of inflation, only for the hardworking, often lower paid employees to be told that they will not even be getting enough money to meet the cost of living?

**Senator I.J. Gorst:**

As I said, it is not appropriate for me while we are in negotiations around workforce modernisation and the money that is included in there. The earlier Deputy tried to take the money on a line-by-line basis, not recognising that some people would be receiving with workforce modernisation an increase in the money above that amount and some, of course, less because they are above the band where this process has sat them. Therefore, it is not right to indicate as they have done. In times of economic uncertainty it is incumbent on everyone to have pay restraint and I support that. If directors of a particular company and their remuneration board look at the performance of that particular company or they have contractual bonus-based payments, then those contractual payments ought rightly to be made.

**4.6.3 Deputy M. Tadier:**

The Chief Minister is saying there should be pay restraint right across the public sector, including in the top echelons, but he stops short of saying that S.o.J.D.C. should not be awarding themselves vast, above-R.P.I. (Retail Price Index) pay increases because essentially they are a private company. Does he not accept that S.o.J.D.C. has been commissioned and established as an entity but on behalf of this Assembly and on the public of Jersey and, therefore, it is completely inappropriate that their directors at this time, especially when there is still ... well, especially at this time should be leading by example and not taking their pay increase but perhaps reinvesting that money and giving it to the workers within their own company?

**Senator I.J. Gorst:**

They are an independent company. The Minister for Treasury and Resources acts as shareholder. That function has been delegated to the Assistant Minister for Treasury and Resources. I have no doubt from knowing both of those individuals that they do talk with directors about pay restraint in probably the most robust terms. But if a company is performing well and the remuneration committee sees that such payments are appropriate, and as I have said they may be indicated in the contractual arrangements when profits are made that bonuses are issued, and I suspect in that case that is what has happened.

**4.6.4 Deputy M.R. Higgins:**

Will the Chief Minister tell us who is on the Remuneration Committee for the States of Jersey Development Company? He talks about the Assistant Minister being able to try and talk them down, but he has no effect if the Remuneration Committee is going the other way. Who is on the Remuneration Committee, please?

**Senator I.J. Gorst:**

I imagine it is in their published accounts and the Deputy can look at it.

**4.6.5 Deputy G.P. Southern:**

Well, perhaps the Chief Minister can talk about the figures that he gave to me earlier in the response to the written questions which show that the public sector is 7.5 per cent worse off than it was in 2009. If my figures are correct and my information is correct and the 4-year pay deal goes through, that will add another 8.5 per cent to the lack of makeup of wages for the public sector to compensate for R.P.I. So eventually, under his austerity programme, these workers are going to be of the order of 15 per cent worse off than they were in 2009. Is that not the case?

**Senator I.J. Gorst:**

Well, first of all he has jumped to conclusions about the workforce modernisation and the amount of money and how that will be allocated but, of course, the tables in the written answer are correct. There is a differential for most workers between R.P.I. and the pay awards. The envelopes for pay awards, of course, are set by this Assembly and the States Employment Board aims to deliver pay awards within those envelopes. The Deputy knows that. That is why from time to time he has amended such instruments or attempted to amend such instruments to increase those pay awards.

**4.7 Deputy R. Labey of St. Helier of the Minister for Treasury and Resources regarding whether South Hill and St. Saviour's Hospital had been subsumed into the portfolio of the States of Jersey Development Company: [1(320)]**

Further to the presentation of R.48/2017, will the Minister as shareholder representative advise whether South Hill and St. Saviour's Hospital have been subsumed into the States of Jersey Development Company's portfolio and, if so, for what purpose?

**The Connétable of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):**

I would confirm that neither South Hill nor St. Saviour's Hospital are as yet included in the S.o.J.D.C.'s portfolio.

**4.7.1 Deputy R. Labey:**

Is it the Minister for Treasury and Resources' intention for that to happen?

**The Connétable of St. Peter:**

The short answer is no because it is not in the gift of the Minister for Treasury and Resources to instruct the company in that regard. However, I will say that S.o.J.D.C. has made it clear that should they be available they would purchase them at market value and do whatever development is required, but that in itself is controlled by the body set up by this Assembly. The Regeneration Steering Group would have to have its opinion and approve or disapprove those acquisitions.

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

Is the Assistant Minister as embarrassed as I am at the way the States underutilise their properties such as St. Saviour's Hospital, Piquet House, Fort Regent Swimming Pool and the La Folie site and, if so, what can he do about it?

#### **The Connétable of St. Peter:**

A very difficult question and in answer to the first part of his question, yes, I am embarrassed about the way that for many years now the properties are being held in unused and dilapidated conditions, particularly the Le Seilleur workshops and things like that. However, I do not put that fully at the door of the political branch of the States but also the States Members themselves, who have constantly rejected particularly items like Piquet House, which was withdrawn on a vote in this Chamber, as was the Le Seilleur workshops on 2 occasions withdrawn by a vote in this House, which is why they are still ... sorry, the Le Seilleur buildings have just gone through at the end of last year, earlier this year. Piquet House is still in the ownership of the States of Jersey because of decisions of this Chamber.

#### **4.7.3 Senator S.C. Ferguson:**

Will the Minister remember the clear strictures when these properties are eventually transferred? Will the Minister remember the clear strictures of appendix 7 of P.73/2010 in that the valuation of the property to be transferred should be uplifted by the planning gain? Any planning gain should be included in a valuation. It is not just the value of the land.

#### **The Connétable of St. Peter:**

Yes, the S.o.J.D.C. will conform with the requirements as set out in P.73/2010.

#### **4.7.4 Deputy M. Tadier:**

The Constable of Grouville is right to raise the issue about unutilised property within the States portfolio, and rather than use it as an excuse to dispose of it as for one-off capital gains, should we not be thinking innovatively? Let us think of the La Folie site. Have people been asked? Have the public been approached for innovative ideas about how that could be used? Perhaps on a medium to long-term lease, perhaps at a peppercorn rent for social use, for recreational use, for art galleries, for bars, for jazz, for music venues, *et cetera*. Has the offer been put to the public to say: "We want your ideas. We want you to make us offers for short or medium-term events and leases"?

#### **The Connétable of St. Peter:**

The Deputy raises a sensitive question right at the moment, particularly with regard to the La Folie site. That has had several iterations of plans put forward which have one by one been demolished by public opinion. I am just waiting for the Constable of St. John to stand and comment on the position with regard to his interests with the sea cadets, who still await accommodation down there on that site. It is a matter again for this Chamber to make decisions and try and deliver those in a broader sense without further interference, which is stopping these essential works, as Deputy Tadier says, going ahead.

#### **The Connétable of St. John:**

Could I make a point of correction, Sir?

**The Deputy Bailiff:**

No, not during question time. Deputy Brée.

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

Can the Assistant Minister just clarify one point that he has made when he referred to the La Folie site? Is it not the case that that site is now contained within the assets of the Ports of Jersey Incorporated and, therefore, will not come in front of this Assembly for discussion, nor will any decisions be made by him or his Minister in that respect?

**The Connétable of St. Peter:**

The Deputy raises a good question and unfortunately he has caught me blindsided because I have not reviewed the M.O.U. (memorandum of understanding) for Ports of Jersey with regard to those particular properties. La Folie does fall directly inside the red line for the Ports of Jersey. I would say that I would hope that it is in the M.O.U. that when they are disposed of they come through this Chamber under this 15-day rule for comments from this Chamber, but I cannot confirm that at the moment.

**4.7.6 Deputy R. Labey:**

I think I am right in saying that in 22 years the States have never received a dividend from this company. Do you think that bonuses for staff should be based on dividends paid to the States?

**The Connétable of St. Peter:**

The Deputy is asking me for an opinion and I do not think it is appropriate to give an opinion. All I will say is that bonuses will be paid to the States as required under, again, P.73/2010 where it sets out that dividends will be returned to the States on the completion of the developments that are going forward.

**4.8 Deputy R.J. Renouf of St. Ouen of the Minister for Social Security regarding whether the proposed increase in the adult component of Income Support would alleviate the financial hardship of persons unable to work through illness or disability: [1(322)]**

Given that the adult component of income support has been held at £92.12 since 2010, during which time the Retail Price Index has risen by more than 16 per cent, will the Minister explain how her proposal to increase the component by 2.9 per cent will alleviate the financial hardship of persons unable to work through illness or disability?

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

In 2015, States Members agreed to hold the benefit budget at its current level until 2019 in order to release £10 million to help fund the key strategic areas of health and education. Within that budget, I have now put forward proposals to increase both income support component rates and income incentives, which will be of benefit to all income support households.

[10:45]

The increase of 2.9 per cent applies to every component of income support, including personal care, mobility and clinical cost components that are specifically designed to support people with long-term health conditions. Income support is a household benefit and many working-age adults with a long-term health condition will have a partner in work. The whole household has benefited from the significant improvements in income incentives since 2010. The number of households fully dependent on income support has reduced steadily over the last 5 years from 18 per cent to 13 per



cent. Over the last 2 years, extra specialist support has been also provided from the income support and back to work teams to help people with long-term health conditions into employment.

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

Having regard to the statement in the Island's Strategic Plan that nothing undermines social inclusion more than financial hardship, does the Minister consider that allowing the real value of the adult component to fall over the last 7 years - even if numbers of households have fallen, there still remains a significant number - does that implement the Strategic Plan and promote vital social inclusion that would benefit these vulnerable persons?

#### **Deputy S.J. Pinel:**

I think we have been round this buoy several times before and I think everybody agrees it was a States decision anyway, an Assembly decision, and that the people in work are far better off being in work for their self-confidence, their self-esteem and also their financial situation. What we have done is to help people with long-term health conditions who can work find employment.

#### **4.8.2 Deputy G.P. Southern:**

For those who cannot work, the devil take the hindmost. Is it not the case that the freezing of components of income support has left a single person on 100 per cent L.T.I.A. (long-term incapacity allowance) some £34 a week worse off in terms of disposable income and this proposal gives back £4.20? So they will only be £30 a week worse off than they were in 2009. Is that not the case?

#### **Deputy S.J. Pinel:**

The Deputy is well aware that we removed the 6 per cent disregard for L.T.I.A. claimants. That was all part of a States decision as well, and now bringing back 2.9 per cent I think is a very good way to move forward. We always said we would do this and we bring forward the regulations to supplement that in July.

#### **4.8.3 Deputy G.P. Southern:**

A supplementary if I may: the Minister said that those in work are better off because of the increase in disregards over the past whatever it is, 7 years. That is not a true fact. The disregards have been 23 per cent since 2010. There has been no change in that apart from the most recent one, another 2 per cent now. Is that not the case and will she stop misleading the House, accidentally or otherwise, on this particular issue?

#### **Deputy S.J. Pinel:**

The Deputy is very well aware that I am bringing forward in July, as I have just mentioned, an increase in the disregard from 23 per cent to 25 per cent, which I promised to do.

#### **4.8.4 Deputy G.P. Southern:**

But the Minister said that disregards have increased over the period. That is not technically true. It is not true at all. Will the Minister stand by that? Because she is misleading the House.

#### **The Deputy Bailiff:**

Deputy, that was your second supplemental at that point so I am going to move on to the next question.

#### **Deputy G.P. Southern:**

If I may ...

#### **The Deputy Bailiff:**

It is Deputy Tadier who is asking the next question so ...

**Deputy G.P. Southern:**

He may well be on a similar line. Let us hope he is.

**4.8.4 Deputy M. Tadier:**

Perhaps the Minister would clarify for Deputy Southern at the same time as answering my question whether or not that is the case. I am sure she will bring it back if she has inadvertently misled the Assembly. My question is: does the Minister stand by the comments of the Chief Minister in early 2015 who said that Jersey should not have such high levels of poverty? If that is the case that this is an overarching policy of the Council of Ministers, how is it possible for the Minister to be proposing over the period from 2010 to now a 13 per cent decrease in the effective value of the adult component and yet still aspire to this maxim of reducing poverty for the worst off in our society?

**Deputy S.J. Pinel:**

I am not quite sure how many questions there were in that. To answer Deputy Southern, which Deputy Tadier has just repeated, the increases in disregards have increased from 10 per cent to 23 per cent and hopefully with States approval in July will be 25 per cent. The second part of the question is that the increase of 2.9 per cent is in line with R.P.I., which is what we always intended to do. I do not understand why there should be criticism of an increase in income support components. This is income support components across the board, which means 6 different components.

**4.8.5 Deputy M. Tadier:**

As I understand it, the criticism is not of the 2.9 per cent being there at all, it is the fact that it should be a 16 per cent increase within the personal component in order to maintain the *status quo* due to drag in the last 7 years. Again, will the Minister explain why even under her figures if there are 13 per cent of claimants who are entirely dependent on income support for all of their income, how can it be acceptable that they are being worse off, having the value of their components eroded when the cost of living is going up? That does not fit, I would suggest, with the proposed reduction in poverty policy from the Council of Ministers. Will she answer that specific point about what she will change to make sure that it does meet that policy?

**Deputy S.J. Pinel:**

The change is an increase of 2.9 per cent, which is in line with R.P.I.

**4.8.6 Deputy J.A. Hilton:**

Getting back to the original question, which was asking about the 2.9 per cent - how will this alleviate the financial hardship of persons unable to work through illness and disability - does the Minister agree with me that there will be a group of single people in our community who through no fault of their own are not able to work because they have 100 per cent disablement, that are suffering through the increases that are being imposed or the lack of increases to keep up with R.P.I.? Does she agree that there is a small group of people in our community that this does directly affect?

**Deputy S.J. Pinel:**

A single adult living alone with a serious long-term health condition receiving full rate income support with no other income will receive up to £528 per week from 1st October, subject to the agreement of the Assembly. The Statistics Unit, which I know the gentleman on my right

constantly asks if we consult with, have given their average mean income as £510 a week. So people are not being neglected.

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

In relation to the figure just given by the Minister, I trust she can confirm that that includes a rental component which will go straight to the landlord. But I would like to ask if the Minister will give her view on whether the support she is giving to persons who are fully disabled or ill and unable to work complies with the strategic aim in the Minister's own business plan for this year, which was to provide well-targeted social benefits and support to those unable to fully support themselves. How does the continual drop in real values support those persons?

#### **Deputy S.J. Pinel:**

I have said several times already that this is an increase of 2.9 per cent, which we promised we would do by this October. We are fulfilling that obligation from the Business Plan and the strategy and also, as the Deputy will well know, we are starting on the disability strategy ... sorry, the strategy is being published. We are starting on the Disability Discrimination Law, which will hopefully see a way forward in that way.

#### **4.9 Deputy M. Tadier of the Minister for Health and Social Services regarding the Minister's assessment of the appropriateness of the use of zero-hours contracts and of payment only for contact time for care workers employed by providers on the Approved Provider Framework: [1(331)]**

What is the Minister's assessment of the appropriateness of the use of zero-hours contracts and of payment only for contact time and not travel time for care workers employed by providers on the approved provider framework?

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

I have said on many occasions it is not for me to comment on the appropriateness of the use of zero-hour contracts or the payment of travel time in the home sector or any other sector for that matter. Zero-hours contracts are used in many sectors and are used in the care sector as well, for example, where we have bank nurses to cover unforeseen circumstances such as ill health. I do, however, support the J.A.C.S. (Jersey Advisory and Conciliatory Service) recommendation that businesses should review the terms set out in zero-hour contracts on a regular basis and check that the working arrangements in practice are as casual as the contract indicates and that the hours not become regular. Moving on to the second question, in terms of travel time, I note that the Health and Social Security Scrutiny Panel last month published a number of written submissions on the issue of travel time which showed a wide variation in the treatment of travel time and mileage.

#### **4.9.1 Deputy M. Tadier:**

Specifically talking now about travel time: is the Minister interested in what the effective hourly rate is for care providers across the board? Specifically, would he be concerned if in reality when you take into account driving time that individuals may be paid less than the minimum wage? Is that a concern to the Minister?

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

I would not want to be seeing people being paid less than the minimum wage, but as we saw in the Scrutiny report there is a whole range of different packages, which include payments for time to allow for travel. It is up to the employer. The better employers will find it easier to recruit staff.

#### **4.9.2 Deputy G.P. Southern:**

Once again, the Minister for Health and Social Services is denying all sorts of responsibility. Let us try and establish where he does feel that he has responsibility. Is he responsible for the approved provider framework and ensuring that standards and qualities are met in the delivery of home care and, if so, does he accept that zero-hours contracts routinely used and no payment for travel time are not the way to deliver appropriate care in the household?

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

Taking the last part first, I have already said that I agree with the recommendations of J.A.C.S. that businesses should regularly review their zero-hour contracts to ensure that such arrangements are as casual as the contract indicates, a direct quote from J.A.C.S. There is no evidence in Jersey, as the Deputy portrays, that agencies who have staff on zero-hour contracts provide a less better service, an inferior service. There is absolutely no evidence to support that; in fact, quite the contrary. I know that all the workers in the sector are properly qualified, properly vetted and doing a good job for their patients.

**4.9.3 Deputy G.P. Southern:**

There is evidence in the Scrutiny report that zero-hours contracts are routinely used and that payment for travel time is not paid. Does the Minister consider that that is not an appropriate responsibility for him to ensure that approved providers do, in fact, review their policies and are properly using zero-hours contracts?

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

I do not know how many more times I can say zero-hour contracts are not illegal. They are a matter for the employer. They should be used responsibly. That is a matter for the employer, not for myself. As I said before on travel time, it all depends on the package that people put together. The Social Security Panel showed that there were different packages which covered for travel time in some circumstances.

[11:00]

**London terrorist attack – minute’s silence**

**The Deputy Bailiff:**

If Members would now like to stand and observe a minute’s silence. **[One-minute silence observed]**

**The Deputy Bailiff:**

Very well, we have the Deputy of St. Ouen wishing to ask, Deputy Mézec, and then a final supplementary on this question.

**4.9.4 The Deputy of St. Ouen:**

How would the Minister intervene if it could be shown that the pressures on care workers affects the safety of the service being delivered to clients who might be in receipt of commissioned services from his department?

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

That is a hypothetical question. There is absolutely no evidence to suggest that members of staff on zero-hour contracts are providing an inferior service. It is totally hypothetical and, therefore, not possible to answer.

**4.9.5 The Deputy of St. Ouen:**

Supplementary? Given findings in the U.K., well reported in government investigations, that such a scenario has arisen in the U.K. jurisdiction, is the Minister not at all concerned to ensure that the similar system we have in Jersey would not develop with those ramifications?

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

First of all, we are not part of the U.K. Part of the problem in the U.K. is the total removal of funding for care in the community in some councils' cases. We have a Regulation of Care Law and the Commission ensures that all providers provide good care standards. Of course, the Chief Minister recently announced the appointment of a regulator. So I am confident we have the right systems in place and we are going to strengthen them, and zero-hour contracts, there is absolutely no evidence to suggest that people working them provide inferior care. In fact, many people choose to do that because that fits in with their flexible family arrangements.

**Deputy G.P. Southern:**

The evidence for that is?

**4.9.6 Deputy S.Y. Mézec:**

I do not know if the Minister will be aware but the U.K. Home Care Association wrote to the Prime Minister of the U.K. in April this year where they did attribute deteriorating levels of care to the fact that workers in that profession are seeing their working conditions absolutely slashed there with travel time being cut from their pay, zero-hours contracts, longer shifts and all that goes along with it. Does he really expect us to believe that if you put a care worker in an insecure job with lower pay and force them to work harder for longer that that is going to have no impact on the standard of care that is given? Does he really expect us to believe something that is inherently so ridiculous?

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

No, but I do expect the Members to look at what is happening in Jersey and not in the U.K., £30 million extra going into health and home care. So I cannot accept that what happens in the U.K. is going to happen here. A whole host of councils have removed masses of money to provide care in the community. We are investing in the community and it is appropriate that we do.

**4.9.7 Deputy S.Y. Mézec:**

A supplementary. The reason we look at the U.K. is because this is what the Minister is aiming to copy because he is doing nothing whatsoever to protect the working conditions of these care workers. My final question to him is: is the Minister going to attempt to do anything to stop the race to the bottom that these care workers are experiencing and will he be satisfied when this process reaches its natural conclusion and care workers begin to realise that their job simply is not worth it anymore and they leave the profession to go work somewhere where they will get treated better? Does he really think that is good for the people that he is mandated to look out for with the standard of care that they are getting mandated by the States?

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

I do not recognise the situation that the Deputy describes. I know that we have a very good care sector. We are fortunate to have the long-term care scheme to help people afford to pay for that sector. We are debating another part of that today. So I do not recognise what the Deputy puts forward. This Government has invested more money in terms of P.82 in supporting people in the community. We have a Care Commission. We have appointed a Care Commissioner and we will ensure that we have a robust standard of care.

**4.9.8 Deputy M. Tadier:**

This is not about political point scoring. This is about real people who work in a vital industry in Jersey first of all being able to earn enough and having a stress-free enough job that they can remain safe, fit and healthy and pay the bills but also about the people that they care for. Will the Minister give an undertaking to break this deadlock and, if necessary, speak to the Minister for Social Security to look at basic work conditions - and I would question whether it is legal not to pay people for travel time; it is certainly not ethical - and to make sure that people are being attracted into this area of work and not put away from it and forced into other less stressful and more secure areas of work rather than maintaining a good expertise in this field? Would the Minister at least guarantee to meet with the Minister for Social Security to look at the appropriateness and, more importantly, the legality of these contracts to ensure they pay a minimum wage at least?

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

I think it is a little disingenuous to say that people on zero-hour contracts do not provide good care.

**The Deputy Bailiff:**

Minister, you cannot say disingenuous.

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

Sorry, Sir, I think it is unfortunate then. I withdraw the first comment. I think it is unfortunate that it is implied that people working zero-hour contracts are providing less appropriate care. But we did give a commitment, the Chief Minister, myself and other Ministers, to review a care charter and that is as far as I am prepared to go at this stage.

**4.10 Deputy J.A.N. Le Fondré of the Chief Minister regarding the Chief Minister's support of the decision to withdraw 'Future Hospital Funding Strategy' (P.130/2016), as amended: [1(328)]**

Following the withdrawal of P.130/2016, as amended, just before the Assembly's last meeting, will the Chief Minister explain why he supported the decision and provide an update as to the timing of when any new proposals from the Council of Ministers will be lodged?

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

I supported the Minister for Treasury and Resources' decision to withdraw the proposal because I believe we will be in a better position to propose the right blend of borrowing and reserves when we have a more detailed business case, an updated budget and greater clarity on the planning process. As I have previously stated, we will be planning to publish a detailed timeline by the end of June.

**4.10.1 Deputy J.A.N. Le Fondré:**

Through this Assembly the Chief Minister clearly stated that he welcomed the decision by the Minister for Treasury and Resources, which was basically to pull the debate. While procedurally it is clear that it is the Minister for Treasury and Resources' responsibility to withdraw a proposition, could he confirm his statement to the Corporate Services Scrutiny Panel that he stated to the Minister for Treasury and Resources on the Friday, which I believe is the 19th, before the proposition was pulled, and I quote: "I was clear from our detailed conversations that we should either be deferring it or pulling it"?

**Senator I.J. Gorst:**

Absolutely, yes.

**4.10.2 Deputy M. Tadier:**

So, to follow up from that, is it not the case that in reality, while it was the Minister for Treasury and Resources who had to bring that, it was not simply supported by the Chief Minister, it was actually the Chief Minister who asked the Minister for Treasury and Resources to pull P.130/2016?

**Senator I.J. Gorst:**

No, I stand by the comments that I gave in answer to the Scrutiny Panel.

#### **4.10.3 Deputy M. Tadier:**

Given that the Minister for Treasury and Resources himself only a couple of sittings before was adamant that any delay to P.130 should be minimal and that it was vital that we get this approved and the funding sorted as soon as possible, who was it that changed the Minister for Treasury and Resources' mind? Which individual in the Council of Ministers put pressure on the Minister for Treasury and Resources or convinced him to change his mind?

**Senator I.J. Gorst:**

The Deputy wishes to see conspiracy. I am sure the Deputy has read Scrutiny's expert adviser's report that said quite clearly while Scrutiny had one proposal, which was to take all the money from reserves, and the Minister for Treasury and Resources had another proposal, which was to borrow up to £400 million, the Minister for Treasury and Resources then amended that to say up to £275 million, therefore maintaining the capital value of the Strategic Reserve Fund, the expert adviser nonetheless said that more work should be done on getting the benefit from both of those proposals and more work should be done on the timing: if you are going to borrow when you should take that borrowing and not just take it straight away. It is not one individual. Other answers have been given about the meeting on Friday. It is not one individual. It made absolute sense for the Minister to make the decision either to defer or to come back with further details later in the year, and he chose to come back with further details later in the year.

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

I have to ask the Chief Minister - with what we know now with regards to the hospital funding and the way that all of this has, let us be honest, been put together, it raises serious issues around, from my point of view, integrity of decision making within the Council of Ministers - why I should trust him or his Ministers going forward with any proposal they bring forward to the States if we cannot even handle one of the most important decisions that this Assembly is going to make properly going forward?

**Senator I.J. Gorst:**

I have never for a minute felt that the decision about how we should fund the hospital would be an easy one or a straightforward one, and so it has proved. Because markets change, different proposals come forward. One has to carefully understand and think about the implications of those proposals. A number of advisers, not only Treasury's advisers but also the independent advisers to Scrutiny, have come forward and added complexity to those proposals. The Member should only have confidence when further details are provided, when those experts are more aligned than they are now about any timing and any quantum, and when the Treasury Advisory Panel have given their view on what is the optimal proposal. At that point, she should have confidence. I understand now, sitting here today, why she does not.

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

A supplementary. Could I ask that the Chief Minister then apologises for trying to force this States Assembly to agree to a £400 million bond borrowing on 17th January when if the questions had not been asked by the Members of the States Assembly we may have that borrowing now?

**Senator I.J. Gorst:**

There the Deputy again hits the nail on the head. The proposal before the Assembly was not to borrow £400 million. It was up to and at that point the advice that the Minister was receiving was that that was the flexibility that was required. This Assembly I think rightly would have been cross with the Minister had he come back and taken a different amount and not discussed it fully in this Assembly, and that is why on balance I agreed with the decision.

**4.10.6 Deputy M.R. Higgins:**

When the Minister for Treasury and Resources came before the States and made his statement about withdrawing P.130, he made it quite clear that he wanted to carry on in the same way that he was planning on carrying on, in other words the proposal he had. He made it very, very clear. Did the Chief Minister lean on him to get him to change his mind and to pull it or did any other Minister do so?

**Senator I.J. Gorst:**

The Minister asked for my advice. I gave him my advice based on the evidence and the experts' questions that remained about what was on the table. As far as I was concerned, I am surprised that Scrutiny now are not supporting the questions that their own adviser raised about the proposal that was on the table about doing more work, about timing, about the benefits of various options. I agreed with that adviser and I took the view that either it should be deferred or, as Treasury themselves suggested, that no, it would be better to pull the funding option and come back with other further details in due course.

**4.10.7 Deputy M.R. Higgins:**

A supplementary: the Minister mentioned he agreed with the advice of that individual. Is he talking about the private individual who came along and did he take his advice?

**Senator I.J. Gorst:**

No, I was quite clear: the individual Scrutiny expert adviser that raised the questions that I have just outlined in my answer.

**4.10.8 Deputy J.A. Martin:**

I really must push the Chief Minister and clarify this. Earlier on today the Assistant Minister for Treasury and Resources told us that the person who was a private individual - one private individual - came up with a different solution. We are told he is the best in his field. He is an all-singing, all-dancing expert, better than anybody else, and we should be listening to him. The Chief Minister has said it was not down to one individual. Does he know this individual? He did encourage the Minister for Treasury and Resources to invite him along to this meeting? If not, which is the truth? Was it the Minister for Treasury and Resources' version or do we now believe the Chief Minister's version?

**Senator I.J. Gorst:**

I am not sure where the disagreement is between the Minister for Treasury and Resources' version and the Chief Minister's version. I stand by what the Assistant Minister for Treasury and Resources said. For my part, having read all of the expert reports, there was without doubt a range of advice. The individual that the Deputy is referring to on the Friday meeting is one individual, an individual I had never met previously until that meeting, but I have been approached by other eminent individuals in our community with similar experience, who have said that further work needs to be done in these particular areas.

[11:15]



That is why on balance one of those 2 options I think was the right one. I understand why Members are feeling frustrated today because they were coming to a debate a fortnight ago thinking it was straightforward, it was one option or the other, despite a range of expert advice that was saying no, further work should be done to see how you could get the greater benefit from just those 2 particular options. It is right that we do that work because it is right that as far as possible we get this decision right. It is a big, momentous decision. The hospital has to be built for future generations. **[Approbation]** The funding of it, even though it is technical, even though it is difficult, we have to try and bring all that advice together and make the best decision for the future.

#### **4.10.9 Deputy J.A. Martin:**

A supplementary: so this private individual advice seems to have trumped all the other advice that has been happening over the last X amount. Will the Chief Minister then be engaging this expert or is it just going to be whispering in the ears?

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

I equally understand that some Members are feeling that a private individual has overrode expert advice. That is not the case. The private individual himself has introduced proper, official banking advisers into the mix. That private individual should not be making any of these decisions and the Minister for Treasury and Resources should not be making decisions based on one individual's advice. What he should do, as Members do when they are approached by members of the public, is get their expert advisers to review the information that they have received. That is exactly what the Minister for Treasury and Resources is doing.

#### **4.10.10 The Deputy of Grouville:**

Is there not another twist to the tale of the hospital? I apologise if I am speaking out of turn here, but it seems to be the only way Back-Benchers can get any information these days is to bring it to the floor of the House. Could the Chief Minister confirm if there is a private investor, a private third party, wishing to assist the States in the building of the hospital?

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

Not as far as I am aware. It never ceases to amaze me how conspiracies and conversations develop into fact. Ernst & Young, of course, did do a piece of work for the health service looking at private provision for patients and whether that could be expanded as part of their hospital model. They did that report. I understand that report is in the public domain. It says there is some opportunity for growth in that particular area but not in the way that some Members of the Assembly might have thought from a health tourism and making money point of view as we see some private London hospitals doing. The proposal on the table was an "up to" proposal around borrowing. The proposal and the proposition did not say the type of borrowing, the duration of borrowing, in any detail and I think that is at the heart of where a lot of the confusion is now coming. I think that Members, in order to make this important but momentous, difficult but technical decision want more details.

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

To be blunt, I think it is the Chief Minister who is causing quite a lot of the confusion at the moment. I quoted earlier, and I will read it again, what the Chief Minister said to our Corporate Services Scrutiny Panel in a quarterly hearing: "I was clear from our detailed conversations we should either be deferring it or pulling it." That was in response to a question from me which said: "So your [the Chief Minister's] opinion at that time was to suggest or recommend that the debate was deferred?" So, in my view, the Chief Minister has confirmed he was clear that the debate should be pulled. Therefore, given it would be a very foolish Minister who ignores his boss and proceeds with a debate in such circumstances, why can the Chief Minister not accept that in

practical terms - I am not talking procedurally - he was responsible for the decision being taken to defer or pull the debate?

**Senator I.J. Gorst:**

It just goes to show that the chairman has little understanding of the power of the role of the Chief Minister. The Minister and every Minister is under law the one that makes their decision. Ministers do things that I might advise them not to do, not quite every day of the week but certainly from time to time. When they have done it, I then support them because they are the ones who will be held to account for the decision, and that is exactly the case in this particular case. As much as the chairman might like to spread the blame for political purposes, that is the actual situation that we find ourselves in.

**Deputy J.A.N. Le Fondré:**

The Minister did not answer the question. I said not procedurally; I said in practice.

**The Deputy Bailiff:**

Well, Deputy, the Minister has answered the question in the way that he has and it is a matter for challenge on a different day if thought to be appropriate.

**4.11 Deputy M. Tadier of the Minister for Social Security regarding the implications for the Minister's department of a U.K. employment ruling on 28th October 2016 on the employment status of Uber drivers; [1(335)]**

Further to a U.K. Employment Tribunal ruling of 28th October 2016 that Uber drivers were employed and not self-employed and, therefore, need to be paid a national living wage, what implications, if any, has this had for the Minister's department?

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

The Minister has noted the U.K. tribunal decision with interest and officers of the department are keeping a track of progress in the Uber case. This U.K. Employment Tribunal decision has had no direct implications on my department because Uber does not operate in Jersey and the decision is related specifically to the circumstances in the U.K. case.

**4.11.1 Deputy M. Tadier:**

Has the Minister sought to identify businesses in Jersey whose operating model may be akin to the Uber model and, more specifically, for whom the tribunal ruling in its different parts would potentially be applicable to those businesses and, if not, why not?

**Deputy S.J. Pinel:**

I am not quite sure which businesses in Jersey the Deputy is referring to. Perhaps he could inform me.

**4.11.2 Deputy M. Tadier:**

I think the point is that that is for the Minister to determine. She said she has noted the ruling in the U.K. in October and it is surely not my job, although I am sure privately I could direct her in the direction of some companies that might need to be looked at. Surely it is of interest to her department to make sure if only for the fact that there is a risk that such companies would not be paying the minimum wage in reality and that their contracts may be inappropriate. So would she, again, undertake to do that research, to talk to J.A.C.S. and perhaps the Employment Tribunal to identify which companies might fall under this category?

**Deputy S.J. Pinel:**

I think I said that in my opening remarks that the officers in the department were keeping track of the case in the U.K. - there has only been one - and Uber does not operate in Jersey so it is a totally different set of circumstances. The Jersey tribunal will be keeping track of it as well, so everything the Deputy has asked for is in hand. It is being taken care of.

**4.11.3 Deputy S.Y. Mézec:**

I think this question is more about the concept of bogus self-employment where people are, to all intents and purposes, employed but for some reason are treated as self-employed and have to take on all the liabilities and higher social security rates that comes along with that. Does the Minister have any evidence of what extent bogus self-employment exists in Jersey and, if not, is she prepared to look into it to see if it is a problem in Jersey that needs to be tackled?

**Deputy S.J. Pinel:**

Yes, as I said previously, we are constantly on the case and there have only been a small number of cases in Jersey and the Jersey Employment and Discrimination Tribunal relating to self-employed status, none of which were similar to the Uber case. There is very different legislation in Jersey. We do not have the term “workers” which the U.K. employment law does. It is different legislation over here anyway.

**4.11.4 Deputy M. Tadier:**

Part of the reason I asked the question is, of course, because it is germane to her department potentially. It has been said that the Citizens Advice Bureau in the U.K. identified as many as almost half a million people who could be falsely classified as self-employed and that costs the Social Security Department or their equivalent over £300 million a year. So I think it would be useful for the department if for no other reason to identify whether such abuses do occur in Jersey to make sure the correct contributions are being paid. Does the Minister agree with that sentiment?

**Deputy S.J. Pinel:**

Yes, I absolutely concur with that sentiment and it is the foremost part of the second part of the review that Social Security is undertaking starting now into self-employment.

**4.12 Deputy R. Labey of the Minister for Economic Development, Tourism, Sport and Culture regarding the decision not to go it alone with the proposed Jersey-Guernsey passenger-only ferry link: [1(321)]**

Is the Minister’s decision not to go it alone with the proposed Guernsey Jersey passenger-only ferry link based solely on the business case or financial projections or on a point of principle that Jersey should not be the sole funder of a project which also benefits Guernsey?

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

Ultimately, Guernsey’s reluctance to provide some underwriting for the scheme was the reason that Jersey declined the opportunity, but this was not as a result of pique on our part but because the core concept would have changed significantly without Guernsey’s support. If I can just explain briefly, the proposal on the table was that 2 small boats of about 41 seats each were to ply between the Islands providing a daytrip service during the summer months, and Jersey and Guernsey were asked to underwrite up to a quarter of a million pounds between us. Without Guernsey, that meant the risk to the Jersey taxpayer could have been up to a quarter of a million pounds, which we - my Assistant Ministers and myself - after discussion thought was a bit much. We looked at continuing the service with just one vessel, but we thought that was unviable for a number of different reasons.

#### **4.12.1 Deputy R. Labey:**

I thank the Minister for his answer. Let us be clear. Were the Islands being asked to underwrite the scheme; in other words, the cash would only be needed if the ferry service was not profitable or was in trouble? How much of the start-up costs would the Island have contributed percentage wise to the whole? Was there a case for the Islands then becoming a shareholder in this and maybe possibly getting something back eventually?

#### **Senator L.J. Farnham:**

There was never a talk about the Islands becoming a shareholder in such a venture. The notion of this came out of the reports that were done with Condor at the end of last year where it was felt that an inter-island daytrip service was badly needed, not just for economic reasons but for cultural and social reasons as well. The monies that the States of Jersey and Guernsey were being asked for was solely an under-write and so if the service had achieved more than a 50 per cent capacity, that underwrite would have started to reduce. I think if the vessels would have run over 70 per cent, then there is a chance that no financial input would have been necessary. But Condor I think were just looking for some insurance to make sure that they did not suffer substantial loss on this trial period. If the trial period had have been successful, Condor would have been minded to invest in the vessels and continue the service moving forward. I can say that Condor have agreed, and my counterparts in Guernsey, to continue. In fact, we remain determined - I remain determined - to get such a service going and we are now looking at possibilities for next year, which would include ... and I think one of the reasons we had, once we had made the decision there was a 3 to 4-week lead time before the vessels could become operational so we were running out of time. On the upside, we have a lot more time to consider it for next year. I would like to see slightly larger vessels used on such a route because I think it might be quite popular.

#### **4.12.2 Deputy A.D. Lewis:**

The Minister and his department should be commended for this initiative. I think it was an excellent idea and it is a great pity that Guernsey has not played ball on this particular initiative. That seems to happen all too often and I do not quite know why. The Minister has just alluded to plans for next year. Can he perhaps tell us a little bit more about his aspirations for next year and what negotiations are now occurring to try and achieve something similar for next year and how much better that will be? What chance is there of Guernsey participating this time fully and really supporting this truly Channel Islands initiative?

#### **Senator L.J. Farnham:**

First of all, I am pleased to say that Deputy Ferbrache, who is the president of the Economic Development Committee in Guernsey... we have a very good working relationship and he has undertaken to work closely on this.

[11:30]

The Guernsey Economic Development Committee wanted to support it but they could not get the financial commitment from their Policy and Resources Committee. We will start talking about this in earnest in September with Condor but in the meantime they have undertaken to conduct further research into the availability of suitable vessels. But my aspirations are to create a thriving inter-Island business where Islanders and visitors to each Island can travel freely and regularly by sea between the Islands at a reasonable price. I think if we can achieve that, then we will see a great deal of cultural and social benefit, as well as economic benefit.

#### **4.12.3 Deputy J.M. Maçon:**

May I echo the sentiments of Deputy Andrew Lewis of St. Helier? I thought it was a brilliant idea. We know that, for example, in other Island communities - particularly in the Greek ones - they use a lot of small vessels in order to great around and facilitate the same type of things between Islands. I know the Minister has expressed his intention that a bigger vessel should be used but will the Minister also give an undertaking that perhaps smaller but more regular trips might also be an option going forward?

**Senator L.J. Farnham:**

Yes, I am prepared to consider anything. Of course, with slightly larger ships it becomes a lot more financially viable. One of the problems we have with the smaller vessels, with 40-seaters, running 3 to 4 return journeys a day, while that would create a lot of movement, it would not generate an awful lot of visitor numbers. If we could get perhaps still a small boat, comparatively speaking, but with twice the number of seats, it could potentially be a lot more financially viable and therefore more achievable.

**4.12.4 Senator S.C. Ferguson:**

The Minister has just mentioned a 70 per cent break-even load factor; this does seem rather high. What sort of load factor are Condor and Guernsey looking for on a break-even basis?

**Senator L.J. Farnham:**

It was hard to tell. We knew it would have been somewhere between 50 and 100 per cent capacity depending on the yield of the fares and the type of fares. There would be 2 different return fare prices perhaps and singles and it depended on the mix and take-up of that. I felt very positive about it. There was an element of risk but I think even if we utilised half or two-thirds of our under-write, it still would have provided a useful benefit to the Islands but those are the sort of figures we were talking about.

**4.12.5 Senator S.C. Ferguson:**

A supplementary? A 100 per cent load factor seems excessive. I would have thought that perhaps we should be looking for something like a 50 per cent so that it is realistic. I believe Boeing always worked on a ...

**The Deputy Bailiff:**

I am sorry, Senator, is there a question there?

**Senator S.C. Ferguson:**

Yes.

**The Deputy Bailiff:**

Because at the moment you are expressing views about percentages.

**Senator S.C. Ferguson:**

Does the Minister not think that a 50 per cent factor is very much more realistic?

**Senator L.J. Farnham:**

Yes, but we have to remember we are dealing with very small vessels. A 50 per cent load factor would be 20 people going each way. I think with some of the research we did, there seemed to be quite a demand, especially in peak season, so I think we would have achieved a much higher percentage than that in reality of course. We do not have a crystal ball but I hear what the Senator is saying I think. We will estimate those figures very carefully when we look to doing something for next year.

**4.12.5 Deputy G.J. Truscott of St. Brelade:**

I may have missed the figure but what is the proposed fare going to be for a return from Jersey to Guernsey and back and would children go at a reduced price? Thank you.

**Senator L.J. Farnham:**

For the financial modelling, the proposed fare was £59 return with children being half price.

**4.12.6 Deputy R. Labey:**

Yes, I too would like to thank the Minister for his openness on this. There was a hilarious incident where his Guernsey counterpart on the radio refused to answer any questions on the finances and Senator Farnham rang up and spilt the whole beans. [Laughter] So we are saying then that more work on the business case will be done with potentially looking at next year, are we?

**Senator L.J. Farnham:**

I undertake to keep Members fully informed. [Laughter] Jersey Members.

**4.13 Deputy G.P. Southern of the Minister for Social Security regarding the extent to which the proposals in the ‘Draft Income Support (Amendment No. 16) (Jersey) Regulations’ (P.45/2017) addressed the recommendation in paragraph 20 of the Scrutiny report ‘Living on Low Income’ (S.R.4/2016) relating to the ‘benefit trap’: [1(336)]**

To what extent, if any, have the proposals in the Draft Income Support (Amendment No. 16) (Jersey) Regulations (P.45/2017) addressed the recommendation in paragraph 20 of the Scrutiny Report *Living on Low Income* (S.R.4/2016) relating to the “benefit trap”?

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

Paragraph 20 of the Scrutiny Report *Living on Low Income* recommends that work incentives should be improved within Income Support. I confirm that I do intend to improve the work incentives as part of the 2017 uprate. This is clearly set out in the written report accompanying the Income Support Regulations lodged last week. The work incentives are planned to increase from 23 per cent to 25 per cent from 1st October this year. Work incentives are set through a Ministerial Order. The debate on P.45 which relates to increases in component rates set out in the Regulations is scheduled for debate on 18th July. This order will be made straight after that. Combined with increases in component rates, every income support household will benefit from these proposals. Thank you.

**4.13.1 Deputy G.P. Southern:**

In particular, the recommendation was that the Minister should examine whether additional payments such as those for childcare or care-related needs could be removed from the income support calculation. Has she considered, or will she consider, examining that proposal which I believe works elsewhere and focuses/targets income support at the vulnerable, like children?

**Deputy S.J. Pinel:**

We must remember in all of this that income support is a safety net designed to help low-income households meet their basic needs and we do help people with childcare costs. In October, we will be helping up to £6.79 an hour for a child under 3 and £5.30 an hour for a child aged 3 to 11.

**4.13.2 Deputy G.P. Southern:**

In particular, will she reconsider her decision to eliminate the single-parent component over recent times which has proven to increase the number of children living in low-income families on income support, i.e., the income support safety net is too low?

**Deputy S.J. Pinel:**

No, I will not reconsider that. The Assembly agreed with the proposals to reduce over time the lone-parent supplement and it will not be returned.

**4.14 Deputy L.M.C. Doublet of the Minister for Home Affairs regarding whether any changes were under consideration to the Island's drugs policy following the publication of 'Cannabis: the Evidence for medical Use' (known as the 'Barnes Report'): [1(333)]**

In the light of recent changes in other jurisdictions and following the publication of *Cannabis: the Evidence for Medical Use* (known as the "Barnes Report"), is the Minister considering any changes to the Island's current drugs policy?

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

As Members will be aware, the production, possession, supply and importation of cannabis in Jersey is controlled under the Misuse of Drugs (Jersey) Law 1978. While I am responsible through the officers of the States of Jersey Police and the Customs and Immigration Service for drug enforcement matters, any changes to that law or changes to the Island's current drugs policy are a matter for the Minister for Health and Social Services acting on the advice of the Advisory Council on the Misuse of Drugs which is constituted in accordance with that law. I am not making any recommendations to the Minister regarding drug enforcement perspective but it is a matter of public record that, following advice, the Minister for Health and Social Services is considering changes to the medicinal use of cannabis-based substances.

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

A supplementary, please? What evidence does the Minister have that our current drugs legislation and policy is as effective as it can be in terms of overall harm reduction to the general population and in particular to our young people?

**The Deputy of St. Peter:**

I pause because I find that that second question has gone some way astray from the original question and I am not properly briefed to address the question as posed by the Deputy. It would be a matter for the Advisory Council to discuss with Ministers their views on drugs policy. Although I have been party to some discussions in relation to the medicinal use of cannabis-based substances, I have not had any further discussions with that body in recent times.

**4.14.2 Deputy J.M. Maçon:**

Will the Minister inform the Assembly how many meetings, if any, she has had since the Minister for Health and Social Services announced a potential change in policy with regards to the implications it will have on the services she oversees?

**The Deputy of St. Peter:**

I think that would be a matter of policy development. As a law and a position changes, then it would be absolutely right for us to look at the implications that affect enforcement policy.

**4.14.3 Deputy J.M. Maçon:**

A supplementary? The question was how many meetings she has had; that has got nothing to do with policy development.

**The Deputy of St. Peter:**

I have attended one meeting with members of the Advisory Council and the Minister for Health and Social Services.

**The Deputy Bailiff:**

Well I am afraid that brings the time allocated for questions to an end and we now leave that item.

**5. Questions to Ministers without notice - The Minister for Housing****The Deputy Bailiff:**

Before moving on to the period of questions for Ministers without notice, I might just point out to Members, if Members have not seen it already, that I have allowed a supplementary urgent oral question to be asked by Deputy Labey of the Chief Minister and that that will be dealt with directly after the questions without notice to Ministers. Very well, we come on to questions without notice and the first period is for the Minister for Housing. Deputy Le Fondré.

**5.1 Deputy J.A.N. Le Fondré:**

In relation to the written response to question 1240/5/1(308) - number 1 on our paper - there is a graph with the open market housing and affordable housing in it that have been constructed over a period of time. In her response, the Minister confirms also that: "Andium Homes has already delivered 227 new homes since incorporation, all of which have been for affordable rent." In relation both to the graph and that 227 figure, is that net new homes or just new build? In other words, if homes have been demolished, is the figure the net increase or does it not take account for the homes we have lost through demolition?

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

I thank the Deputy for his question. As I understand it, it is net but I will check that and come back to him as soon as question time is finished.

**5.2 Deputy P.D. McLinton of St. Saviour:**

I am intending on bringing a proposition to this effect and I am just sounding out the Minister's thoughts on the following. Would the Minister be minded to support a law making it a legal requirement for any new build, including housing, to have a provision for the gathering of solar power which would then be fed straight back into our power grid at the same rate of money could be paid to the owner of a said property that we currently pay to our French suppliers which would be a win/win for Jersey?

**The Deputy of Trinity:**

That is a very interesting question and I think I would wait to see the proposition before I commit myself. But anything to encourage solar panels and any type of energy renewables must be a good thing but you have also got to factor-in the cost of them because the cost is not cheap. I know it takes years to recover the cost. But if they are building affordable homes or affordable homes for rent, we have got to factor that in but I understand that it would be the Minister for the Environment that would probably respond. I would be interested but you have also got to factor-in the cost who is going to pay for the initial installation of the renewables.

**5.2.1 Deputy P.D. McLinton:**

A supplementary, if I may? Absolutely, and thank you for the answer.

[11:45]

Would the Minister therefore consider meeting with the Minister for the Environment and myself to discuss a way to take this forward in a non-combative manner, which would be unusual for this Assembly? Also, just to note that I have sent a link to all States Members about the solar tiles that are possible nowadays. So, would the Minister be prepared to meet him?



**The Deputy of Trinity:**

Yes, of course, I am prepared to meet because my mind is always open with these things. I know when I was Assistant Minister for Planning and Environment back in 2008 they were putting in some renewables and I thought I better do similar. I know when I had my house insulated, I did have a lot of payback, but it was an up-front cost. But, yes, I am very happy to meet the Deputy with the Minister for the Environment at any time.

**5.3 Deputy G.P. Southern:**

The data in response to the written question I asked shows that for the last 9 years since 2008, an average of 60 houses per year have been built for affordable rent or purchase. Andium Homes sets out an ambitious target of 200 per year, will the Minister inform Members how much this new target will cost and where that funding is coming from?

**The Deputy of Trinity:**

Yes, Andium have put forward a plan up to 2020 to deliver 1,000 new affordable homes. The cost of building them, as States Members are aware, comes from the bond - the housing bond - which was approved by this Assembly a few years ago. Hopefully, providing all being well and a fair wind compared to planning issues, *et cetera*, they are set to deliver that target and it is down to supply. As the graph very clearly shows - it is a very much up and down graph - we need to make sure that the supply that comes on board is consistent every year and Andium are working very hard to achieve that.

**5.3.1 Deputy G.P. Southern:**

A supplementary, if I may? My understanding was that the £250 million of bond was to go, in the large part, to refurbishment of currently low-quality accommodation and not to new build. Can she give us the figures between refurbishment and new build?

**The Deputy of Trinity:**

I have not got the up-to-date figures but the Deputy is quite right that part of the bond was for refurbishment and you can see around town Andium busy refurbishing. They have done De Quetteville Court, they have done Convent Court, they are at the moment on Caesarea Court. They are, I think, if I am right, ahead of their schedule and hope to bring all those homes up to decent standard well within, I think, 2019. Part of the bond is for new homes too and that would be ... I know that Andium hopefully this year, not only Andium but the States of Jersey Development Committee with the J.C.G. (Jersey College for Girls) site, there should be 700 homes beginning to be built by the end of this year, so that is a massive improvement and it will really make a big difference.

**5.3.2 Deputy G.P. Southern:**

Will the Minister agree to circulate those figures, please?

**The Deputy of Trinity:**

Sorry, which figures does the Deputy want?

**Deputy G.P. Southern:**

The figures between refurbishment and new build.

**The Deputy of Trinity:**

Yes, certainly.

**5.4 Deputy J.A. Martin:**

Can the Minister, for me and others listening, define what the cost of an affordable 3-bedroom home is through the Affordable Housing Gateway, please?

**The Deputy of Trinity:**

Yes, an affordable 3-bedroomed house is approximately £335,000.

**5.4.1 Deputy J.A. Martin:**

A supplementary? With the average wage being under £40,000 a year, is this realistic? Of the 767 applicants registered in band 5 who want affordable housing through the gateway to purchase, how many of these would meet the borrowing at, I think it is 5 times a person's wage, and how many of these are realistically ever going to be able to purchase even the definition of a £330,000 affordable home in Jersey?

**The Deputy of Trinity:**

There are different schemes. The Andium Homebuy scheme will help support people who want to own their house and it is the mortgage that will give 4½ to 5 times their mortgage. Those who are not through the gateway have to prove that they are below a certain income so that they can access affordable housing. Andium also, as you know, held an open day of people who were interested in purchasing their own homes. They were flooded with applicants who were keen to own their own home and at that open day there were mortgage providers as well as lawyers. What is surprising even more is that most of those families who came that day could afford to purchase their own home. So it really proves that we need to go out and buy and build new affordable homes but not only with Andium. I know that a couple of Parishes were doing that and there is a very good example in Trinity; there has always been a good example in Trinity, as there should be. There is one at St. Martin hopefully going to go through the planning process and there is one at St. Peter which is very much up and running. These are affordable homes who have to go through the gateway.

**5.5 Senator S.C. Ferguson:**

The Minister expressed her delight at the Samarès glasshouses permission that went through the Planning Committee this week. But, according to the media, they need permission from the Parish to connect to the sewers. Now, does the Minister really think that getting planning permission without getting such basics as arrangements for the sewers, proper drainage arrangements since they will be building on marshland, does she feel the Planning Committee thinks that permission from the Parish is a foregone conclusion? Does she really think that it is a prudent approach to get planning permission before all these other things are organised?

**The Deputy of Trinity:**

I congratulate the Planning Committee on passing Samarès Nurseries. It will deliver 200 homes, affordable homes for rent as well as purchase. I know it was a difficult site and it will be a difficult site but this site was rezoned in the Island Plan back in 2012 purposely for that. Regarding planning permission, that is something for the developers and Andium and the Parish to sort out. But the principle is correct, following up on the agreement on the Island Plan, and it will deliver those houses which we desperately do need.

**5.5.1 Senator S.C. Ferguson:**

A supplementary? Yes, but should we be building on marshland when we see what happens when you build on flood plains in the U.K.? Is it not foolish to be starting to build on marshes?

**The Deputy of Trinity:**

I am not a planning developer or a planning officer. I know these were looked at, quite rightly, within the planning brief with the planning officers, and I am sure - I did not attend the committee hearing - it is something that the Planning Committee looked at and asked many questions about and had the expert advice on what they were going to do. As far as I am concerned, they made a very good bold decision because it will make a difference.

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

Thank you, Deputy. I did allow that question but it was slightly off the main considering that the Deputy's remit is really for housing matters and not for planning. We have only got a few minutes left, I saw Deputy Hilton.

**5.6 Deputy J.A. Hilton:**

The Minister has already talked about the number of people who attended the Andium Homebuy event recently. There is a large untapped market for first-time buy homes. Is the Minister confident that she has enough sites available to fulfil that demand for first-time buy homes within the time specified in her answer?

**The Deputy of Trinity:**

If I am right in what the Deputy has said, to meet those 600 families who want homes within the 2020 timeline, the answer has got to be no because we did that piece of work about the Housing Needs Survey and what Andium can build for social, rental and homes for purchase. But to get that amount of 600, not all of them will be able to afford it or circumstances change, whatever, the States of Jersey with Property Holdings... we need to look at our own sites and how we can build and make best use of them and instead of prevaricating, get on with it and really, really make a difference.

**5.6.1 Deputy J.A. Hilton:**

A supplementary? Is the Minister giving serious consideration to Warwick Farm providing some of that housing?

**The Deputy of Trinity:**

As I understand, Warwick Home is under Jersey Property Holdings. We are going to have a meeting with Jersey Property Holdings to see how we can take that site forward. I know the Chief Minister last week did say it would make an ideal site for housing and I totally agree with him. Especially if we can get affordable for purchase on that site, that would make a great difference.

**6. Questions to Ministers without notice - The Minister for Social Security**

**The Deputy Bailiff:**

Minister, that brings the timing for questions for you to an end. So we now come to questions for the Minister for Social Security. Deputy Tadier.

**6.1 Deputy M. Tadier:**

Is the Minister for Social Security concerned that there are healthcare workers in our Island - and not limited to healthcare workers - who are not being paid for part of the working day that they are employed for such as, i.e. not being paid for travel time?

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

The whole debate of zero-hour contracts and care workers and whatever formula they fall under is under debate inasmuch as we are starting reviews, the Deputy knows, after the family-friendly

review. So we will be starting at the end of this year to look into all of this but it is a very different situation from the U.K., as we have said before.

**6.1.1 Deputy M. Tadier:**

A supplementary? This is not about zero-hours *per se* of course but would the Minister put on record her opinion, if she has one either as a Minister or as a Deputy of St. Clement, whether she thinks it is acceptable that people are not being paid for an integral part of their day where they are travelling from client to client in terms of healthcare? Is that an acceptable state of play generally?

**Deputy S.J. Pinel:**

There is a U.K. review ongoing at the moment - I am not saying that we have to necessarily apply to U.K. rules - by Matthew Taylor, I think, which is looking into all of this and I think we will wait for the release of that review to look into the travel time situation.

**The Deputy of St. Ouen:**

May I ask if I could defer for the moment?

**6.2 Deputy G.P. Southern:**

Yes, his Deputy takes over. What consideration has the Minister given, if any, to reducing the number of one-parent families who are living in relative low income according to the Income Distribution Survey 2014/2015 and, if not, why not?

**Deputy S.J. Pinel:**

We have been through this situation several times and one-parent families, or single-parent families, lone-parent families, there has been no evidence supplied to Social Security - and we would know if there was - of any reason why we should reverse the decision that the States Assembly agreed to, to reduce the amount of payments to one-parent families.

[12:00]

**6.2.1 Deputy G.P. Southern:**

If I may? There is ample evidence given in earlier reports in the creation of income support, plenty of evidence, that single parents were worse off than others and needed an additional payment from income support. Why, after a number of years, has this Minister gone back on that commitment to alleviate relative low income in this particular sector of our society? Has she got any commitment to reducing relative low income in the household or not?

**Deputy S.J. Pinel:**

I think I have already answered in a previous question that the States Assembly agreed to the removal gradually, over 4 years, of the lone-parent component. That has gone forward, there has been no evidence, to our knowledge, that this has caused any distress and also that a lone-parent situation changes very rapidly over the period of about a year or 18 months.

**6.3 The Deputy of St. Ouen:**

In the current business plan of the Minister's department, the Minister has undertaken to review the options available to extend support for low-income groups with primary healthcare costs. Could the Minister tell the Assembly what options are under consideration?

**Deputy S.J. Pinel:**

They are all part of the business plan so it is under consideration, as the Deputy quite rightly says.

**6.3.1 The Deputy of St. Ouen:**

A supplementary? Could the Minister detail the options under consideration, as I asked, because her business plan is 2 pages with just basic headings? So what measures might be undertaken to give additional support to low-income groups with medical difficulties and its funding?

**Deputy S.J. Pinel:**

All I can say is I am working with the Minister for Health and Social Services and it is part of an ongoing plan, so there is nothing I can give the Deputy at this very moment.

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

Does the Minister happen to know how many people are living in shelters for men at the present time? Does she believe that her policies are having an effect on the number of people having to seek shelter?

**Deputy S.J. Pinel:**

No, I do not know how many people are living in shelters for men but I can find out for the Deputy and let you know.

**6.4.1 Deputy M.R. Higgins:**

A supplementary? Will the Minister also have a look at what their concerns are? Because I am told that all 4 shelters are at capacity and that some people are even sleeping on the sofa. If they are that full, there must be some reason for it and they may be a direct result of some of the policies that she has been pursuing. Will she endeavour to find out and come back and report to the House?

**Deputy S.J. Pinel:**

Yes, I will.

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

In the Minister's business plan for 2017 there is a discussion about supporting the implementation of the H.S.S. (Health and Social Services) primary care strategy. Can I ask the Minister whether discussions have taken place as to how to use the funding through the H.I.F. (Health Insurance Fund) for preventative care strategies?

**Deputy S.J. Pinel:**

The Deputy of St. John has asked a very good question and will be very well aware that the Health Insurance Fund, or the H.I.F., has benefited hugely from various recent revenue increases and can continue to subsidise doctors' visits, which it does to the tune of £20.28 per visit; and subsidise the pharmacists, paying for prescriptions and the generic drugs. So that is a vast improvement on the state of the funds than it was in before and so the primary care aspect of it will continue to be looked at. I cannot say more than that, it is an ongoing process.

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

A supplementary? Can I ask the Minister whether there is an alignment between the subsidy provided to G.P.s (General Practitioners) and pharmacists to the strategic direction of primary care by the Government?

**Deputy S.J. Pinel:**

Sorry, could you just repeat the last bit?

**The Deputy of St. John:**

Can the Minister advise whether there is an alignment between the subsidy given to G.Ps. and pharmacists to the strategic direction of primary care directed by the Government?

**Deputy S.J. Pinel:**

It is all debateable, as is everything, whether we should continue to subsidise G.Ps. We have done, we are doing. There is a constant question that I am asked: “Will you bring in prescription charges again?” The answer: we do not know; we are looking at it. So all this in the business plan is ongoing but we have not got the answers yet.

**6.6 Deputy G.P. Southern:**

I will change emphasis then. What plans does the Minister have to remove some of the one in 3 children who live in relative low-income households after housing costs?

**Deputy S.J. Pinel:**

This is constantly under debate. We are doing the Social Security review at the moment, as the Deputy well knows, and all this is being looked at as we speak of. There is nothing I can answer in direct numbers.

**6.6.1 Deputy G.P. Southern:**

The Social Security review at the moment is dealing with contributions and pension arrangements which have very little to do with children, does she have any initiatives to reduce the massive one in 3 children living in low-income households?

**Deputy S.J. Pinel:**

At the risk of incurring the Deputy’s displeasure, the first part of the review is contributions and income in retirement, and that has already been finished. So the second part of the review will be looking at a broader issue of not just pensions and income in retirement.

**6.7 Deputy J.M. Maçon:**

I was just about to ask about that. R.51/2017 on page 6 demonstrates a great support by the public, or those who responded, for a work-based pension. Therefore, what priority will the Minister give to bringing this type of legislation forward and establishing a work-based pension scheme with the Minister for Economic Development, Tourism, Sport and Culture?

**Deputy S.J. Pinel:**

It is not just a matter of bringing it forward with the Minister for Economic Development, Tourism, Sport and Culture, it is considering all the stakeholders involved: Chamber of Commerce, Institute of Directors, a lot of people who are employers that would have obviously a great say on work-based pensions. I think the major part of this review is to bring it forward to people’s attention that they must start planning for their own retirement costs and not relying on the States.

**6.7.1 Deputy J.M. Maçon:**

A supplementary? Is that to say the Minister will therefore attach no priority to bring such a scheme forward?

**Deputy S.J. Pinel:**

I did not say that. It is part of the consultation and once all the results of the consultation have been reviewed, then it will give us a direction in which to go. I cannot say one way or the other at the moment. I would be certainly, if the Deputy wants an answer from me, very pleased to bring forward a work-based pension but it does involve a lot of stakeholders to be consulted.

**6.8 Deputy J.A. Martin:**

In the written question to the Minister for Housing it states that only 29 per cent of Andium tenants have moved to the 90 per cent market equivalent rents. Could the Minister for Social Security

inform the Assembly how much, when this becomes 100 per cent of Andium tenants, it will cost her department and has the budget projection been done for this? Thank you.

**Deputy S.J. Pinel:**

It will be. It is automatically paid to the 90 per cent mark with the Andium rates. So when people move on to the Andium social housing rates, then Social Security pays out the cost of the rental.

**6.8.1 Deputy J.A. Martin:**

A supplementary? I think the Minister has just misunderstood. I am saying there is only 29 per cent of Andium homes who are on the market, 90 per cent at the moment, so there is a budget down at Social Security paying this. What will be the budget and has this been projected when this is 100 per cent of Andium tenants, which will happen over probably the next 5 years?

**Deputy S.J. Pinel:**

To my knowledge, there has not been a budget except the acceptance by Social Security that we will pay the 90 per cent of Andium home rental.

**6.9 Deputy M. Tadier:**

Is the Minister aware of an issue of people who are in work, perhaps often on variable-hour contracts, who find later down the line that they are unable to claim sickness benefit because often there is a marginal underpayment which they were not aware of? If so, what steps would the Minister consider to remedy that situation?

**Deputy S.J. Pinel:**

The payment of sickness benefit is also being catered for under the review inasmuch as do the employers pay it or does Social Security pay it as it does at the moment? So, it is under review and I think the Deputy is talking about a particular case which I cannot discuss.

**6.10 Deputy A.D. Lewis:**

The Minister will be aware that a slight anomaly exists in terms of how people are assessed for the payment of social security in that under the Income Tax Law one is assessed by previous year's earnings, whereas under the Social Security Law one is assessed by the previous 2 years' earnings. Is this something which her policy group is reviewing and, if so, when is this anomaly likely to be resolved?

**Deputy S.J. Pinel:**

Yes, I am very aware about what Deputy Lewis is talking about. Because it is assessed by 2 years' previously, it does not concur with the tax which is one year in arrears. It is a difficulty and an anomaly and we are looking into it.

**6.10.1 Deputy A.D. Lewis:**

A supplementary? This is of particular concern to people who perhaps have been made redundant or moved jobs and incomes are changed significantly during this period and it is of some concern. So, could the Minister give any idea as to how long it may take to resolve this anomaly?

**Deputy S.J. Pinel:**

No, except to say that I am very aware of the situation and we are looking into it, as the Deputy is probably aware.

**The Deputy Bailiff:**

I am afraid that brings our time available for questions to this Minister to an end. We now come on to the urgent question which Deputy Labey will ask of the Chief Minister.

## **7. Urgent Oral Question**

### **7.1 Deputy R. Labey of the Chief Minister regarding the timescale of events for the publication of the report of the Independent Jersey Care Inquiry:**

Notwithstanding the autonomy of the Independent Jersey Care Inquiry to make its own arrangements, is the Chief Minister satisfied that the timetable of events on the day of publication of the committee's findings, as outlined in an email to interested parties late yesterday afternoon, gives members of the press a fair and appropriate opportunity to adequately report on the inquiry's conclusions?

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

It is of course a matter for the Independent Jersey Care Inquiry to determine its own logistics. Any media organisations that are concerned about the arrangements, I would suggest should make their views known to the inquiry. It is important that the media provide accurate and comprehensive information to the public. There will of course be time for further coverage in the days and weeks that follow once the media, together with the rest of the community, have had the opportunity to read and digest what is expected to be a substantial report.

#### **7.1.1 Deputy R. Labey:**

In spite of what the Chief Minister has just said, would he consider an intervention by some mechanism because there is going to be a large backlash to this? Will he try to find clarification as to why this report is being released so late in the day? The timing will severely curtail the time available for local and U.K. media to assimilate the information and to seek comment from Members of the States and Ministers. Why is there no provision for media representatives to study the findings in a lock-in ahead of the official statement? That is the standard procedure in the U.K. and it helps journalists get their facts right. Why is there no provision to question the panel? How can the public, States Members, journalists clarify points and findings without being able to ask the report's authors? I believe the intention was to air findings through a series of press conferences and interviews by States departments ahead of the States sitting the following day, what has happened to that? Why are cameras being excluded from what has been ...

#### **The Deputy Bailiff:**

Deputy, this does not seem to me to be a question for the Chief Minister, it seems to be a sort of question to the firmament at large which might fall on the Independent Care Inquiry in due course, but do you have a question for the Chief Minister?

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

Well my question was: will he take these points up somehow with the inquiry or if the not the inquiry themselves maybe ... the inquiry has hired a perfectly-good P.R. (Public Relations) firm in Eversheds. I do not know if they have been consulted on this press release yesterday or this release to interested parties but somebody needs to talk to somebody about it because it is not going to go down well and it is going to play into the hands of those who are saying: "This inquiry is a white-wash and a cover-up already."

#### **The Deputy Bailiff:**

So, Chief Minister, are you in a position to take that up with the ...

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



There were a number of questions there that the Deputy raised. If I could take one in the middle which was in reference to States departments, a Chief Minister's statement and press conference, they are unconnected with the process that the inquiry itself is following.

[12:15]

As far as I am concerned, the Chief Minister will be going ahead with a press conference post the publication of the report. That is an absolutely appropriate position to maintain. As I have said, it is not appropriate for me to interfere in the inquiry. I have not done so to date, and I will not do so. I have, however, been asked questions in this Assembly that Members have asked me to relay back to the inquiry for them to respond to. I have no doubt that the inquiry will be made aware of the concerns of the Deputy and perhaps other Members of the Assembly, or will be made aware of the concerns of media organisations, and that is appropriate. If the Deputy is asking me to ask officers to make the inquiry aware directly of these concerns, then of course I am prepared to do that because I have made the inquiry aware of other questions that Members have raised in this Assembly. But I cannot intervene or interfere in their process because their process, as outlined to interested parties and publicly yesterday, applies to me as well as Chief Minister and States departments. It is the same process for all interested parties.

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

As a supporter of the Care Inquiry - a very massive supporter - I must express my disappointment with the procedure that they are setting out, including not answering questions. However, would the Chief Minister, please, if he is communicating with them ... I think it is quite a reasonable one, it is not an interference of what they are doing, the report could be as many as 500 pages or it could be more, we do not know. It went on for long enough and there is an awful lot of detail. To expect members of the press, States Members, the public, the victims of the abuse to be able to read it on a computer screen is a bit much. Could you convey to them our desire, in a sense, or wish that they will arrange for hard copies to be produced? Not everybody has a computer. Thank you.

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

It is my understanding that the report will need to be produced as a parliamentary report to have privilege; therefore, Members of this Assembly will need to have copies. I am sure we could speak to the Greffe about making further copies available. I am not sure what the normal cost is for copies of reports from the Greffe but I would be more than happy to have a conversation with them about waiving the costs in this regard because they will be substantial reports. It is important that members of the public have access to this report because it is important that members of the public and our community understand what has happened in the past, that they understand and hear people's stories. For some members of the public, that will be traumatic to hear those stories, for abuse victims, for survivors, but also those who have just lived in the community throughout that period. It is not going to be an easy time, it is not going to be an easy read, but we do need people to be able to access it, to hear those stories and to then, having heard them, move forward to try and ensure that we have got processes in place so that these instances, this abuse, does not happen as far as possible into the future. If any Member wishes to write to me with concerns about the process that the independent inquiry has put in motion, then of course I will ask my officials to forward those to the chairman of the inquiry. That, I think, would be appropriate, but a direct intervention from me would not be.

### **The Deputy Bailiff:**

I have a question from Deputy Andrew Lewis and then a final supplementary from Deputy Labey. Yes, we would have time for a question from Deputy Tadier as well.

### **7.1.3 Deputy A.D. Lewis:**

The Chief Minister would be aware that other reports and investigations that are conducted by this Assembly, whether they be a P.A.C. (Public Accounts Committee) report, a Scrutiny report, they are then forwarded to the interested parties to view the information before it is then published. It seems a fair and reasonable way of doing things. My understanding is that this process is different, and I understand and accept the process is different, but I think the public – victims 0- contributed to that inquiry. States Members do not necessarily fully understand the reason why they are only getting 2 hours to respond and absorb a several thousand-page document. It seems bizarre to people here perhaps. So could the Chief Minister explain clearly as to why that is the case? I happen to understand it, other Members may not, but there is a good reason here why that is the case. Could the Minister explain that, because people are more familiar with the other method which we use for Scrutiny, Public Accounts and other such investigations where interested parties have advance warning and knowledge of these reports before they are published. That is what people are concerned about, could the Chief Minister explain why?

**Senator I.J. Gorst:**

This is a decision of the Independent Jersey Care Inquiry. I was quite clear when we started this inquiry - and not every Member of the Assembly accepted this - that this inquiry should be completely independent and that complete independence has come with a financial price. I, for one, have said all along that I think that that price has been, and will be, worth paying. When we have got things so badly wrong for many decades, this is an opportunity for some of those most vulnerable members of our community to have their story heard and for some of them, that is simply what they want. They feel that they have not been heard for decades. Their lives have been in torment and turmoil. This is, when we publish this report, an opportunity for the community to hear those stories and, as I say, then take action to make sure that the systems in place are appropriate into the future. I can only imagine that the independent inquiry is extremely concerned about preserving their independence and preserving the integrity of the report. Therefore, that is why they are taking a different approach to the one that we might take, be it a Scrutiny review or an expert adviser's review. This is the first time in Jersey that we have had a truly fully independent public inquiry. There of course will be follow-on work to do to think about Standing Orders and the legislative base for inquiries into the future, so we are in uncharted territory in that regard.

**7.1.4 Deputy M. Tadier:**

My point is a narrow one and deliberately so and it relates to the actual hard copies of the report. Will the Chief Minister do what he can to ensure that there are a sufficient number initially of reports which are produced in-house, presumably as he said it will be produced as an "R", and that the public will not be charged to receive copies of those documents?

**Senator I.J. Gorst:**

I think I have just given that undertaking but I give it again.

**7.1.5 Deputy R. Labey:**

I hope the Chief Minister does not think that my line of questioning is in any way hostile. I was trying to be helpful because I do foresee a problem on the horizon here. I am grateful to the Chief Minister for indicating that a channel might be open and I have always supported the Chief Minister throughout his efforts to get this inquiry, the first of its kind for the Island. I am not asking him to interfere with the inquiry, I am saying that this Assembly commissioned this inquiry, £26 million later we have perhaps a right to help manage the release of the information properly, would he not agree?

**Senator I.J. Gorst:**

I would not want any action to be taken which would undermine the integrity of the report. The Deputy is suggesting that in his view he feels that perhaps the process which has recently been announced has the potential to do that. I am, as I have said, prepared to open that line of engagement with the inquiry if Members so wish. But perhaps I could ask that - obviously this question will become the subject of Hansard and the inquiry themselves will be able to see that - if Members have got specific concerns I ask that they write to me for onward transmission; likewise, as I said at the start, with the media outlets as well to the inquiry.

## **PUBLIC BUSINESS**

### **8. Draft E.U. Legislation (Information Accompanying Transfers of Funds) (Jersey) Regulations 201- (P.31/2017)**

#### **The Deputy Bailiff:**

Very well, that brings our period for questions now to an end and we move on to Public Business. The first item is the Draft E.U. (European Union) Legislation (Information Accompanying Transfers of Funds) (Jersey) Regulations P.31/2017 lodged by the Chief Minister and I ask the Greffier to read the citation.

#### **The Deputy Greffier of the States:**

Draft E.U. Legislation (Information Accompanying Transfers of Funds) (Jersey) Regulations 201-. The States, in pursuance of Article 2 of the European Union Legislation (Implementation) (Jersey) Law 2014, have made the following Regulations.

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

I would like to ask Senator Ozouf to act as rapporteur for this item, please.

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

These Regulations provide for the implementation in Jersey of an E.U. Regulation on how information accompanying transfers of funds should be made. These Regulations effectively introduce into Jersey law subject to certain adaptations and modifications such as specified in the schedule to the Regulation and implements the E.U. Regulations on information that is now required across the E.U. when transferring funds which are regarded and known as money transfers. The E.U. Regulations will come into force across the E.U. on 26th June 2017 and Jersey of course has been working to introduce and have the equivalent legislation in force before this time. This has been under discussion for a number of years and the reason for bringing this legislation now in advance of the coming into force of the date across the E.U. where the legislation is required, 26th June 2017, is simply due to the process that is required when we have to introduce effectively E.U. legislation or E.U. arrangements in Jersey and I will just briefly explain that. As explained, the ultimate purpose of these Regulations is in place to ensure that the information accompanying wire transfers is adequate in order to mitigate against and give information, where appropriate, to mitigate against financial crime. Members of the Assembly will be aware of the Island's extremely strong commitment as a responsible international financial centre to combating financial crime in all of its forms. The policy of this Assembly has been over many matters of legislation to implement and comply with all of the E.U. legislation in this regard. In fact, these wire transfers were most recently updated in 2007 by something called the Community Provisions (Wire Transfers) (Jersey) Regulations 2007. What these Regulations do is they effectively replace those Regulations from 2007 and update them for the new requirements. The new E.U. Regulation called 2015/847 imposes certain new duties on payment providers with regard to transfers of funds in order to prevent money laundering and terrorist financing. Under the E.U. Regulations, the

competent authority is under a duty to monitor payment service providers and take measures that are necessary to ensure compliance by payment service providers which are set out in the requirements of the Regulation. The changes specified in the schedule include a provision which makes the Financial Services Commission the competent authority in Jersey for the purposes of the implementation of the Draft Regulations for Jersey, along with our other Crown Dependency colleagues to attain a derogation from the European Commission so that we are considered to be part of what is called the U.K. Payments Area where I have reduced Complete Information on Payer, known as C.I.P., that can be provided on a wire transfer which is required for the operation of payment systems like BACS which many Members will be familiar with. The operation of this regime is important obviously for an international financial centre which is moving funds of course in the billions over the course of a year. The lodging and debate of these Regulations were scheduled to be as near as possible to the implementation date of the E.U. legislation for 26th June to leave as much as possible time for the approval of the various administrative arrangements, some of which have not been forthcoming as of me rising in the Assembly today. The European Commission have been informed and Her Majesty's Treasury, who are also regarded as one step in the process, that the legislation of the C.D.s (Crown Dependencies) is being considered. The E.U. is considering effectively all the C.D.s Regulations. The European Commission have a number of jurisdictions to consider in this regard and we do not think it is surprising that we have not got that final approval from the E.U. In relation to the interim position, until these arrangements have been put in place, the European Commission, I am advised, are able to consider the legislation that the various arrangements that have been in place previously can effectively continue to benefit from an exemption.

[12:30]

We are therefore assured that while waiting for the actual precise confirmation from the European Commission, which then needs a U.K. step, it means that we can continue to act and we can act in a lawful way, in compliance with the E.U. regulations. Upon advice, it is considered that it is in the interests of Jersey to ensure that the legislation is ready and prepared and is passed by the Assembly, but we recognise that we have got to do these final steps, get the E.U. approval and also the U.K. It is worth perhaps noting to the Assembly that the House of Keys in the Isle of Man has passed the equivalent legislation that is before Members already and that the relevant legislation, I am advised, for Guernsey, Alderney and Sark intend to go through their legislative process shortly before the 26th of this month. Continuing with the adoption of the legislation before the Assembly is therefore in the circumstances, I am advised, the correct route to take. I should say that the Assembly should be aware that we would need to get that derogation for all of the C.D.s to be effectively compliant, and the U.K. are required to pass their own domestic legislation. As I just said, there was an additional step by the U.K. to ensure that our domestic legislation works with effectively the E.U. and the U.K. arrangements. As Members are no doubt aware, the U.K. Parliament is currently not in session in advance of the general election, which will happen effectively on Thursday, 8th June. H.M. (Her Majesty's) Treasury have domestic legislation, I am advised, ready to be placed before the new Parliament and I am informed that it is intended that this is a priority matter for the U.K. Government when it is formed. We anticipate that therefore the U.K. will pass the legislation through the Parliament by and in advance of 26th June, when it is of course in the U.K.'s interest, because of the benefit of Jersey, to ensure that we meet this requirement. I have received correspondence from officials from the U.K. Treasury which acknowledge just that point. I am grateful for, as always, in my previous guise, good communication with the Economic Affairs Scrutiny Panel, who received the briefing on this issue in the last few months. As always, the chairman asks good questions and he has asked particular questions in relation to the various different steps and also exactly what happens to the information which deals with the Articles, but just to say that information is not automatically shared, but it is a

requirement of the financial institutions to know effectively your customer. This is all about effectively know your customer and transferring that information to the relevant authority when sending a wire transfer payment. I would propose the principles of the Regulations.

**The Deputy Bailiff:**

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

**8.1.1 Deputy G.P. Southern:**

Yes. I hear the words “co-operation with the U.K. and the E.U.” and that we are to be granted some sort of exemption to be treated as part of the U.K. I just wonder in general terms if this sort of legislation is likely to be affected by Brexit in any way, shape or form.

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles? I call on Senator Ozouf to respond. I beg your pardon, just under the wire is the Deputy of St. John. It would be helpful if people do intend to speak that they do not try to get to the wire.

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

Sorry, Sir. I was going to speak on a specific Article and then realised that it may go slightly over, so I thought I had best speak in the principles, so I do apologise, Sir. I just want to ask a question with regards to ... because it refers to the Regulation E.U. 2015/847, and upon reading it and with reference to the Article 11, I think it refers to the provision of the data to other jurisdictions and it refers to an offence, I think, of about 2 years. I just wondered how that complies with our legislation on data protection and control of data with that respect. Also, with regards to actual payments, if the Assistant Minister could explain, in terms of practicalities I believe that there will be larger amounts or higher amounts; there will be a certain threshold, I believe. What guidance would be given and even provided in terms of training to those people within the banking services in terms of if there are multiples of so much amounts of money going through and how that will be assessed and ensured that the appropriate money-laundering regulations are put in place?

**The Deputy Bailiff:**

Does any other Member wish to speak? I call on Senator Ozouf to respond.

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

The question about Brexit is an important one. Yes, of course it will be, because of course the U.K. is going to be exiting the E.U. and we all know the date of that. I think that the Deputy makes an important point about the fact that this is just one example of the many, many, many areas of which the U.K. is going to have to find arrangements as a third country effectively with the E.U. There are literally hundreds of issues that are going to have to be dealt with. We do not need to worry about this one for ourselves, because of course the transitional arrangements are there and because of ... and I think some Members sometimes perhaps ... and perhaps we do not say it enough. It is really important, the work that we are doing, almost the day in, day out basis, with the U.K. to ensure that these relatively minor administrative issues are nevertheless dealt with in a timely and proper manner by H.M.T. (Her Majesty’s Treasury). So it is important that we have good relations with the U.K. Government. I have used the statement before about: “We are not the problem, we are part of the solution” and having a good relationship with the U.K., which means that there is goodwill. The U.K. has a huge amount of issues to deal with. Civil servants in the U.K., I imagine they have got stacks of issues that they are going to have to work with and we have to somehow ensure that we have such good relationships with the United Kingdom that we do not get forgotten about in these issues, which means constant vigilance, constant bringing attention to the U.K.

where something is against the interests of Jersey. It could be a very minor issue that sometimes can have almost a disproportional effect. That is why we have to have our eyes and ears constantly on these issues and then deal with them where the appropriate arrangements are in place. Just one little example, if we did not get this, if sometimes the U.K. forgot us or we did not get the agreement with the European Commissioner with some issue, that would create a problem. Just one example of why detail matters, but goodwill, being part of the solution and getting the Treasury understanding why capital economics is so important, Jersey matters as far as U.K. growth. That all happens with dealing with issues. Yes, we have got a challenge in the months ahead to deal with lots of issues where the U.K. is going to have to make lots of calls and we have got to make sure that we are not disadvantaged. But our London office and all the work done by the financial services team and the Commission make sure that is done. The Deputy of St. John was, I think, an employee of a bank once and so she might know lots of things about payments which I do not know, so perhaps she has been on the coalface of those issues. I am advised that as far as the offence is concerned, these were, as always, reviewed by the Attorney General, who is in the Assembly, before lodging and in line with other penalties and those are contained in the E.U. Regulations, so they effectively replicate that, as I am advised. In terms of guidance, banks have had processes in place for training their staff. This is an updated process from what was previously done. They will be refreshed on their training, but it is not a huge change. It is about effectively the information set out in the wire transfer payment on the payer or payee. It is relatively simple. You would almost think this is a kind of obvious bit of information that needs to be accompanied when you are wiring information and it is all about effectively putting in place the right kind of mechanisms and controls that financial institutions can effectively have the information so that they can bring their own suspicious transaction reports when they consider that something is information. If you do not have that information, you cannot then file that suspicious transaction report either in this jurisdiction or in the jurisdiction that is paying within the E.U. We are of course regarded as being a very, very compliant jurisdiction and getting this sort of thing in place and then doing it properly, getting the right training in place, doing the good work that the Commission does is all part of that constant issue. People sometimes almost say “well-regulated financial services sector.” This is a bit of detail and it is just one of those issues, you let this down and you do not get this done properly and you basically impair that reputation. Our reputation in this area is second to none, world-beating, and that is why Jersey has been winning business and we continue to do so, but it takes a lot of work. Sir, I move the principles.

**Deputy G.P. Southern:**

A point of clarification, if I may, Sir.

**The Deputy Bailiff:**

Yes, a point of clarification.

**Deputy G.P. Southern:**

The Minister seemed ... the Assistant Minister - whoops, must not make that mistake, must we - seems to imply that following Brexit, we will still need to work through the U.K. rather than directly with Europe to do these sorts of issues and he says there are thousands of them. Surely the point will be post-Brexit, when they are a third country and we are a third country, that we are going to need a large number of civil servants making sure that what is done currently in the U.K. is replicated here. Is that not the case?

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

He called me a Minister. If Reform Jersey wants to bring forward a Minister, I am happy to be a Minister if they want it. I do not mind. I have always said that I will stand before this Assembly in whatever capacity. I am grateful to have the opportunity of answering it. In relation to the issue,

the Deputy will know, I think, that we are an independent state and we are going to continue with our relationship with the U.K., so it is not going to be ... the step I described was effectively the U.K.'s relationship with the U.K. and we will then have our relationship both within the U.K. and certainly ...

**Deputy G.P. Southern:**

Sorry, the U.K.'s relationship with the U.K.?

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

I am speaking.

**The Deputy Bailiff:**

Yes, you said: "The U.K.'s relationship with the U.K." and I think it was a mistake.

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

Yes, sorry. The U.K., we have of course a relationship with the U.K. and of course we have separate relationships with the E.U. and I am not going to start going into a massive detailed description of which one falls within this one. This is about an E.U. Regulation which needs to be extended to Jersey, that the E.U. needs to say that, yes, we are equivalent, and then the U.K. needs to pass subordinate legislation, because we are not a Member State, in order to allow that additional step and that is happening. If we want to have another debate about all the issues that we need to work on, then I am happy to have a chat with the Deputy, but now is not the time. I move the principles, Sir.

**The Deputy Bailiff:**

Very well. Those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Now, this is a matter, I think, for the Economic Affairs Scrutiny Panel. Deputy Brée, do you have any excitement about calling this in?

**Deputy S.M. Brée (Chairman, Economics Affairs Scrutiny Panel):**

No, Sir, we do not wish to call this in.

**The Deputy Bailiff:**

Very well. Then we move on to the Second Reading. How do you wish to propose ... no, we move on to considering the individual Regulations within the Second Reading. How do you wish to propose the Regulations?

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

I think *en bloc*, so I will just run very quickly through. Regulation interpretation provision (2) basically provides the implementation of the regulation that was effectively done by the European Parliament on 12th May; (3) establishes the breaches of the regulations that were the criminal offences that the Deputy of St. John raised; (4) criminal liabilities; (5) repeal of the previous provisions of 2007; (6) the citation of these regulations that will come into force 7 days after they are made, subject to certain arrangements. Effectively the schedule contains the adaptations for Jersey and the modifications that apply to the E.U. Regulations made for the Jersey context, and particularly of course the Financial Services Commission as the competent authority in Jersey. I move the regulations *en bloc* and will attempt to answer any Members' questions.

**The Deputy Bailiff:**

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Deputy Southern, yes.

### **8.2.1 Deputy G.P. Southern:**

Despite the Assistant Minister's protestations, I do feel that it is important that we do not nod through complex legislation concerning financial issues and that we do try to make an attempt to understand them. It seems to me the question about ... and it does not apply now, but it certainly will apply 2 years hence, when at some stage Regulations like these will get renewed or replaced, that we need to understand whether we need a significant increase in the number of civil servants to deal with these issues when we are a third country related to the U.K. and the U.K. ... sorry, related to Europe, and the U.K. is a third country with its own Regulations, *et cetera*, related to the E.U. I do want some sort of answer: why in the future will we be going through the U.K., which albeit is slightly larger, it will still be a third country relationship with the E.U., when we should be going straight to the E.U. with that third country status? Surely that is the case, is it not, or is it not? Will the Assistant Minister address this?

[12:45]

### **8.2.2 Senator S.C. Ferguson:**

Perhaps the Assistant Chief Minister can tell us whether this is one of these Regulations that has come from an international body and has been filtered by the E.U. I presume it has come from Basel and it has been filtered by the E.U. with a whole load of bits and pieces of sort of gold-plating on its way through, because ... and whether, in actual fact ... I am sorry, I was a bit slow on this, so it should have come out with the principles. The other thing is, okay, has this come from the international bodies and if we, as a jurisdiction, applied to stay in the European Economic Area, would we still have to be complying with this?

#### **The Deputy Bailiff:**

Does any other Member wish to speak on the regulations? I call on Senator Ozouf to respond.

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

I am pretty sure that as a member of the E.E.A. (European Economic Area) we would have to comply. The members of the E.E.A., for example, Switzerland, has to apply with such matters. I do not think this is an example of the E.U. doing gold-plating. This is effectively ... it is what it says on the tin, it is just about the effectively new information that is required from a transfer, effectively putting particulars of who that person is and giving details of it. That is absolutely required for good information for anti-money laundering, which is not only an issue for the E.U. In fact, if anywhere has got gold-plated arrangements in place, then we have. In short, that you can pass this legislation, that it needs to be done properly in relation to all the suspicious transactions of which we in Jersey ... as the meetings that the Chief Minister had recently confirmed in relation to certain money-laundering issues, I think the Island stands really almost at the top of the international community in terms of our arrangements that we have to deal with counteracting the financing of terrorism and all the others. These are issues. This is not a Brexit issue for today. There are lots of issues that Brexit will deal with and I am more than happy to be continuing to assist on these big issues, but this is not an issue for today, this is a relatively straightforward issue. I do not really have anything else to say. It is from the F.A.T.F. (Financial Action Task Force) recommendations, it is not Basel. That is obviously completely something different, as the Senator will know, and it is the 2012 F.A.T.F. recommendations. Really I have nothing more to say, apart from I hope the Assembly approves without much more discussion, because it is relatively straightforward. It needs to be done and we need to get on with it and we will make sure that the U.K. understands the importance of getting this before Parliament when they reconvene in the next few days. I thank Members for their attention and call for the appel on the regulations and the schedule *en bloc*.



**The Deputy Bailiff:**

The appel is called for. I would invite Members to return to their seats. If Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting.

<b>POUR: 39</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 0</b>
Senator P.F. Routier	Deputy G.P. Southern (H)	
Senator P.F.C. Ozouf		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator A.K.F. Green		
Senator S.C. Ferguson		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy S.Y. Mézec (H)		
Deputy A.D. Lewis (H)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy S.M. Wickenden (H)		
Deputy S.M. Bree (C)		
Deputy M.J. Norton (B)		
Deputy T.A. McDonald (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy P.D. McLinton (S)		

**The Deputy Bailiff:**

How do you wish to deal with the matter in the Third Reading, Senator?

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

Simply by voting it in the Third Reading. I thank the officials, as always, behind all great Regulations. I cannot take credit for the fact that the Chief Minister had to deal with this while he

did not have an Assistant Minister dealing with these issues, but I thank all the law draftsmen and the officials who deal on a day-to-day basis with all of these complex but necessary issues. I thank the industry also for their work. The Deputy of St. John raised that they have a day-to-day requirement to comply with these issues and that effectively means that we are the jurisdiction that we have. I thank Members for their attention and move it in the Third Reading.

**The Deputy Bailiff:**

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

**LUNCHEON ADJOURNMENT PROPOSED**

**The Connétable of St. Peter:**

Before we have the adjournment, can I just remind Members there is a J.T. (Jersey Telecom) presentation at lunchtime on the report and accounts today? Also tomorrow, there has been some confusion; digital policy are also doing a presentation in the Members’ room and that is on the objectives for the year going forward in the digital economy.

**The Deputy Bailiff:**

Very well. The States stands adjourned until 2.15 p.m.

[12:49]

**LUNCHEON ADJOURNMENT**

[14:16]

**9. Draft States of Jersey (Amendment No. 9) Law 201- (P.18/2017)**

**The Deputy Bailiff:**

The next item of Public Business is the Second Reading of the Draft States of Jersey (Amendment No. 9) Law 201-, lodged by the Privileges and Procedures Committee, P.18/2017. Members will of course recall that the principles were adopted on 2nd May and the matter was subsequently referred to the Corporate Services Scrutiny Panel under Standing Order 72(1). So we now move straight on to the Second Reading, the individual Articles, and the first matter to be dealt with is Article 1. Chairman.

**9.1 The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):**

Just to put the matter into context, I would just remind Members that in February, I think it was 2nd February, we adopted the proposition of Deputy Lewis, as amended by Deputy Farnham, regarding the composition and election to the States and the States also instructed the Privileges and Procedures Committee to bring forward the legislation to give legal effect to that decision. Then in May, Sir, as you said, the States approved the principle of the legislation and we are now dealing with the Articles. Article 1 is the interpretation Article, which I propose.

**The Deputy Bailiff:**

Is Article 1 seconded? **[Seconded]** Does any other Member wish to speak on Article 1? All those in favour of adopting Article 1, kindly show. You wish to call for the appel. The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR: 17</b>		<b>CONTRE: 13</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Connétable of St. Peter		

Senator A.K.F. Green		Connétable of St. Ouen		
Connétable of St. Clement		Connétable of St. Martin		
Connétable of St. Mary		Connétable of St. Saviour		
Connétable of St. Brelade		Connétable of Grouville		
Deputy J.A. Hilton (H)		Connétable of St. John		
Deputy S.J. Pinel (C)		Connétable of Trinity		
Deputy of St. Martin		Deputy J.A.N. Le Fondré (L)		
Deputy R.G. Bryans (H)		Deputy of Trinity		
Deputy of St. Peter		Deputy of St. John		
Deputy S.Y. Mézec (H)		Deputy J.M. Maçon (S)		
Deputy A.D. Lewis (H)		Deputy T.A. McDonald (S)		
Deputy of St. Ouen		Deputy G.J. Truscott (B)		
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy of St. Mary				

**The Deputy Bailiff:**

The chairman will now, I think, propose Articles 2 and 3.

**9.2 The Connétable of St. Clement:**

Yes, please, Sir. Article 2 amends in fact Article 2 of the main law, which reduces the number of Deputies from 29 to 28 and Article 3 amends Article 4 of the law, which was to deal with constituencies and ensures that the number of Deputies in the constituencies will also be 28. I propose the Articles, Sir.

**The Deputy Bailiff:**

Are Articles 2 and 3 seconded? **[Seconded]**

**9.3 Draft States of Jersey (Amendment No. 9) Law 201- (P.18/2017) – second amendment (P.18/2017 Amd.(2))**

**The Deputy Bailiff:**

Now, those Articles are subject to possible amendment by amendments lodged by Deputy Andrew Lewis, amendment number 2, and I ask the Greffier to read those amendments.

**The Greffier of the States:**

Page 11, Articles 2 and 3. For Articles 2 and 3, substitute the Articles 2 to 14 which are set out in the amendment paper.

**Deputy J.M. Maçon:**

Just for information, as this is a constitutional debate, will the amendment require an absolute majority to be adopted?

**The Deputy Bailiff:**

Yes, any of the amendments which of themselves change the constitution of the Assembly or the electoral districts will require a minimum of 25 votes in order to be adopted or effectively ... and indeed to the extent it makes those changes, so will the vote in the Third Reading, if it gets that far. Very well, Deputy. You have got one, yes.

**The Connétable of St. John:**

Sorry, Sir, could I have further clarification on that, because part (a) only achieved 17 votes. Are you saying it is only on the Third Reading that it requires an absolute majority?

**The Deputy Bailiff:**

No, Article 1 was a definition Article. Of itself, it changed nothing. So it just required an ordinary majority of the Assembly, but anything that of itself will change the constitution of the Assembly will require 25 votes. Can I perhaps further clarify that, having discussed the matter with the Greffier? What Standing Orders provide is that a proposition that would have the effect of altering the constitution of the Assembly requires a majority. The individual Articles of the law are not of themselves propositions, they are within the body of a proposition, so you would require the majority of 25 votes for all of the amendments to the extent they would change the constitution and for the overall law in the Third Reading, but for the individual Articles by themselves, they do not fall within the definition of Standing Orders. I hope that offers some measure of clarification. Very well, Deputy.

**9.3.1 Deputy A.D. Lewis:**

Before I go into substantive items of my amendment, I would just like to illustrate to Members the dichotomy and the issue that we have here in terms of communicating with the public. I have just walked down King Street and I got stopped by 3 people and I had 3 very different opinions thrown at me. The first was outrage that we had not adopted the referendum of a few years ago; I had a conversation briefly with them. The second was a taxi driver that thought I was Deputy Noel. **[Laughter]** **[Aside]** Which was a little dangerous at the time, and he felt that the Senators should be kept because clearly they do a better job than the current Deputy of D.f.I. (Department for Infrastructure) apparently, but I asked him did he vote in the last election and he said no, he could not be bothered. The third person I bumped into was somebody that asked: “Why are you rushing through this reform?” and I said: “Well, we are not. We have been debating this for 10 years and some would say 20 years.” “Have you really?” she said. She had no idea at all. So what I am trying to say here is that it is the last bite that we hear sometimes formulates people’s opinions, whether it be Members of the Assembly or members of the public. I would like to believe that Members of the Assembly look more deeply into these things, but the public do not always. This amendment is far too important to trivialise, so I am going to read what I hope is a fairly carefully prepared speech, which I hope Members will find useful in their deliberations. Today we have the opportunity to demonstrate to the public that we do listen. This is not a second chance, but an extremely unique third chance to enact the results of the 2013 referendum, in which the public voted overwhelmingly for change. I do not want this to be Groundhog Day, but an opportunity for reflection and contemplation on the debate we had in February. If Members cast their minds back, we had a very good-natured but robust debate. It ran late into the day. Members were perhaps a little weary by the time we came to the vote, and furthermore there was an expectation, and indeed a promise, of a new referendum, as by this stage the proposition had been heavily amended by Senator Farnham. It became apparent both then and a month later in a subsequent debate on a referendum that it simply was not possible to have a referendum on the amended proposition. I have spoken to a number of Members since and they understandably are disappointed that the referendum was not possible. So we simply do not know with any certainty what the public think of the proposition before us today. Scrutiny have attempted in but a few weeks to engage with the public, but this is a poor substitute to a referendum, and in particular the enormous amount of consultation the Electoral Commission undertook before that referendum in 2013. To draw some comparisons with the recent work that Scrutiny have done, the Commission received 340 written submissions; Scrutiny 50. Scrutiny interviewed 6 people at public hearings; the Commission interviewed 35. Scrutiny held 4 public meetings; the Commission held 14 and numerous other meetings with special interest groups. The Commission then sent information to every household

informing them of the proposals on 2 occasions. The public also had significant advance notice that the referendum was to occur, how it was going to work and why it had been constructed in the manner that it was. Furthermore, it was in this Assembly that the questions to be asked were approved. In answer to the consistent criticism levelled at the referendum, I would urge Members to read again the recommendation 5 of the Commission's report in item 8.2, where the Commission explains that following publication of their interim report, they had listened to public concerns and amended the proposed referendum questions because of the desire expressed by many about maintaining the strengths of the Parish system by keeping Constables. Consequently, it was simply not possible to have a yes/no question. So consulting with experts on such matters as referendum, the Commission considered a number of alternative options for the questions. It concluded that a series of questions was the best option, together with a preferential voting system to ensure that one option would have an absolute majority. The outcome is now history. There was an absolute majority in favour of Option B. Members should also note that the Commission's final paragraph, recommendation 5, stated: "We are confident that the Assembly will wish to implement the views of the electorate as expressed through referendum." How wrong they were. The work of the Commission has been described by many as the largest public consultation exercise ever undertaken in Jersey, culminating in nearly 17,000 voting in that referendum. I really think it should not be compared with a few weeks consultation exercise undertaken by Scrutiny, despite their laudable intentions. You cannot change the results of the referendum, but of course you can keep on asking different questions about reform until you get the answers you are looking for. Some people say things have changed since the referendum and yes, they have. Change is one of the few things that is certain in life, but principles should remain the same. So to remind Members, I will read from the principles that the Commission was working to: "Constituencies should, as far as possible, be of equal size. A candidate should require a significant number of votes in order to be elected to the Assembly. The electoral system should be simple, fair and easy to understand." The public knew what they were voting for in the referendum and they have been subjected to a year-long process of consultation - not a few weeks, a year. This is why today I am proposing that we adopt the amendments so that the proposition before us is as the public expected, as the Electoral Commission recommended. I would like to now tackle the issues of categories of Members that the specific amendment seeks to address. As the Constable of St. Mary so eloquently stated in her last speech on this subject, that being that larger districts are designed to replace Senators. If you keep Senators, then you have the muddle, which many commentators have referred to over recent weeks and months. There is of course a way to resolve this and that is to stick with the original Commission proposal. I was going to explain this a little further in my own words, but when I was reviewing Hansard, I found the words of the Deputy of St. Ouen. In the debate, he made his point so well that I am going to repeat it to you today, and I hasten to add he voted against P.18 on that occasion and I will explain why in a moment. He said: "I find it very much a dog's dinner." I am not sure how parliamentary that was, Sir, but you did not rule against it at the time: "What we now have is overlaid by the Island-wide vote and to me that just does not work. It creates a system which is more complex, it creates tremendous confusion across the Island. When I speak to local people, especially young people who do not understand the difference between a Constable and a Deputy even, they do not understand the electoral system that we are creating and another constituency for election, so people would vote in a Parish for a Constable, half the Island for a Deputy and as a whole Island for a Senator."

[14:30]

"How confusing can that be? Moreover, what we have before us is a proposal that has come forward without any research, without any consultation and it seems to me there is no rhyme or reason for the system that is proposed. Why would we have 8 Members elected in a large constituency which happens to measure 9 miles by 5 and another 28 Members also elected in large

constituencies? Why have that distinction? That is a nonsense to me, because there is no distinction between politicians that would end up being elected under that system.” That was the Deputy of St. Ouen a few weeks ago. The good Deputy of St. Ouen on my left here, he now has the chance to fix that by voting for this amendment, because you would not have that muddle if the amendment was adopted. Returning specifically to the Senators, or as I would prefer to refer to it as the Island-wide mandate, why do I say that? Well, because a Senator has absolutely no greater status in this Assembly than any of us. I would like once again to draw Members’ attention to the Commission’s report when in paragraph 1.11 they state: “The role of Senator is inconsistent with the adoption of a single election day” which incidentally, in a past Mori poll, the concept of a single election day was something that people most wanted. In other words, all Members of this Assembly are elected for the same term and have the same functions. The Council of Ministers is comprised of many Deputies, who have very important and large portfolios, the Minister for D.f.I, the Minister for Social Security, the Minister for Education, the Minister for Housing, the Minister for the Environment, the Minister for Home Affairs; all Deputies. However, more importantly, the Commission stated that: “Given that the term of office is now the same as that of Deputy or Constable, we think” this is not me saying it, this is the Commission: “that fewer candidates of substance will put themselves forward for election as Senator.” I think we saw some of that in the last election. One particular Senator is no longer with us, had not served their apprenticeship, as some would call it, in other roles. Since the change to a general election concept, it is difficult to see why many Deputies would risk his or her seat in the future when there is no particular advantage in being elected as a Senator. The Commission believed that it would be unfortunate if only a new candidate with no experience in the States stood for election as a Senator in the future. The role of Senator was supposed to be a senior position, where largely it was people that had experience in politics already. We have seen what is happening in other parts of the world at the moment with people going into politics with no previous experience. I shall not name the individual, but I think you can guess who it might be. Some commentators have suggested that perhaps all Members should be elected on an Island-wide mandate. How many times has that been said to any of you? But of course Members here will understand the impossibility of such a proposal. This is perhaps best illustrated by a report published by the U.K. Electoral Reform Society on behalf of the States of Guernsey. When investigating such a concept for our neighbours, the report concluded that: “A nationwide constituency system could only feasibly operate in Guernsey if one of the following conditions were met: candidates formed in political parties or there were fewer seats to be filled.” However, the report went on to state that more than 20 seats would be problematic and a 20-Member Assembly inappropriate. I would agree with that, but that is what you would have to have, a very small Assembly if you elected everybody on an Island-wide mandate. Well, I mention that because it has been mentioned to me so many times by people about having all Senators. You cannot do it with the system we have, you cannot do it with a general election. I would now like to touch on the size of this Assembly, as my amendment has a direct impact on this matter. It is true that if one asked a member of the public: “Do you want more or less politicians?” we all know what the answer would be. That said, we still need to ensure that we are efficient, effective. Some say the machinery of government should be amended first; others say it should be the electoral system. There is no correct answer to this, both approaches have merits, but I would rather stick to what the Commission had recommended, reform first. I read the Scrutiny report with great interest. I commend them for producing something quite substantive in a short period, but it was a bit disappointing in some areas. Unlike the Commission’s report, it does not compare with other small jurisdictions. When such comparison is made, one can clearly see why the Commission recommended 42 or 44 Members. I will not go into detail of how the machinery of government can be adapted to work well with fewer Members, so far as to say we need to remember what our primary function is. In this Assembly, our primary function, as far as I am concerned, is to pass legislation and to undertake constituency work. How much constituency

work do Senators do? Not as much as Deputies. Anything outside these roles should be questioned, examined and reorganised, thus freeing up a considerable amount of time to undertake these duties. However, more controversially, I would hasten to add that the need for 11 ministries is questionable perhaps in such a small jurisdiction. If we rationalise this, it could greatly assist with the reduction in the cost to the public sector and of course less of a draw on resources from this Chamber. That is just one suggestion. There are numerous others. We have not got to the machinery of government yet, we need to do the other first. So during my research, I wanted to try to understand what those possibilities might be, so rather than tell you what they could be and speculate, I found a fantastic quote from the Constable of St. Clement. He said: "This Chamber could run efficiently, effectively with 20 Members or 30 or 42, but the real problem is that the more Members we have, the more jobs we keep creating to keep busy Members or keep Members busy, involved and included. What we do not think about is the more jobs we create in this Assembly, the more jobs we create in the public sector, so the whole thing becomes self-perpetuating." Those were the words of the Constable of St. Clement quite recently. He went on to say: "We should not be deciding how much work we want to do in fixing the numbers, but rather we should be deciding what is an appropriate and reasonable number of Members of the States to represent the population and then organising the machinery of government around that." That is what the chairman of the P.P.C. said quite recently. So to conclude on the matter of the Senators, this Assembly agreed to a general election. For Senators, it is not compatible with this. The Assembly agreed to reduce the number of Senators from 12 to 8, so it is no longer possible to expect Senators to fill most of the ministerial roles. Larger districts are designed to replace the Island-wide mandate. It is not compatible to have both. There has been much debate as to the merits in implementing reform as per the results of the referendum. One thing is very clear, and that is to reach a consensus in this Chamber on this issue is challenging. I do not, however, believe it is impossible. That is why we should be adopting the recommendations made by the Commission, not a revised proposal which has never been tested and also fails to reach the level of compliance of the Venice Convention that even a casual observer would say was marvellous. There is no doubt in my mind that if we were to give the same brief to an independent body today to review our system, it is more than likely that another review would come to exactly the same conclusions and present similar recommendations. I have studied with great interest for hours Hansard scripts going back years. In each Assembly there has been a debate on reform and there has been at least 15 new Members in each of those Assemblies. They have never experienced a reform debate. I was one such Member in 2006, so I can say with a degree of confidence that most new Members to this Assembly believe that there is some kind of silver bullet that will satisfy all views on the way forward with reform. This view is reflected in the historic transcripts with the same arguments and solutions being eloquently articulated to this Assembly by both new and old Members, passionately, elegantly, believably as well, because we all have our own opinions. That is why we have debates and that is why many of you are very good at the whole concept of a debate. But the problem is that is not a silver bullet and if there was, I doubt that this Assembly would find it or indeed agree as how it should be loaded and then fired. That is why panels such as Clothier, the most recent Electoral Commission were established, yet still we look for a different solution, those proposed by a blend of independent and less independent commentators and external experts. There may be Members here today that have reflected and see clearly the vision of the Electoral Commission and there may be others that accept the views of the public on this matter when they were fully consulted with and then asked in a referendum. I hope that Members have not shaped their opinion on this issue solely by recent feedback from their own peer groups, small parochial groups, but take fully into account the Commission's report, the huge public consultation on this matter that occurred then and vote in favour of this amendment so we can move positively forward with the reform of our electoral system. I would like to leave the Assembly with a couple of final thoughts and I hope we can have some further robust debate and reach some conclusions of merit: "Change will not come if we wait

for some other person or if we wait for some other time. We are the ones we have been waiting for. We are the change that we seek.” That was Barack Obama. Also for those that perhaps have come here today with a fixed idea on their preferred approach, I hope that I have given you some food for thought. In the words of George Bernard Shaw: “Those who cannot change their minds cannot change anything.” I move the amendment, Sir.

### **The Deputy Bailiff:**

Are the amendments seconded? [**Seconded**] Does any Member wish to speak on the amendments? Senator Farnham.

### **9.3.2 Senator L.J. Farnham:**

I do not intend to repeat my speech on Senators, unless Members particularly want me to. A lack of foot-stamping suggests they do, but I am not going to, because I think what we have to do now is get on and debate what we agreed in February. This amendment has been debated already in a robust debate and I really do not think we need to go through it again. In fact, I was quite surprised that Deputy Andrew Lewis, while respecting the amount of work he has put into this, saw fit to bring - or even why it was allowed - exactly the same amendments that were in the original proposition just back in February. But we are where we are, as they say. So I just would hope in the interests of a productive Assembly today that we save the debate for what was agreed in February, and I intend to make my key points at that stage.

### **9.3.3 Connétable M.P.S. Le Troquer of St. Martin:**

I was not sure whether to speak in this amendment or in the main proposition. I think I will speak at this time and probably only speak the once. Members have had time to prepare for a speech, making notes and I have just not had the time. Like all Members, we are all so very busy. I sat downstairs at lunchtime and missed the presentation, unfortunately. It is not because I have not taken an interest in this. I have had nearly 3 weeks of very close involvement. As well as being a States Member and being a Constable of a Parish, I was asked to sit on the sub-panel of the Corporate Services Scrutiny Panel and I am delighted that the chairman asked me to sit. To those Members who will have had concerns that I was on that board as one of the Members who voted against P.18 on 2nd May this year, I went in with an open mind, very much an open mind. I think the chair tried to get some other Members to join him on the sub-panel but had great difficulty in doing that. For Members, the only time I expressed a view at the public hearings that we had was at St. Saviour’s Parish Hall, because it was going to be in the constituency that we might be joined with in the Parish of St. Martin, and that was a comment we were asked to give at the end of the meeting, after the meeting had closed. Any States Member that was there present, that could have been in those, was asked to comment. You can understand the suspicions and I think some Members might have been concerned that I was on the sub-panel because I had voted against the proposition before. Natural, but I think we all become neurotic to a point, very suspicious. Maybe it is the nature of my previous career, I do not know, but we have seen it this morning, we start becoming suspicious when we had questions and answers. I was very disappointed with the first 3 or 4 or 5 questions this morning, or not the questions, the answers that were given.

[14:45]

I was very suspicious that the answers were not answers, but that is just a view that I had. So neurotic had I become - I have still got it on my phone - 6.50 on Thursday, 25th May, would you believe I got a call from the Mori poll? Hard to convince you, it is still on my phone. I had to convince the people on the phone that I was a member of the sub-panel. Now, I do not know what the chances of that were. I think they were looking for an older age group, because they asked me my age and they had to get permission from a supervisor not to carry on asking me the questions; I did convince them. But you become suspicious and you think: “Is it somebody trying to test me to



see if I would have answered?" Not thinking of another fellow Member, but maybe who wants this proposition to go ahead. But that is how we become and I am sorry about that. Going back to the sub-panel, I think it did serve a purpose. Indeed, it did for me. We were able to speak, but we did not speak at the meetings, and I say to Deputy Andrew Lewis there were 5 meetings that we held, not 4, and we went to sixth one at St. Brelade. We had an invitation to go there. But most importantly, it gave us the opportunity to listen to the people there. I know it does not match the figures that were done in the Commission's work and we could not do that. I accept that the Deputy has said that in his speech. We had it crammed into a very short period of time. As I say, I thank St. Brelade for their invite, because we were able to sit there too. What is good about it is you are able to listen to people. You are able to listen at an election time because you are knocking on doors, and even though I did not have an election, I knocked on doors twice in an election for Procureur I did have. Election for Constable I did not, but I still knocked on every door. That is the best part of the campaign, is listening to people. We were able to do it and, yes, it was an engagement with the public and we did that for the 2 weeks nearly every night out at Parish Halls list

ening to people. As the Connétable, I think we do get a chance to listen to people more often. Sadly, I do not think I get enough chances to listen to people. What I heard at the 5 Parish Halls was the same message: "This is not the change that we want. We have not been consulted. We did not know." That is the basic type of thing and I am sure the chairman will speak later and some of the members on the sub-panel might as well. Some thought it was a start. I accept that, some thought it was a start and it was a little change, but after the first couple of meetings I could probably count those people on one hand. It did increase a little bit later, but still very small numbers indeed. There were people there at those Assemblies that were venting the anger at the sub-panel, thinking that we had brought the proposition, and they did not realise that we were just there to listen to their views. Just for those that were not present at the meetings, I would just like not to be able to support the changes proposed. That is what came through, that was the sound bite. They could not support what we were listening to, they could not support what was coming through. Anybody could come to those meetings. People who supported it could have come and spoke to us and said: "We support everything that is coming forward." They did not do that. The meetings were open to everybody. We had public interviews as well downstairs, Scrutiny interviews, public hearings and I apologise to Deputy Andrew Lewis, I was not able to attend. That was the one meeting of the whole Scrutiny review that I was unable to attend, when he was interviewed by the panel. I was at a States Employment Board, so I could not miss that one. The media have reported some of the comments made by those who gave evidence. No need to respect them all, but the expressions from the chair, I am not sure if it is the former chair, because is the Electoral Commission still running or is the Electoral Commission that we had now finished, ceased? I do not know. A former member of the Clothier panel, and it does not really matter if it was a breakfast, dinner or lunch or something muddled, we had all these from very ... not important people, but people with great knowledge who did a lot of work looking at electoral reform and they are telling us these things during those interviews. Then of course obviously the words of the Constable of St. Mary in the hearing that we had in this Assembly, and we must remember she was part of that Commission, the Electoral Commission, herself and the statement she made, which has been referred to many times since. If such esteemed people are referring to these propositions in such terms, how can any Member of this Assembly today stand, hand on heart, and say that is the correct way forward, just because of a poorly attended - nearly equally supported of the options - referendum, which was really poorly supported, sadly poorly supported? I really believe at the moment this is not what the public want at this point. There are many people on the Island that think they know how this Assembly works. Indeed, I am sure many of them do. Sadly, there are a lot of people who do not realise how this Assembly works. Should it have been for one Member, in this case 2 Members, to bring quite different proposals to bring propositions to this Assembly when

P.P.C., despite their best efforts with all Members, have been unable to put something together themselves? They put this together because this is as a result of what Members put together. I do not criticise Senator Farnham, I do not criticise Deputy Andrew Lewis at all for their propositions. The argument that we will probably hear today, we are here to make decisions. I accept that, but here we are, less than 12 months to go to an election, not sure how it will all work, that will have to be something done later, with some of the amendments that failed in February, back again with us today for deciding upon, and the result of the poor referendum and from this recent Scrutiny short review, little consultation with the public. To me, I think it is quite an alarming time. We are trying to make these decisions at a time of hospital funding, the Independent Care Inquiry report coming out imminently, the vote of no confidence possibly in the Chief Minister, the answers I have already spoken about to questions that were asked this morning, so workforce modernisation, 7,000 staff, the machinery of government issues, that keeps being raised, and we are trying to do this now. I know the chair of P.P.C. in the past has said, when I have made comment about rushing it: "This is 17 years of rushing." I accept that. What I was trying to get across at that time ... and I fully take what he said, it is 17 years. I accept that is wrong, but I think this is now getting a rush to try to get something through just to show that we have done something. I do not think it is the right thing that we should be doing. I have not touched upon the break-up of the parochial system and I am sure other Members will do that in due course during the debate. I have not tried on that, but we have heard it in the Scrutiny hearings in the past 3 weeks. I will be opposing all the amendments and the main proposition this afternoon and I do not think I will be speaking again during the rest of the debate.

#### **9.3.4 Senator S.C. Ferguson:**

The Constable of St. Martin mentioned the meetings we have had. The Assembly may not believe it, but I did manage just to listen and not to pontificate at the meetings, so it cannot be too bad. Deputy Lewis gives great credence to a referendum, but if you look at page 24 of our report, it quotes from the Venice Commission, which talks about: "The question put to the vote must be clear. Voters must be able to answer the questions asked solely by yes or no or a blank vote." Just a point, you know, when we are talking about referenda, let us talk about them accurately. The good Deputy has also missed one of the basic tenets of Venice: "Every voter should have the same number of votes or equal voting rights." I will return to this later on. When he mentions the chairman of P.P.C. talking about the machinery of government, that I understand is not the electoral process, it is a different thing altogether. Now, I stand here as the original turkey, although during the various Parish meetings I have also been called an anachronism and a dinosaur, but I was not called a Tyrannosaurus Rex, but that may come. What we have discovered is that 58 per cent of those polled by Mori like the Senators, because we are the only truly democratic Members of this Assembly. Every person on the Island has exactly the same number of votes so that we represent total equity in voting rights and voting power, as defined by Venice. If you look on page 3 of our report, the definitions are there. But I would refer Members to the table on page 36 of our report. The total number of votes per member of the population resulting from these changes give us the voting with the 6 large constituencies of St. Helier North, 7 votes each, St. Helier South 7 votes each and all other constituencies' voters have 6 votes each. Now, there is no voters' equity there. As our chairman has said, the main reaction we have met is that no one knew what was being proposed and most people were absolutely furious that they had neither been informed nor consulted. The opinions expressed by John Henwood, who, as you will recall, sat on the original Clothier panel, pretty well sums up the opinion of the public as expressed either in person or via Mori. We will hear during this debate a great deal on: "This is only bringing in what was voted for in the 2013 referendum." Well, that is not totally accurate, but we will return to that later. The trouble is that people change their minds over time and what they may have wanted 4 years ago may not be what they want today. We hear about what Clothier recommended. The population has

increased by something in the order of 20 per cent since Clothier reported, so the total number of States Members required, resulting from his calculations, might not be valid today. This is underlined by Connétable Gallichan's comment during the first debate when she wondered about the capacity of States Members to be able to undertake all the work required of them. As I have already said, with a 20 per cent increase in population, perhaps we should be looking at 50 Members. I had occasion to discuss Clothier with a member of his committee some time ago - not Mr. Henwood, another member - and the comment made to me was that it was some time ago and perhaps the results should be reviewed carefully before another attempt is made to implement all the recommendations. Which really brings me back to the main finding of the Scrutiny report, the comments by the public: "Most of us did not know what was being planned, and it affects us, so we demand to be included in the discussions", with a, sort of, *sotto voce* comment: "After all, we pay for you." At the moment, I hope that Members will vote against this amendment to the proposition.

#### **9.3.5 Deputy S.M. Brée:**

When looking at this amendment, for Deputy Andrew Lewis to suggest that this Assembly bases a decision upon a referendum that took place over 4 years ago is, I believe, doing a disservice to today's population of the Island and to the current elected Members of this Assembly. A referendum that was flawed from the very beginning with political interference in the Electoral Commission, a referendum that did not have a yes/no answer, as recommended by the Venice Commission, a body so beloved of Deputy Lewis and a few others in this Assembly, and a referendum that delivered a result that only 12.81 per cent of registered voters at that time supported. This Assembly debated on Deputy Andrew Lewis's original proposal, which effectively is seeking to reinstate his amendments.

[15:00]

We did not support him then and I, for one, do not support him now and I urge other Members to do the same. We have debated this, we have voted on this; let us move on to the more important matters at hand.

#### **9.3.6 Deputy J.A. Martin:**

It is interesting to listen to Deputy Andrew Lewis of St. Helier because he starts out by having a go, firstly, at Scrutiny, and he is comparing a 4-week report to what the Electoral Commission did. The Scrutiny team were in our hands, we ordered them to do this, fast and dirty, in 4 weeks, and what they did in 4 weeks has been absolutely amazing [**Approbation**] and to have that report back is absolutely fantastic. Deputy Andrew Lewis also talked about why would we keep Senators? Well, because it has been proven time and time again with the public, however flawed it is that we elect the Senators, they want them, they want to be all able to vote for them. We had that. The best comment of the day was Deputy Andrew Lewis. When I read it in the local newspaper that he said: "We can do this job with a lot less Members" and today he said: "The more Members we have, the more civil servants. Do you not think there are enough States Members elected, chasing these civil servants today, to stand on them and keep them in check?" No there are not. But Deputy Andrew Lewis says we can manage with less and also thinks we can go out to the public and have independent boards with a few States Members on and other non-electeds. Well, why do we sit? Why do we even bother? Why do we not all just go home? The last one out, turn the light off. Listening to Deputy Andrew Lewis, we have no worth. We have got ourselves into a last-chance saloon, we have got selective memories. Some people think Clothier came up with large districts. He did not: Clothier was one Member, no Constables, and divide the Parishes up. I think it was a Back-Bencher, around about 2005/2006, who firstly came up with the large constituencies, and that nearly went through, just before the elections, I think, in 2008, 3 or 4 votes, it did not go through. That was brought back very quickly - I was on the committee at the time with the Constable of St.

Mary - and it got about 10 votes. Straight after the election, 6 months into new people and different ideas. It did not fly. Then we had this so-called absolute-got-to-be-listened-to Electoral Commission. It was never an independent Electoral Commission which we called for, it was, again, taken over and it was States Members, with a couple of people who had an interest, fair enough, on-Island, who wanted to look at it. What did they come back with? Six super-constituencies. Of course. We are now told we are at the Last Chance Saloon again; we have got to do this today because if we do not the wheels are going to fall off the wagon. No, they are not. We are under a year away from the elections and, God bless the Constables who run the elections, they have not contemplated any change for super-districts or large constituencies. They will run their election exactly as it is. How does that work? Nobody has told me. I do not blame them that they cannot change; you have given them, if this passes, a few months to get it in order. I am very sorry I stand again. I did speak in the first debate; I was not convinced then, I am not convinced now. Why would we change for something that does not do what it should do? People seem to be worried that we might have the outside world looking at us. Well, if we are so bad, let the outside world come in and tell us what we are doing wrong. It is going to happen, possibly. The Chief Minister is shaking his head. Maybe they should be looking at a few decisions that have been made as well, but there we go. You cannot have the outside world looking at you when it suits you and not when it does not suit you, I am very sorry to the Chief Minister. What I am saying is we have been told by Senator Ozouf - and it must be true, because he has told us time and time again - we are going to have electoral observers this time around and they are going to tell us: "You are doing such a bad job, absolutely terrible. It cannot be done. Sack the lot of you." We do not know that. It will be very interesting to find out, because Senator Ozouf himself has been an electoral observer in the far-flung distant past and in a very remote island somewhere. But it is what it is, as they say. What I am saying is I get amazed when I listen to Deputy Andrew Lewis telling us that we must do this because it is the last chance we have: "We do not need any more Members; we can work with 42." We are still waiting, and this has now been weeks and weeks and weeks pushed back from the Chief Minister to tell us what the new government is going to look like. We are all going to be Assistant Ministers, apparently, and some of us are going to be able to be Assistant Ministers and on Scrutiny. How does this work? We are all in: the hokey-cokey is you are all in or you are all out, basically. That is my second reference to the hokey-cokey this week. I am sorry I have to stand up again and repeat the same old arguments, but what is being proposed is totally flawed. You are telling us that the public ... whatever public did turn out, all the emails we have got in the last few days, do not want this change. They do not want it. They do not want the mixing up of the Parishes, and nor did Clothier. So go back to the fundamental guy who invented this, who brought us the Council of Ministers. It was all good for that, but he did not quite cut it when it came down to electoral reform. The people who came late to the party, this was a dog's dinner when it was first debated, and then suddenly it is: "Oh, well, some sort of reform has got to be better than none." I am not in that party. I do not mean not in their party, but I am not in the "I am absolutely so desperate I am going to pass anything" party. But we are where we are. I think I have said enough. If anybody is in any doubt whether I am going to support this, just to be sure ... because it is not just a dog's dinner, it is a dog's breakfast. It does not work and I really think that going down to this amount of States Members, when Deputy Lewis ... I know how hard he works on the committees he is on, and he thinks we can manage all this work with less people. Well, he is shaking his head, but he must have a different clock to me; it must have 28 hours in the day, because mine has not. I am very sorry, he has not made the case. I look forward to his summing up but it will not change my mind.

### **9.3.7 Deputy S.Y. Mézec:**

I suppose someone has got to speak in favour of this then, do they not? My reason for supporting this is based on one very, very simple reason, and that is it is based on the result of the referendum

from 2013: the greatest public consultation on democratic reform in the Island that there has ever been, and that there probably ever will be. Because, if we ever do hold another referendum on it, why would any member of the public want to take part after the way the previous referendum was treated? The fact is that there is absolutely no consensus from anybody about what the right way forward for reforming the composition of the States is. If you spend your whole time in politics trying to find the silver bullet, you are never going to find anything and you are going to let this Island continue to have the same broken system, a system that has been broken for a very long time. When we have our electoral observers come to the Island at the next election they are going to tell us this and we are going to look very silly for having apparently not recognised the concerns that they are going to raise with us about our current system, about the fact that this system is needlessly complicated. There is no rationale for having 3 types of Member of Parliament, there just is not, there is no sensible reason for having that, and few, if any, other parliaments bother to copy that. Our system is unfair. The power of your vote depends on where you live in the Island; that is simply not fair. St. Mary has one directly-elected local representative for every 800 people, yet my constituents in St. Helier have one for every 3,000 people. By no stretch of the English language can that be described as fair. It simply is not, and we should be directly aiming to move towards a system where the representation is more even across the board, and what that will mean is that we will have a Parliament which more looks like and represents the people of this Island and will make decisions that are more in line with what the public want. When the public see a Parliament which looks more like them, which sounds more like them and which makes decisions that they are more confident in, they will not be so cynical about politics. More of them will want to get involved, more of them will want to stand for election, and those who do not want to stand for election might be more keen to take part in States consultations, in working for or volunteering for the candidates that they like, and we will have a more democratic society. Democratic governments are the best type of government because they make decisions, they are scrutinised very strongly by those who disagree with what a government is doing and, ultimately, you get better results from that. Our current system is a mess. There is no silver bullet, there is no possible system that is waiting in the wings that will find it either in the next few months before the election, or even in the next electoral term. I shudder, thinking about this, because I have seen some proposals that have said that we could really kick this into the long grass and we could use the next Assembly to come up with a system, put that to a referendum at the next general election, which means we do not get change until 2026. I am going to be 35 then. **[Members: Oh!]** My few years in this Assembly have already given me some grey hairs; I will have no hair left by 2026. Some people will say that is a good thing, I should probably have it cut anyway **[Approbation]** **[Laughter]** but the point I am making here is that I look at the political scene, not just in Jersey but across the U.K. as well, and I speak to lots of people from my generation and people younger than me but who are eligible to vote, and I see large numbers of young people who are not politically apathetic, who are not disinterested in politics but who do care very much about democracy, do want to get involved, do believe in taking part in the democratic process. When I speak to these people, I find it exciting hearing about the visions they have for their society and how they want to get involved. One of the things that stops those people getting involved is the fact that we have a political system that simply does not operate in the interests of ordinary voters because it is over-complicated, because it is not a fair system and because people do not feel like there is a connection between how they vote and what they get for it. As a society, we suffer from that because we have engaged intelligent and talented people who will not engage with the democratic process because of that, and we are really shooting ourselves in the foot. This amendment is about implementing the referendum result from 2013. I have just had a look at the Venice Commission's code of good practice on referendums, and I cannot see anything in it that says there is anything wrong with having a referendum that is not a yes/no answer; in fact, the recent referendum in the U.K. on the European Union was not a yes/no answer either, it was a leave/remain, and that was a specific

recommendation of the U.K. Electoral Commission: it said it did not need to be yes/no. Of course, I was not happy with the result of that referendum; it was not the option I voted for, it was not the option I campaigned for, and it does not look like what I believe the perfect system would look like. But, if I am going to refuse to vote for anything because it does not represent what I think is the perfect system, then I am never going to get anything at all: no progress, no small steps in the right direction, which means you have to be prepared to compromise. I forget who it was, but somebody said that politics was the art of compromise, and I think that is an important saying because we should be aiming to run the Island, not just how we form our democratic system but with the decisions Government makes, to try and please people and to try and move towards a situation where people are satisfied with what they are getting out of Government and what they are getting out of democracy. I look ahead at what could be an election process under the system that is being proposed in this amendment and I just think it will be a more clean process than the one we have currently got.

[15:15]

For a start, there will not be any Deputies elected uncontested, there will not be any Deputies elected under-contested - because I think under-contested elections are also a problem, not just uncontested at all - and there will be no Deputies who get elected on just a handful of votes. I include myself in that, because it is wrong for any Member of this Assembly to get in in a small district with only a small number of votes and to make decisions that impact on 100,000 people, without a proper democratic mandate underpinning our right to be able to do that. I will happily vote to abolish my constituency; I will vote to abolish the system that got me elected last time round, on the condition that it is being replaced by something that is fairer and more likely to captivate voters. That election, where we have equal votes - certainly much more so than under the current system - a more simple system, one that will take just a few moments to explain to voters how it works rather than the hours and hours it could do with all the complexities of the current system, I think you will get higher turnout. I think you will get higher-calibre candidates coming forward, and therefore higher-calibre candidates elected, and I think it would do something very small to try and restore some of the faith in politics that the previous States Assembly destroyed when it decided not to ratify the referendum result when 17,000 people had come out to vote in that; more than have voted for anything else in any consultation on what our democratic system looks like. Certainly more than who turned up to a handful of public meetings in a very quickly-organised Scrutiny process, which I do not think can be compared at all to the work the Electoral Commission did, which was far more substantive and far more in-depth than what Scrutiny have done. So I think that we are at risk now of losing that last opportunity to get some progress where we otherwise could not. If we adopt this we will have a much better quality election next time round, we will not be as open to criticisms from external bodies under that electoral system. We are keeping the Constables in the States. Many of us do not ideally support that but have had to reconcile ourselves to that, because it is an important way of improving our system, even if it is not ideally what we would like. I would just say to other States Members: I really hope that people can put aside their entrenched views on this subject and vote for a better system, even if it is not absolutely what you want out of electoral reform, but do it in the interests of having a better election next time round, a stronger democracy and better engagement from the public, who will have more faith in our democratic process. At the end of it, we will get a better Government, whether that is a Government that represents all that I want out of Government or whether it is one that represents what other people want out of Government, it will be a democratic result that will be unable to be de-legitimised because of a flawed system that got us there or low voter turnouts. If we adopt this amendment, I think we will be seizing an opportunity that we are otherwise going to throw away for no good reason, and it presents us with all sorts of opportunities to improve our democracy. I will happily be voting for it on that basis.

### **9.3.8 Deputy S.G. Luce of St. Martin:**

I have not spoken in any of the recent reform debates. I have always been one for voting for change and I have always been of the view that any change is better than no change. I have always consistently said that I would give up my seat, voted away, if there was only one representative for my Parish, and my Constable is the leader in my Parish, and always will be. But we are now in a right royal mess over this issue. The unamended proposition before us has not been put to the electorate. The amendment that we are currently discussing was put to the electorate, but it is now over 3 years old. This amendment was put to the electorate but was not overwhelmingly supported. Unsurprisingly, the public are confused; they do not understand what is proposed and, if we needed any further proof of that lack of understanding, we now have a Scrutiny report that gives additional information, information that confirms the absolute absence of any majority direction. I will not go on. I have listened to those who attended my Parish meeting in St. Saviour, I have read the Scrutiny report, and I have decided that my view that any change is better than no change is no longer tenable. However, I am going to push the pour button one more time but, if this amendment, the option has been put to the electorate - albeit a great deal of time ago now - does not succeed, then I will go no further and I will change my mind, because I have decided that I cannot agree to move to a system that has not been understood or agreed by the electorate.

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

Again, I would like to thank the Corporate Scrutiny for the very quick and very thorough report they produced. I hold my hand up; it was nothing to do with me, as I stood aside and the Constable of St. Martin very ably stood in. On page 19, we have a key finding: “The public favours retaining the existing system of Senators, Constables and Parish Deputies.” We then have the much-quoted Venice Commission: “The geographical criterion and administrative or even historical boundaries may be taken into consideration.” Our Parish boundaries were around roughly 1,000 before the Venice Commission, and I think they are therefore far more to be retained than the Venice Commission. This is a highly emotive proposition and amendment, and it is something that we in this Assembly debate endlessly. The public outside are confused; they cannot understand quite why we waste so much time and so, in recognition of that, I urge everyone to throw this out so that we can come back with a proper well thought out more acceptable system, rather than doing it piecemeal and saying some movement is better than none. Let us do the job properly the first time. I plead to everyone to throw this out and we can move on with the real work that this Assembly was designed for.

### **9.3.10 Deputy M. Tadier:**

Where is this acceptable system? I have been here 9 years, and it feels like longer, especially when I think of all the electoral reform debates that we have sat in on. What makes me particularly sick, and I did feel sick thinking about this debate at lunchtime ... and it is not the self-interest, it is not the shenanigans that have been played, it is the fact that yet another electoral cycle will slip by, by default, and there will be no change, yet again. The small “c”, the default conservative position, will win yet again, despite the fact that the vast minority in the Island who took the trouble to vote in 2013 wanted no change. I accept, and I have said it in the past, and I do not want to be accused of being revisionist, of course, it was an imperfect referendum, but when have the vast majority of people in Jersey in recent years turned out in their droves, even at election time, to vote in ordinary elections for people they know who live in their communities? We cannot even reach 50 per cent in a normal election, let alone in a referendum which is held outside of electoral cycle. Yet, we do not point the finger at ourselves and say that we are illegitimate because we have not received a sufficient turnout: “We are all right, Jack.” But when it is something that affects potentially our positions and shakes very much at the heart of what we think the system should be, then, of course, no system is going to be perfect. So what is the acceptable system? We are being promised on the

one hand, jam tomorrow, Deputy Martin. Where is this jam that we are going to see tomorrow? I am also reminded, ironically, of Senator Le Marquand's words that: "The enemy of a good plan is a perfect plan." I think it may be an overstatement to say that what is being proposed here, certainly in the main proposition, is a good plan, but I think we should act in good faith. When an amendment is put before the Assembly we should be looking at whether or not the amendment improves what has been put on the table and we should vote accordingly, irrespective of whether we vote for the final proposition. Quite clearly, I am of the opinion, as are others, that this at least has some logic to it. What is being proposed in the substantive proposition is a dog's dinner, or a dog's breakfast, or a lunch, you could say. I am sure there are lots of canine references to meals that we could make. It is. I think the problem I have got - and this is not to suggest any disrespect to the public - is that the public are not experts on electoral reform; they do not have to deal with this system, we are the ones working in it. If the system is, and continues to be, a dog's breakfast for another electoral cycle, it is yet another 4 years this time where we have to work in what we all know to be a suboptimal system. There have, of course, been references to Clothier. Clothier, quite rightly, as was pointed out, was not about super-constituencies, it was about one type of States Member, but it seems to me that we just have, time and time again, self-interest. So as soon as we make special pleading, and we had special pleading in terms of the Constables, and there was an amendment last time round when we should have had a package put to us from P.P.C. in 2013. Does that sound familiar? A package put by P.P.C., the proper due process that this Assembly is charged with to deal with those issues, and because what P.P.C. were putting forward back then had a risk of being successful, because it had a logic to it, because it kept the Parish system and it kept the integrity of many of the aspects which people think important, it was, of course, scuppered by then Senator Green ... I think he was a Deputy at the time, was he not, who said: "I know, why do we not have a referendum on the Constables?" Of course, we did and the low turnout for that in terms of per cent, it was not a majority; of course, most people did not vote in that election, and we said: "Let us keep the Constables." Then we have, at the last minute, someone who happens to be a Senator saying: "Why do we not keep the Senators?" What a great idea, at the last minute again, with no real logic to it, saying: "Let us keep the Senators." Essentially, we have got a Scrutiny Panel here - we must congratulate them, because they played a blinder; they did their job - calling it in for Scrutiny has achieved, and will achieve no doubt, the outcome which they intended, which is again, no change. Even though the Assembly voted 25 in favour of change at the last election, it was sufficient to call a series of constituency elections, ironically in the large constituencies, which attracted in some cases up to 12 people, not including the Scrutiny Panel themselves. I heard at those meetings that people were saying: "Do you want to keep Senators?" "Yes, I want to keep Senators, I want to keep Deputies, I want to keep Constables." If you asked them: "Do you think that everyone should be elected on an Island-wide basis?" "Yes, I do think that." "Okay, how do you do it?" Nobody could tell me. They have these great ideas saying that everybody should be elected on an Island-wide mandate, because that is the most democratic way to do it, but nobody out there can tell me, or even, no doubt, P.P.C., how it would be done, because it cannot be done. It can only be done possibly if you have a party system and you have a list system, and then you move away from voting for the individuals but to the party, and you have got no way of explaining the personality of the individual that you want, which is why I do not even think that is something we would support, even if we did have party politics. Unfortunately, the public will answer yes to many different questions, even if they are mutually exclusive, and of course, they do not have to work under that system. Why is it, again, that we had a referendum in 2013, an imperfect one, and it is the losing vote that wins? There must be something wrong there. Surely that is what creates the malaise in politics: when the loser wins. Then, of course, we have an amalgamation of A and B, and many people have said: "This is far too far removed from the original proposal that was put to the public." It is not at all; it is a combination of A and B. It recognises the fact, and it needs to be put on record, that even under Deputy Andrew Lewis's proposal, St. Helier is still under-



represented, because St. Helier has a third of the population. It will not have a third of the representatives but it is, nonetheless, progress.

[15:30]

That is why I would be very surprised, as a St. Helier voter, but even as a non-St. Helier resident, who looks at the system and values democracy and values equality as one of the underpinning criteria for our democratic system, I would be very surprised if St. Helier Deputies were not voting to give St. Helier the representation it deserves. I would be looking at all those constituencies, whether it is 3 and 4, where I understand the Deputies are in favour of that. I would be looking at St. Helier No. 2, which is currently under-represented, and I would fully be expecting their Deputies to be supporting this, because it is fairer and it moves us in the right direction, and it gives more of an equal say. Not an absolutely equal say, but more of an equal say to St. Helier. If I lived in St. Helier No. 1 District, the area of Havre des Pas, some of which goes up to Gloucester Street, around La Collette area and down by Albert Quay, I would be asking why are my Deputies not supporting that, and I would fully expect them, as St. Helier representatives, to be biting the hand off for electoral reform, so that St. Helier does not go through yet another electoral cycle where they are being under-represented. I would find it completely strange if they were not of that persuasion. I think this debate has really been had in the past. It is not a perfect system, but I would say to the people out there who want to have an all-Island Senator mandate, this is clearly what the Electoral Commission talked about. They looked at marrying the practicalities and the idea, the philosophy, of having Senators, and they recognise that of course you cannot have an Assembly of 44, 48, 49, all elected on an Island-wide mandate. So why is it that people might wish to have Senators? Well, I think they want to have elections first of all; they are fed up of having uncontested elections. We will not talk about Constables' elections for the moment, because that has been resolved by a referendum. We are willing to accept the result of a referendum on the Constables; of course that is correct, and we should not reopen that debate in the immediate future, because that decision has been resolved. But to say: "Oh, well, this other referendum was 4 years ago now." Hang on a minute, we cannot have it both ways. We cannot say it is okay to acknowledge the legitimacy of the Constables ... and presumably we have to have another referendum in 4 years if that referendum is out of date, which would be in 2018, interestingly enough. I think people should show some integrity here when casting their vote. They should look at whether or not this amendment is better than what is being proposed. It simply does not make sense, of course, to have Senators and super-constituencies alongside each other, so the idea is that you amalgamate the small constituencies. St. Mary, presumably, with due respect, does not need, a Deputy any more if it has still got a Constable, but there is no problem with a super-constituency, if we want to call it that, being formed in the northern Parishes, wherever they end up being. Because we know that they will still be able to choose a Constable in St. Mary, St. John, St. Lawrence, but they will have a choice, perhaps for the first time. It is great in St. Ouen - I think that is the meeting that I went to - they should not have to wait 100 years every time they want a Deputies' election. We know that of course the Constables' election there works by appointment anyway, so you are just told when it is time ... oh, that is a sensitive one. But, empirically, it is true. But we are not here to talk about the role of the Constable today. It is absolutely important that the voters in St. Ouen are able to vote, and not just in the Senatorial elections, if we maintain them, but they should be able to have an election every time and, of course, go and see different people. We hear this idea: "Well, what if it turns out that all of the Deputies come from St. Brelade?" for example. Well, what if all the Senators come from St. Ouen? Has anyone thought of that? I mean, this resistance to amalgamating Parishes, we have been doing it since 1948. We have done it before that when we had Jurats in the Assembly. We amalgamate the 12 Parishes. I am being told that apparently 3 of the current Senators come from St. Ouen. That is fine; I do not think anyone necessarily asked where they came from. If St. Helier starts voting in any great numbers, that is when you have got

to start worrying, because you could have St. Helier dictating the majority of seats, not just for Senator, of course, but they could swing the whole election. Irrespective of where the Senators end up living, if St. Helier comes out to vote, under the current system - which is first past the post, and which allows distortions - the winner takes all. But just beware, if ever there were 8 candidates of a certain persuasion who manage to capture the imagination of the public, then of course, that small minority could take all of the seats. When people say to me: "We might end up with St. Brelade dominating" well, it is entirely possible, and it is currently the case that in any of the districts, you do not have to live there for Deputies, so it is entirely possible that St. Helier, as it has done in the past, will elect people who do not live in their constituency and do not even live in St. Helier. That is fine, that is down to the public; they decide whether or not they want to do that, but they will be voting for people who represent the entirety of the district. What I would say to people living in the west is that it does not really matter where your Deputy comes from or your Deputies live, the fact is, they will be representing the whole of the electoral district. If they get a phone call from somebody in St. Ouen, they get an email from somebody in St. Peter or a letter from somebody in St. Brelade, if they have got any work ethic, they should respond to all of them equally, and if they do not, I think the public will take notice of that. It is not a perfect system. I, for one, am fed up of no change, and I am not voting for the sake of change, but I am quite willing to give up my constituency seat in St. Brelade, in the relatively small district of Les Quennevais, if it is for the greater good of the Island to help foster a more democratic process and more public engagement from the public at large. I will just finish with one comment, and very respectfully, I do not think you can have a go at the public who turned out, either in the referendum or to the Scrutiny meetings, because they at least showed an interest. We have people, of course... and again it is absolutely true, that the advantage of being a Constable or a Deputy in a smaller constituency is that you tend to know a lot more of the electorate than you might, of course, if you were in a bigger district. One of the gentlemen there said ... and I think it is fair to say they were slightly open-minded to reform, they knew in their heart of hearts that the current system is not optimal and that it can be improved, but they said: "Look, we understand the system, we have voted for years, no doubt, maybe for over 60 years, in Jersey, so we know the system, why are you changing it?" I said: "That is fine for you", and we as political aficionados, if you like, know how the system works, we know some of the nuances, we even know the personalities, and we tend to know, just by looking at an election poster, what kind of politics we can expect from the person depicted in the photo. But that is not always the case. I said: "Well, look, there is an issue here because some people may understand the system, but the vast majority do not understand the system, or they choose not to engage in it. It might be fine for you, who have lived in this district, in this Parish, all your life and are quite happy with the system, but what about the people who have no idea about how our system works?" 50 per cent of the population, for example, were not born in Jersey. That means that probably a lot of us in this room, if we were born in Jersey, have got a relative, a parent, who was not born in the Island, a grandparent, *et cetera*. But we have also got friends, and indeed, some of us were not born in Jersey either; and that is fine, that is the kind of Island we live in, but it has to be said it is an overly-complex and opaque system which surely can be improved. If we can move to a system whereby we keep the integrity of the Parishes ... and this is why I do not understand the issue, because we are being told: "This will be the end of the Parish system. By getting rid of Senators we are getting rid of the Parish system." That does not make sense because, what we have got on the table today, is either we go for the dog's dinner that is being proposed by Senator Farnham, as it has been written by someone else, or we go for this, which has at least got some intellectual and philosophical reason and working to it. It keeps the Parishes integral. So what are we complaining about when people say: "This is going to destroy the Parish system"? We Deputies in here are not Parish Deputies; we are Deputies who are elected by constituencies to the States Assembly. We are not part of the Parish apparatus. Of course, we take an interest, of course we should, if we are showing a good ethic, attend meetings and we are invited to the meetings too.

But we are not part of the apparatus, we do not get to set policy at a Parish level, and nor should we be expected to. I do not see why this charge is being brought out that we are somehow weakening the Parish system; no, but by having large districts and having Constables kept in there, I think we get the best of both worlds: we give electoral reform and we respect the view of the Parish Assembly. What I would do is perhaps give a word of warning: if we are going to be resolute in chucking out every version of reform that comes to this Assembly, just because we do not like it or we think that there is a better solution just over the horizon, which is not quite yet visible, then, if we do end up with, for example, Senator Farnham's system, reform will be back on the table straightaway. That will be seen as very much an interim solution. You cannot, in all credibility have that system and then expect Senators and super-constituencies to co-exist together. The public will not allow it and it will not last because there is no logic in having the circus that is the Senatorial election take place at the same time as having these new districts. I think if we are brave here, allow the amendment to go through and if we vote for the amendment then I think we can see some form of lasting change. If we do not get any reform through today at all we can be sure that within a day or within a couple of weeks there will be another proposal on the table for reform. It has already been written, as I said before. The reform that I am talking about is the one that P.P.C. had ready to go in 2013, which is essentially what we have got now but removing a couple of Deputies, putting them here and there and no doubt we will be told that that is not an acceptable system but there is another way to do it, just nobody is volunteering what that is. So I would ask Members to be brave and do vote for change, not for the sake of change but because this has been well thought out, it is a relatively recent referendum to back it up and it does make sense.

### **9.3.11 Deputy P.D. McLinton:**

I have been thinking a great deal about how to address an issue that has returned to this Assembly on so many occasions and address it differently, not go over the same old rhetoric, same nonsense that we have heard again and again and again. What I have noticed is how many people enter this Assembly with an opinion already formed and they are going to argue the opinion they have already formed. Surely the basis of good debate is to have a strong opinion weakly held, otherwise you just have an argument, perpetual argument. I would dearly love to see some conclusions to that in this place because it deserves more. Now, I want to illustrate what I think this is about. This is about values and beliefs. With Sir's indulgence, I am going to take this right off on a tangent but trust me I am going in a direction here. George Washington's teeth; yes, I know I told you it was a tangent. Now, you may have heard that George Washington had dentures. In fact, he lost most of his teeth in his early 20s, and you may have heard that his dentures were wooden. You probably spouted this in the pub as a fact, it turns out it is complete nonsense. Here is a fact, in 2005 the National Museum of Dentistry in Baltimore x-rayed Washington's dentures and discovered they were in fact made from gold, lead, hippopotamus ivory, horse and donkey teeth. His mouth was like a petting zoo from hell, a dog's dinner in fact. A bit like this constitution. Now, I would like to ask you something now I have said that, upon hearing this new fact how did it make you feel? I studied the fact, I provided evidence of that fact and now presumably you believe in what I have said? Presumably your belief in George Washington's teeth has changed with little or no friction. When you are down the pub and the subject of his teeth comes up you are going to sound really rather informed and clever. What if I told you that George Washington had another set of teeth, a spare pair, as it were, but these teeth were not made from any of the aforementioned materials?

[15:45]

What if I told you that George Washington, the man that presided over the 1787 Convention that drafted the United States Constitution, a man who was the driving force behind the nation's establishment, who came to be known as the father of the country during both his lifetime and to this day, the first President of the country who had enshrined in its Declaration of Independence

these words: “We hold these truth to be self-evident that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.” What if I told you as a fact that George Washington’s other pair of dentures was made using the teeth of slaves? How did that make you feel to learn this fact? Any friction like the friction I mentioned earlier? Now, this is not about demonising George Washington, painting him as some sort of monster, or defend him as a man of his time, I do not care what you now think of him, the point was not a history lesson on the dubious dentistry of the first President of the U.S.A. (United States of America), the point is to give you an emotional barometer of how you feel when presented with new ideas. You may have noticed the first fact was easy to accept because it did not challenge your belief systems. The second fact challenged your belief systems and brought about some strange feelings associated with the facts. Why? This is interesting this. Why do we soften our stance when presented with some information yet gnash our teeth - forgive the expression - when presented with something which is counter to our belief system? Why do some people choose to ignore evidence, facts, but dig in their heels even deeper to hold on to their beliefs? Why would providing even more evidence make someone even less likely to believe an idea? Neuroscience. It is called the backfire effect and we are all subject to the backfire effect. Enjoy this one. The amygdala, the emotional part of your brain, reacts to threatening information the same way as we are reacting to physical threat. From an evolutionary standpoint that makes complete sense. The caveman lob a rocket at your head; you are not going to start debating with him the pros and cons of getting your brains knocked out against the more objective approach of talking it through. Core beliefs are built upon, usually from childhood, and compounded by life’s experiences. The core beliefs are inflexible, rigid and incredibly sensitive to being challenged. Any of those ring any bells? The first Washington teeth fact did not challenge your world view in the slightest, so no amygdala arousal, which is interesting. The second did challenge your world view and set your amygdala dancing. Your brain loves consistency. It builds a world view like we build a house. It has a foundation or windows and doors, and your brain knows exactly how it all fits together and if a new piece of information is introduced that does not fit the whole house falls apart. So your brain protects you by rejecting the new piece of information and it builds a moat and a fence around any new information that does not suit your world view. Does this sound familiar again? That is why we have the backfire effect wired into us, to protect our world view against new information, new facts, that may challenge our safety. We cannot do anything about it, by the way, we are hardwired. What you have to do is try and park it. You know, park that already informed opinion you came with you think is well thought about but it is not really because the facts are what really matters at the end of the day. The fact ... well, people say the system is fair and works well. No, it does not. You know it does not, I mean you really know it is not fair ...

### **The Greffier of the States (in the Chair):**

Through the Chair, Deputy.

### **Deputy P.D. McLinton:**

Members really know it is not fair. Fact, St. Mary, total electorate 1,373, representatives in this Assembly, 2: 668 votes per Member. St. Peter, electorate 3,606, representatives in this Assembly, 2: 1,803 votes per Member. That is very nearly 3 times as many. That is a fact, and that is outrageous, that anybody can stand up here and claim that as democracy is outrageous. Park your values and beliefs of old and listen to the facts because these are pertinent. If you are on the electoral register in St. Peter, a Parish I have lived in, by the way, and have also lived in St. Lawrence, my vote in St. Peter was worth half in St. Lawrence as regards Deputy. That is outrageous. That is not fair. Many Members in here are standing today to argue for unfairness. It is ridiculous. “It will be the death of the Parishes.” The Parishes will quite clearly remain, a Deputy does not a Parish make. I had a conversation with somebody the other day who asked how

I felt about this. “We voted you in, you have to say what I say.” No, I do not. I did not say that. I said: “By the way, what district are you in, St. Saviour?” He went: “Oh ...” I said: “Is it mine?” He went: “It does not matter anyway.” I know he does not even live in the district he is espousing that he voted for me in, I know he did not vote for me, I know that most people do not even know what district they live in, all they want is good people in here that represent them equally and fairly. They want clever people prepared to make a good argument. That is what people want. I guarantee if you look at a satellite image of this Island from space you cannot see any Parish boundaries. They are made up by man. They do not exist. No, no, you would say: “This side of the stream we will call it this, and that side ...” that is what it is made up by. Now, it is great that we have a Parish system, I am not arguing against that. It is wonderful but, come on now, if we decide to pass this amendment, and I hope we do, the Parishes are not going to suddenly disappear. You are not going to suddenly live at, for example, number 37 La Verte Rue, super-constituency 3, you are still going to pay your rates to the Parish, you are still going to turn up to the Parish, your O.A.P. (old age pensioner) party will still happen. The Parishes are not going to die, and all this foot stamping, ridiculous. Ridiculous amount of over-exaggeration really sticks in my craw. This is purely about electoral fairness and equity and nothing else. Fairness is what this is about. What does concern me, and I am going to say this out loud now, is a number of Members in here are concerned for their jobs because they have had it safe for a long time, and the very instance that they are put out into the wider community they are nowhere near as sure of getting it. So if you hold that belief, even subconsciously, you are going to go out and find people who will agree with you because that is what we do. There are some gentlemen to my right here who find people agree with them all the time and they think everybody thinks like this. There are some over there. Similar, we all find people who agree with us, gravitate towards them and then believe that is the world view. Well it is not the world view. Equity and fairness in a democratic place like this is paramount to the fine functioning of this Assembly and, for goodness sake, park those old values and beliefs you have dragged around with you, the Parish will not die, you will still live at the same address, you will pay the rates to the same place and, as a Deputy, I do not ask somebody who calls or emails me what district they live in. I never do that. I had a former States Member approach me the other day and said: “I think you can help some people, they do not live in your district but they do live in St. Saviour.” I said: “I do not care, I just want to help.” I want to help people, and if it is a particular boundary issue within St. Saviour 1, then that is fine, if it is directly to do with it that is fine but then, of course, that could go over to the Constable, you could then assign the responsibility to one of the Deputies who is aligned to that. That is fine. But I am here to help people, not people in a certain area, I am here to help the people of Jersey, my beautiful Island of my birth, and I want this to be equitable. So I urge you, please, park it, let us move this forward. Let us hand down to future generations a chance to have a more democratic society in Jersey. Please support this.

### **9.3.12 Deputy M.J. Norton of St. Brelade:**

Thank you, it is a great displeasure to follow Deputy McLinton because it was so good and he said a great deal of what I wanted to say, with the exception of Washington’s teeth. If we were to start a new Island today with 100,000 people and get a blank sheet of paper and decide how we are going to design the constituencies and how we are going to design the people who would represent them, would we say: “I will tell you what we will do, we will have some who are Island representatives, we will have some who are Connétables of the Parish and we will have some who are Deputies. But the Deputies do not need to live in the Parish and all those who have an Island-wide vote can live wherever they want and most of them seem to live in the least populated of the Parishes.” That is how we would design it, is it? It is probably not how we would design it at all. We would probably look at the blank sheet of paper and say: “How small is your world?” You can fit the entire population of this Island in Wembley Stadium and yet we want to divide it, and divide it

further and keep it as small as possible. It is not that big. Political observers. I have already heard people say: "Well, let them come, let them tell us that we are wrong." They are already telling us, the trouble is you have got your head so far in the sand that you are too blind to see it. Try going to a Commonwealth Parliamentary Association Conference and explain to them how we do it. I can tell you it is pretty uncomfortable and it is almost embarrassing when you have to tell them how we divide up our unfair constituencies. The inequality is outrageous. We could do it another way, of course; every time we have a vote and St. Mary has one vote, St. Peter can have 3. That would be fair, we would just have a different counting system. That way, we would have some form of representation that was equal to the amount of people that live in the Parish. Will the Parish system be broken? No. All it will mean is our extremely important Connétables, our much valued Connétables - and they are - will be even more integral to their Parish. Who knows, there might even be no uncontested elections. They might even have more support. The same could be true of Deputies that have got in without one vote being cast for them, because that would not happen again. Are our States Members so flat out that they cannot manage all the work that they have? Depends how many committees you sit on. Depends how many panels you work on. Some of us work on quite a few of them, and some maybe not so much. But is it complicated super-constituencies? How will the Parishes possibly cope with super-constituencies? Well, it cannot be any more complicated than having an Island-wide vote, a Connétables vote and Deputies vote all at the same Parish Hall all on the same day. That is not complicated, is it? Surely we can cope with 6 people being voted in one super-constituency. The easiest thing to do, of course, on every occasion is to say no change, because it is so much easier. It is the *status quo*. We are not going to rock the boat, we are just going to keep it as it is. Why? Well, it is tradition. There is a lot to be said for tradition. But there is a lot to be said for fairness, equality, improvements. The Connétable of St. John said: "Well, no, let us go away and come back when we have something acceptable." Acceptable to whom? Acceptable to those that might be a little bit concerned that they might not get in in a super-constituency but are quite comfortable in a much smaller Parish where it might be uncontested. In St. Brelade we had a public meeting, which was very interesting. There was plenty that was discussed there from the 20 people that turned up.

[16:00]

They were asked whether they would like Senators: 9 said yes and 6 said no, and the others were so confused by the question they did not answer. When I asked them: "Who are those from St. Brelade are in District No. 1 and District No. 2", most of them could not tell me, I had to tell them. So much for them knowing exactly where they belong and how important it is to them. Sometimes in representation we are trustees, where we are there to make the decisions on behalf of the people that elected us but in a trustee manner where we are voting for the betterment of all of the people. Sometimes we are their delegates, where we are representing their exact thoughts. To my mind, having fairness, having equality, having an even playing field where the vote that you as a Member make is representative of roughly the same amount of people is a far better system than one where someone's vote is worth 3 or 4 or 5 times more than someone else. That cannot be right. If you are telling me that is democracy then I am telling you I think you are mistaken, it is not democracy. Democracy is where there is fairness, where there is equality. I have not spoken about reform in any way up until this moment and I was away on States business when this was discussed last time, back in February. But I am glad I have had the opportunity today. I would urge Members to see the sense in making what is a right decision for equality and for fairness. Thank you.

### **9.3.13 The Connétable of St. Helier:**

It is difficult to know quite what to say given that we have already had this debate a matter of weeks ago and it was referred to Scrutiny for reasons perhaps best not discussed now. But it was referred to Scrutiny and so we are back having had a very full and thorough debate about the matter

and we approved electoral reform. So it is slightly confusing to be in the same situation and, like other Members, I have had several emails - probably not more than several - from members of the public urging me not to wreck the Parish system or whatever. Those, I am presuming are on the back of what Scrutiny did. All I will say about Scrutiny was that I was troubled by one of the advertisements calling for public participation where they said ... they referred to the loss of the Parish Deputies. Well, of course, I mean I would go to a public meeting if they said that we were looking at the loss of the Parish Deputies. That, of course, is not what we are talking about at all, except in a very narrow sense. I did not think the advertising of the Scrutiny process was right. I do not think it served Scrutiny well. I do not believe ... one of the Members called it a quick and thorough report. Well, it was certainly a quick report, I would not describe it as a thorough one. But that is by the by. The fact is we had a debate in principle, we approved it, albeit by a slender majority, and really our job now is to get on and implement that decision, not to run the whole debate again in the hope that some Members may have been persuaded by Parish meetings, public meetings and some Members may simply be out of the Chamber who were here last time around. I think the essential principles have been laid out very clearly in 2 extremely good speeches. Firstly by Deputy Mézec and then an extremely passionate and thought-provoking speech from Deputy McLinton. The fact is it is all about fairness. While one of the Deputies was speaking I was looking up a word on Wikipedia because I began to think that we may accused of gerrymandering and I wanted just to check exactly what gerrymandering is. It is described on Wikipedia as the process of setting electoral districts, a practice intended to establish a political advantage for a particular party or group by manipulating district boundaries. Which is very close to what some Members are proposing to do. They are proposing to keep boundaries in place which effectively give more political power to some people in Jersey over the others. Now, I do not want to be accused of gerrymandering because that is something that used to happen in the 18th century, 19th century perhaps, it does not happen in the 21st century. It does not happen in a jurisdiction like Jersey which wants to be ahead of the game in almost every area. I do ask how Members can be swayed by a handful, a handful of emails, a handful of people at a public meeting who have probably got the wrong end of the stick, into believing that Jersey should move forward into the 21st century with a political system which gives more voting power to people who live in some parts of the Island over others. How can that be right? St. Helier is a strategic priority of the States. Now, there is a debate to be had about how far the Council of Ministers have delivered on its strategic priorities but I would urge, certainly the Council of Ministers ... and I would hope they would be absolutely rock solid behind this proposition, this amendment, because if nothing else this evolutionary change in our electoral system, and it is not the end of the evolutionary change, it is perhaps a step forward, this system will make the unequal, the inequitable process that we have in Jersey slightly less so for people who live in town. By giving town 12 Deputies instead of 10, it will be easier for St. Helier, the people who live in St. Helier, to feel their voices are being heard at the ballot box which is currently the problem at the moment. In fact, if you want to really be influential in politics, you best leave the town and move out to St. Mary because your vote is worth more in St. Mary and you probably have better air quality. So this is not just about St. Helier, of course it is not, and some Members have said at least St. Helier Deputies will still be St. Helier Deputies, which is not going to be the same in Grouville where there will no longer be a Grouville Deputy. But let us face it, we had a similar argument some years ago over the Constables and we know that having the Constables in this place, all 12 of us, makes it very difficult, if not impossible, to achieve voter equity. But we backed down on that. People who care about fairness have said: "Okay, well the Parish system is important so we are going to keep the Constables." Now, they think: "Well, let us have the Deputies as well." It seems to me that if people go on pushing for the Parish system in the face of inequality, in the fact of unfairness, they stand to lose it. What I would say to Members is, you have your Parish Constable ... what I would say to the people who wrote and emailed me: "You have got your Parish Constable if you have a Parish issue you are really

concerned about. Let us let the other Members of the Assembly, the other Deputies for Jersey, let us distribute them fairly across the Island so that we are not going to be held up as a jurisdiction for ridicule by other places in the world.” We should not be having this debate again. I am sorry it had to go off to Scrutiny, but it has come back, we are having the debate and I urge Members to stick to their guns and to vote for a fairer system in a 21st century democracy.

#### **9.3.14 Deputy D. Johnson of St. Mary:**

In view of the various references to St. Mary I should perhaps begin by saying how proud I am to be Deputy of that Parish and to say at least at our Parish we do have contested elections, both at Deputy level and Constable level, so admittedly I was voted in by 400 or so votes which represented some 60 per cent or more of the electorate and I wish every other Parish could produce similar figures. But going back to the main point, it seems to me the nub of the debate is very simple. I do share the views expressed by such as Deputy Tadier, Deputy Mézec that I would not wish to expect to be Deputy of a Parish simply to ... I would not expect to hold that position or vote in such a way that I would guarantee or better influence by position. In fact, I think that ... I expect the vote of the constituencies ... the vote for the super-constituencies will be such that my chances of getting in next time will be better than they would if I ran in a single Parish. But I wish to emphasise that my views are not influenced one iota by the fact of what my future might be in the States. As I said at the outset, at a previous meeting, this is a constitutional matter, it is one where we should be guided by the public after full consultation and after a referendum. Now, of course, Deputy Andrew Lewis has said that is what he is bringing to the States. To a certain extent he is right, but for one thing, it was 4 years ago. How can we vote on a matter and understand what the present public opinion is on a referendum given 4 years ago, irrespective of claims about it being deficient in certain respects? I therefore maintain that I am for change if it is what the public want. We do not know what the public want, will not know what the public want without consultation, without a further referendum. It is for that reason I have to vote against the proposition.

#### **9.3.15 Deputy G.P. Southern:**

Oh what a joy to be back here again discussing that thorny old issue of electoral reform. Before I start I want to deal with what happened. I agree with my Constable. I too was absolutely shocked and horrified to see the advertisement go through on a Scrutiny issue, unbalanced, unfair, it said: “Save your Parish Deputy.” It was a meeting to save your Parish Deputies. What an example of bias. The fact is the Scrutiny process was hijacked quite frankly by a group of - small “c” - conservatives who wanted under all circumstances to prevent any change whatsoever. That was the reality. Senator Ferguson, Deputy Lewis of St. Saviour, the Constable of St. Martin and Deputy Le Fondré, you should be ashamed to have run that consultation, such as it was, under the label of Scrutiny because it was an abuse of Scrutiny absolutely. I was in the St. Helier meeting - the second one I think it was - and quite frankly the people who had come who were interested on the front row laughed, they laughed when they saw the presentation from the chair. They had a little diagram of the new super-constituencies but none of the figures that showed how more fair or less fair the move was going to be. Quite frankly, I thought it was the worst presentation I have ever seen from a States meeting anywhere. With the result that apart from consulting a number of people from the Parish, the chairman spent at least 50 per cent of the time explaining what the panel was about, and explaining himself and what he was trying to do. So the chairman spent more time talking at the audience than the audience did giving their opinion to the chairman. It was absolutely shambolic. The word I have on my notes here is a simple one, it says “sabotage” because I have seen this in this Assembly for 14 years now, time and time again. People who do not want change are quite happy to sabotage anything and everything that comes up before them in terms of electoral change. How many arguments can we get together, which are completely disparate, arguing different sides of the case, so that we can get as many votes against something as possible.



I think they did it very successfully this time around. Some old hands at sabotage and they were performing well because we have had this so-called Scrutiny report which is, quite frankly, not worth the paper it is written on. Here we are defending a system that is 70 years old, 70-plus years old. Is this a system we would have if we were starting from scratch? Of course we would not. It reminds me of a well-loved and well-cherished veteran car. It gets polished weekly and it shines, it occasionally gets a trip out once a year on the veteran cars rally but it is a hell of a thing to keep going and it is all right once you have polished it and got replacement parts for this, that and the other, having them made because they are no longer made anymore and nobody has them.

[16:15]

But why? Why would you drive around, why would you sacrifice anything for a 70 year-old car? That is what we are doing. That is what we are doing. So single type of Members we have given up on because we have accepted that we are going to have the Constables to preserve the Parish system in the system. That makes it enormously difficult to get a totally fair system, in fact impossible to get a totally fair system, nonetheless this is a move towards fairness. As such, I believe it must be voted for. If we are to get closer to a more representative, more dynamic electoral system, we have to at some stage move towards change. I think this is far from perfect but, as my Constable said, we have voted on this once already, come on, let us vote - one more push - and let us have some change rather than complete stasis because that gets us absolutely nowhere and makes our system seem ever more anachronistic than it ever has been. Vote for this proposition, let us take a step forward.

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

In the Clothier report published in 2000, in the very start of the report chaired by the imminent Sir Cecil Clothier with Members sadly some of them no longer with us but including Sir Kenneth Bloomfield; Professor Michael Clarke; Mr. John Henwood, very much alive; Dr. John Kelleher; Mrs. Anne Perchard MBE, now deceased; Mr. Colin Powell, very much alive; and Sir Maurice Shock, I do not know where he is, they put effectively a preamble. There have been a couple of quotes which would be worthy of quoting. Deputy McLinton, Deputy Norton, if I may say Deputy Southern, and others all had extremely powerful observations to be made and worth quoting, and I will not repeat them. But in that preamble, in that first page of Clothier's report, it said: "A state without the means of some change is without the means of its conservation." By Edmond Burke, a fine quotation by a fine individual. The Clothier report went back ... and I have been in this Assembly, one of the few that was in here in 1999, it said that there was effectively no doubt that there should be and must be some change in our constitution. It said, of course the world is changing around us. Of course, change is difficult but effectively change was not an option. It spoke about the old Members of this Assembly, the older then Members, who spoke against reform. There are numerous *J.E.P.s* (*Jersey Evening Post*) going back, which I have looked at, which recounts about those issues. 2.1 of the report, and I am not going to quote much of it, says: "Democracies are born in the hearts of their electorate and unless subsequently cherished they will not thrive. We received much evidence to the effect that the electorate of Jersey has become apathetic, disenchanted with and detached from its Government. Electoral disinterest is a common feature in most modern democracies but it seems more noticeable in Jersey than elsewhere. The belief of many of our witnesses that the electoral apathy sprang from a lack of confidence that voters could bring any important change or have any real influence on the Island as governed is widespread." It goes on and it goes on. There has been hours of debate, hours of discussion in this Assembly, which many members of the electorate rightly, if they think back to what was originally proposed in 2000, would think if even a quarter of that time had been spent on the real issues that real Islanders deal with in their ordinary lives rather than talking about the frankly obvious changes that need to be made and change is difficult, but change in terms of making a democracy fair, equal,

actually equitable. I am sorry but I have to say that I agree with the word “sabotage” from Deputy Southern. I believe that the electoral reform process that was almost within our grasp has effectively been sabotaged by a Scrutiny Panel who were never going to approve - or certainly certain members of that panel - the change. They have never come forward with any change. They have never approved any change in this Assembly, they have always wanted the *status quo* to either keep their 2 seats in St. Lawrence with the same number of people as the Deputy of St. Peter. They have never voted for anything that is remotely fair. There are Members of this Assembly that carp. There is going to be a debate of a vote of no confidence in our Chief Minister, there is a lot of talk, there is a lot of criticism about people who make decisions by people who basically criticise those who are decision-makers. Fair enough, let us have that debate, let us have a debate about those people who have to make decisions properly and justifiably and democratically and transparently and honestly and opaquely, but let us have it with some sense of proportion. Let us have it with some sense of honesty in terms of what we are doing. I am going to support Deputy Lewis’s proposal. I am like the Deputy of St. Martin, I was an Option B supporter. Did I think Option B was absolutely perfect having originally been a Clothier supporter? No, but I certainly thought that it was going to be a significant step forward. Deputy Martin says: “Oh, Senator Ozouf has been an election observer in some far-flung place”, it was not far flung, it was the Cayman Islands, and then I was an election observer for the Assemblée Parlementaire de la Francophonie in Rwanda. Yes, I do what election observers do. I think I am, apart from Senator Bailhache - it is a shame he is not here today - the only one trained in what elections observers do. Some Members can put their heads in the sand. They love going on the C.P.A. (Commonwealth Parliamentary Association) trips. I think the chairman of the Scrutiny Panel has been on a C.P.A. trip or 2. We love to be members of the Commonwealth Parliamentary Association and hold ourselves up as being good members of Commonwealth Parliamentary Association. Perhaps on the trips that they have been to, learning about democracy, they would have informed themselves about what election observers do. They do not simply look at the counting of the urns, at the electoral register, they look at the fairness, the equalness, the distribution of seats, the connection with people’s manifestos and whether or not it makes a difference, and all the rest of it. If Deputy Martin, if Deputy Le Fondré, with the greatest of respect, if the Deputy of St. Mary does not understand that when we, for the first time properly ... just as we did last time and the only reason why we did not have election observers last time was because of some quirk in the law that did not allow effectively election observers into the polling stations to go and look at the urns. In hindsight, we should have got them here irrespective of whether they would have been allowed in the Parish Halls because we know there is no problem with the Parish Halls counting system and there is no widespread electoral fraud in terms of people turning up at elections and presenting themselves. We know that is not the problem. We know the problem is one of basic fairness and basic inequality. It is outrageous, it is not simply 10 per cent, 10 out 100, we get absolutely condemned on every single account of what is democratic. It is wrong. I look at my Deputy, St. Saviour No. 3, I cannot remember how many people there are in St. Saviour No. 3, but there is one individual - nothing against the individual, he is an extremely capable and extremely nice man - but is it right that he is in this Assembly with the same sort of election as my colleague Deputy Higgins in St. Helier No. 3 and 4 who has to have 4 people. Is that right? Is it defensible? Is it when we really have to start arguing ourselves in terms of the international community? We have heard a lot about the fact that we are growing up, hopefully we are going to see some great results of our public finances and we are showing the fact that we are winning business, we are winning SoftBank, we are winning this and that. What are we going to do in 18 months’ time when we have a report that will condemn our democracy? Because it will and any Member of the Assembly that thinks that it will not is living in cloud cuckoo land. They are in denial, they are either gerrymandering or they are thinking of their own seats, they are thinking of their short-term interests or they are absolutely stark raving stupid. Deputy Le Fondré ... I will give way to him if he wishes.

**Deputy J.A.N. Le Fondré:**

Sir, is that not a slur on Members?

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

Does he wish me to give way, Sir? I will give way.

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

I think it was a passionate comment on the spur of the moment, I do not think it was aimed at any specific States Members and I think we should get on with the debate. I think it was the reference to Members being stupid collectively.

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

Well, they must be unthinking. They must be lacking knowledge, they must not understand what democracy is about if they are going to make representations in this democratic assembly, in this parliamentary assembly which is the place that makes laws, puts policies, throws out Chief Ministers, elects Ministers and all the rest of it. They do not understand that there is a crisis in our democracy, there is a crisis of legitimacy, there is a crisis of actually what we stand for and how we are here. This is unfortunately the very Last Chance Saloon. It would be wrong to make changes any time sooner than effectively a year before. We tried that before and, frankly, it has been wrong. So this is the chance, this is the Last Chance Saloon for effectively an absolute certainty of an electoral reform that will basically say that we are undemocratic. Not on one count but on all 3 in terms of what is effectively legitimate democracy. What is going to be the consequences of that in terms of inward investment, in terms of jobs, in terms of us standing in a post-Brexit world when we are trying to develop our economy, bring more inward investment, take the best out of all of the challenges of Brexit? Are we going to be able to go and say: "Yes, great standing democracy, all is well, you know, proper laws being passed by proper people that are properly elected, proper connection with people's manifestos and vote, and there is a proper transparency"? No, we will not. We will be cast in the bottom league of what a democracy is. Any Member who is going to say that that is not going to be the consequence after ... it is 1999 that there was a recognition that there was an electoral problem, that there was a democratic problem in Jersey, 1999. It is now 2017. This cannot go on anymore. What do we want, a Royal Commission? Shall we invite over the United Kingdom to come and tell us what to do? They will tell us. I know there are some Constables that are getting rather twitchy with me, but it is true. If we cannot sort out ourselves there will be calls upon us effectively to come and impose something. Certainly to encourage us at the most flavoursome variety. Can the U.K. legislate for us? No, they cannot. Could they legislate for Sark? No, they could not. But could they put pressure on if there is a report that shows such a travesty of democracy? I like the Deputy of St. Mary, I like my own Deputy of St. Saviour No. 3, but I am sorry the way that they are elected compared to other people is just simply wrong. It is unfair, it is unjustifiable, and I am saying it so that Members understand - so that they understand, because nobody can say: "Oh well, you know what, I did not realise the consequences of it. I did not quite realise the consequences of again putting electoral reform off for yet another time." This time it is different. This time we live in a globalised world, we have social media, we have international election observers and we are not going to be able to cover it up. We are not going to be able to just sit here and say: "You know what, we will just put it off for another 4 years." That is not going to be possible any more. As somebody who has been at the coalface, perhaps at the uncomfortable coalface, of hopefully doing what I was asked to do, and I will continue to do, day in day out, just as Member who is given the opportunity of also doing, of winning business and winning prosperity, and winning income, making sure that we have more revenue in our Treasury, defending the Island's interest. I want to be able to defend it and say we have a strong democracy.

[16:30]

If you want to throw out me or the Chief Minister, votes of no confidence, fine, that is democracy. That is democracy. Democracy is noisy. Democracy should be noisy. I have no problem, I agree totally with what Reform Jersey is saying this afternoon in terms of that and we are not of the votes but same political divide. No doubt I would have different views in general elections of the political colour, but fine that is democracy and it should be noisy, but it should be fair and it should be proper and it should be defensible. Members who are going to choose to find some reason, some slippery, nice convenient reason, to put off what effectively is a democratically arrived at solution to our democracy. There was a referendum. You can argue all you like whether or not it was, you know, A and B, whatever, there was a referendum. There was proper consultation. This last Scrutiny Panel did not do anything like the kind of consultation of the Electoral Commission, the Clothier Panel and all the rest of it. Absolute rubbish to say that this report, brought at the last minute ... last Friday it was published and basically then was embargoed until Monday morning. Ministers that would do that would get trashed on something that is so important on our democracy and we are going to use this report as a reason to throw out the principles of electoral reform. I say outrage. I say wrong. I say basically sabotage. It is wrong. We have passed the principles, we have gone past the Last Chance Saloon and the consequence to this Island and the democracy which we all are supposed to cherish, we are supposed to be democrats, we are supposed to care about democracy, and all that stands for it, which is fairness and equality and something that is defensible. This is the last chance. I am going to vote in favour of Deputy Lewis. I hope it succeeds, I only came forward with the Senatorial solution last time because I was worried that it would be thrown out and that would be a solution. I am going to carry on voting in favour of reform to get something that significantly improves upon where we are. I say 2 final things. I say to those desirous of keeping Senators, since being out of office and having my little office across the road, which I have partly enjoyed being in but I have learned a lot and I have spoken a lot and I have read a lot and I have had to think a lot, the solution I think if people really want to keep Senators, and if there is a public desire, is for them to be effectively rethought of and effectively put in the Legislative Assembly and basically a super-constituency. That is a real option and can be thought about. I have looked at it in other places and if there are criticisms of Scrutiny not working... I think it does in many cases, examples of excellent Scrutiny are the Health Panel and other things, the Education areas, there is lots of Scrutiny that works but scrutiny of legislation, not good enough, maybe we can have that Legislative Council which would sit above it. Effectively a super-Scrutiny system. That would work, effectively a Legislative Council. That is what I want to call it. I do not want to start calling it things like Senates and other things because people get excited. But that is what it effectively is. If people want Senators and wise people there might be some quite good people standing in that sort of position. I say to the Parishes, if they are serious about strengthening the Parish system then let us have the Comité des Connétables coming forward with some real improvement and modernisation of the Parish system. This is a televised debate. I do not like looking at myself on the T.V. (television) but I have learnt how to look at it. Not nice but it is improved democracy. I am proud we brought the cameras in. Bring the cameras into the Parish halls. Let us have e-voting in Parishes. If Constables and Parishes want to be relevant they have to modernise. They have to do like Edmond Burke said, they should be seizing this opportunity of being in this Assembly. They should be seizing the opportunity of having well properly sorted out Deputies which could all be organised in terms of specific people with specific responsibilities for different areas, because they will also be legitimate, they will be fair. Like Deputy McLinton, do people ring him up say: "Oh, I am St. Saviour No. 1 or 2"? What a load of nonsense. Let us seize upon the opportunity, let us have the great Parish Reform Bill to modernise, strengthen, to make the Parishes more relevant. Let us use the opportunity of a strengthened more legitimate democracy to get the Parishes even more important to people lives in terms of the social action groups in St. Clement and elsewhere. That is not going ... that is not standing still, that is moving forward. So let us move forward and defend Jersey's democracy before the consequences

are too serious and, frankly, for me, too frightening to contemplate. We will be doing every Islander a disservice. Yes, it is fine to hold on to tradition but tradition can only be held in such a percentage versus the overwhelming truth which Deputy McLinton spoke so eloquently and Deputy Norton and Deputy Southern and all those others that have spoken in favour. I urge Members, this is really, really, really serious, it is really the Last Chance Saloon and I want Members to think forward 12 months to the consequences of where we will be unless we make changes. I do not want to go there and we have an opportunity today of stopping that from happening because inevitably it will and I do not want to be in that place when it is.

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

Wow, I do not think any of us are fit to be in here if you listen to what is being said. We are stupid, there will be a better class of candidates coming through. So in that case none of us are fit. One of the Deputies, who is going to be 30-odd by the time all this happens, will have grey hair. He might not even be voted back in so he might still have a full head of hair the colour it is now. We have no idea what is going to happen but shouting and ranting and raving about each other is not going to help. You want true representation, fantastic. You are going to lose your St. Saviour Deputy when we have all those people living in my Parish. I am not going to have true representation in my Parish. When St. Clement get all their buildings - unless they are lucky enough and they can fight it - they are not going to have true representation either. So what do we do? Do we come back and we say: "Well, I am very sorry, my Parish is lacking a Deputy so can we have the system go through all over again?" It is not going to work like that. People are saying that we are going to be laughed because we are in a mess. Who has said, other than ourselves and people who are trying to better themselves, that we are wrong and we are in a mess? You are nodding, Deputy Norton, because you have been out to different constituencies, so you were not proud of what you had here and so why did you stand to be voted in? You stood, like I did, because you were proud of your Island and you were proud ... I came in as a Constable quite by accident but I was proud of my Parish. I have done 2 and I am going to stand again for a third. If I get in, I get in, but if I do not then they will have their democracy and it will be fantastic because they could put somebody from Reform in. Wonderful. But the public are the ones who vote, not these people sitting here shouting and getting very excited about everything. It is the public that you represent and there is no point in saying: "I only help St. Saviour people" like Deputy McLinton helps other people. We are here to help each other but your first call for me is my Parish. I help people in other Parishes. I have had today a problem and I have given it to the housing lady because it is not in my Parish. I am not a constituency, I am a Parish and I was voted to the Constable of a Parish. You all say the voting is going to be fantastic. Right, well next May when we all go to vote it is in the middle of the Parishes doing their budgets, and all the bits and pieces and rectifying and getting all their money correct. Now, how is it going to work? Do you know with these super-constituencies where you going to have your voting elements? You have got it all worked out. No. You are saying, yes, Deputy Lewis, that the people who are going to be involved in this have not said yes.

**Deputy A.D. Lewis:**

If the Constable will give way perhaps I can explain?

**The Connétable of St. Saviour:**

Yes, I will give way, my love, because I think the public need to know what is going on.

**Deputy A.D. Lewis:**

The Greffier cannot possibly start organising this until we make a decision in this Assembly. They are waiting with bated breath to do this and when they do they will organise it and they have a year to do it, which is why we keep saying we need a year to get this organised. It is not impossible to do at all. But shorter than the year it gets difficult.

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

Can I just say as well, can all the contributions be through the Chair. There has been quite a lot of “you” this and “you” that and I have not really done anything.

**The Connétable of St. Saviour:**

I am sorry, I do apologise. But this is where this debate is getting sort of heated and out of line but the Parishes are going to have to do a lot of work for this. Although you do not like us, the Parishes are going to have to do a lot of work.

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

I really do like you but you still need put it through the Chair when you speak.

**The Connétable of St. Saviour:**

All right, my love, I will. [Laughter] Now, I have made you blush and I apologise for that.

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

Oh, I am unblushable, Connétable.

**The Connétable of St. Saviour:**

I apologise for that. It is just that I am ... you know, Clothier has been mentioned, fantastic, but Mr. Henwood who was on Clothier wrote in our local press the other night that he was not happy with what was happening here, and he was on the Clothier Panel. What I would have liked to have seen, and I know it is not going to go down very well, in 12 months this House will be gone. Some of us will still be here. Some of us will be gone. We are leaving somebody with a lot of problems. I would like to have seen the new House come in next May. They had 12 months to decide all the reforms then it would mean they have 3 years to put them into situ but they would only have 12 months to have it voted in and to decide exactly what they want and then the 3 years was left to put it all into order so that by the time the next voting came it was done, dusted and sealed and we would not be having these arguments about whether we were stupid, whether we were hopeless, whether we were going to have a better class of candidate. The people who have come out and voted would be very upset to think that the candidate they voted in is not a good candidate and if we go in a bigger constituency they will have a better class of candidate. I think that is sort of making the general public ... sorry, you are just not important and what is going on today is making them feel they are not important. Because I do not care what you think about what we had in the Parish Halls and when the Scrutiny Panel did things, we had one person who wanted the change. The rest did not want it. Well, we had one sitting on the fence. He was not 100 per cent sure, bless him. But the majority of these people did not want the change because they did not fully understand and I know you are grinning and you are laughing because I am calling everybody “my love” and “sweetheart”. It is how I am and I cannot help it and I am not prepared to change for anybody in this House and I am not prepared to change for change sake either. So I will stay, I will vote, I will vote against this because it is not what my Parishioners have asked for. We had some emails. I sent 3 or 4 of them around and Deputy Lewis sent a letter, a reply, back to one of them which ... obviously he knew the person who had sent it but I thought it was a little bit ... it was not fair to send that reply back to this gentleman. You were surprised that they were against the new system, knowing the person that they were. Everybody can vote however they want. I do not want anybody to be bullied, like has been going on in this House today. We have been talking about this for hours, days. We should all know where we want ... and what the people who voted us in want and that is where we should go.

**9.3.18 Deputy J.A.N. Le Fondré:**

I have been listening with some interest and obviously we have had some very passionate speeches, most particularly. I think somehow at times calmer contributions are sometimes more valid. I am going to address a few points initially that have come up literally in the last couple of speeches. So Deputy Southern quoted us as saying: "Save our Parish Deputies" was in the *J.E.P.* advert. The *J.E.P.* advert is on my phone, there is no such expression in that text at all. So I trust the Deputy will be withdrawing that allegation because it does not say: "Save our Parishes." It does say: "Electoral reform" is the headline. This is the marketing headline. It is to draw people in. "Electoral reform: super-constituencies, the loss of Parish Deputies and of all Senators." That is the amendment that we are debating right now.

[16:45]

That is factually the amendment. People may not like it. We had some discussion about that. But if you want to attract people's headlines as opposed to: "Oh, we are doing a little review and we may possibly be considering the possible withdrawal of ..." you are going to get one person turning up. In the 3½ weeks or 4 weeks that we had to do this work, because we asked for a longer period and this Assembly did not give it to us. So we have done the best we can do in the time available and that included a Mori poll of 1,030 people which at least gave us - and I will touch on that later - hopefully some objective evidence that was not self-selecting but the point is ... so I am refuting as a starting point the "Save our Parish Deputies" slogan. He carried on: "A Corporate Services Scrutiny Sub-Panel is examining the impact of proposed electoral changes which are due to be debated and discussed and decided upon by the States on 6th June 2017. These proposals include the removal of all Parish Deputies, the creation of 6 super-constituencies which will designate how a new type of 'Deputy' will be elected and there is also a proposal to abolish Senators. As a result there will be a reduction in States Members. The sub-panel is holding a series of public meetings to find out the view of the public on the proposed changes, one in each of the proposed new constituencies at the following dates and times" and then it goes on. There is no use of the expression that Deputy Southern has used and therefore I submit he is misleading the States, unintentionally of course. Now, to pick up some other points. If we were going to design a system from the Island of 100,000 people today we would not have a parliament. We would be part of Hampshire. We would not have a 350-odd year-old mace but we are a unique Island with a rich heritage. That is the distinction. One would not get ... and I am not giving way ... we would not get...

**Deputy M.J. Norton:**

Because you have misquoted.

**Deputy J.A.N. Le Fondré:**

You said if we were going to design a system for an island of 100,000 people today we would not... of 100,000 people today and then the Deputy carried on.

**Deputy M.J. Norton:**

If the Member would give way.

**Deputy J.A.N. Le Fondré:**

No, I am not giving way. I have said I am not giving way.

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

He is not going to give way and I think just carry on with the debate.

**Deputy J.A.N. Le Fondré:**

Also to address ... St. Helier were made up of ... the St. Helier meeting and what St. Helier lacked in numbers they definitely made up in opinion and the difficulty we had was trying to bring people back to, we were not trying to redesign the system, we were trying to get people's views on what we are being asked to debate on today; that was part of the difficulty on that day. It was the only time that happened, I would suggest, of the 5 hearings we did. Now, I touched on our unique and rich heritage. I do want to touch on ... because there have been some comments around the Parish system. In one of the submissions to us, and I will quote from him a couple of times, I believe it is appropriate to mention names because it is in the transcript, is Mr. John Henwood. He was a member of Clothier. We have been told that already and what he quotes ... I fully appreciate it is around a slightly different subject but these are his words. "In the whole of my lifetime and the lifetime of people considerably older than me the Parish has been electoral constituencies with subdivisions introduced as Parishes became more populist, St. Brelade for example. People understand them. People's emotional attachments to the Constable being in the States is about recognising the strength and the value of the Parish system." Now, I fully submit that Mr. Henwood probably does not support the role of Constable in the system but he made the point that Clothier kept the Parish boundaries and that was the reference there. Another person who appeared in front of us talked about: "What makes Jersey different? What makes us unique? What makes Jersey 'Jersey'? In my view the most important element is the Parish system." He goes on to say: "It is not just the Honorary Police but the whole gamut. But there are an awful lot of people and every Parish pay their part in an honorary capacity and I believe this engenders the whole community spirit which pervades certainly all of the country Parishes." He was not too sure about elsewhere. He believed that the Anglicisation of everything starts with the States and then he goes on to expand why. Now, he then commented on the Parish Deputies. In his view: "The removal of Parish Deputies, in my view, will be another nail in the coffin of the whole parochial system which is the major part of the Jersey way" and then he carries on. The point I use those comments is we know we have got different opinions around depending which area you are coming from. I just wanted to offset the ... it was almost inference that our culture, our heritage of which the Parish system is a fundamental part, in my view, did not count and I just do not agree with that and that ties in with my manifesto as well. To set the record straight, when I have ... I think I have been in this Assembly now for approximately 11½ years. It is about 4 election cycles. In that time how people have been elected has significantly changed. In 2018 we will have completed the move to everyone on a 4-year term. We will have slightly fewer States Members and we will be electing everyone on the same day. That is a far cry from when I first started when there were 12 Senators elected on one day, then came the Deputies elected on a different day and then Connétables were elected each on different days. In fact I have this recollection, I am not entirely sure if it is accurate now, but I have always had this recollection by the time we got to a particular Constable's election, I cannot remember which one, it felt like the turnout had significant reduced in terms of people coming through the door. So the system has changed and I can safely say I have been instrumental in one of those changes. I was very upset, there we go, with Senator Ozouf's comment, that apparently none of us have ever voted for any changes. The reason I was even more upset is obviously he plainly has not read some of the documentation we had, which includes P.133 which is a list of the various amendments and propositions that have come through; the whole list of them. In fact I think I appear on there at least 3 times. In fact other than P.P.C. my amendment is the only one that was ever approved by this Assembly. So to say I am not in favour of reform is absolutely untrue because it sometimes feels like me, personally, I am being portrayed as anti-reform. I am in favour of sensible reform and bluntly this is not it. Now, we had the fear factor, which was: "Last Chance Saloon, we are going to be doomed by the observers coming in." This was similar to an article that Senator Ozouf wrote in the press earlier, in the last couple of months. I just quote from the panel's report. "Responding to such concerns the panel highlights that the U.K.'s voting districts are currently not equal and vary due to geographical and historic reasons." That is a



legitimate thing from the Venice Convention. “The largest district in 2015 was the Isle of Wight with an electorate of 105,448 while the smallest was [I will say formally the western isles in Scotland because I cannot pronounce the Celtic name] with an electorate of 20,000. This means the largest constituency is 5 times larger than the smallest district when comparing the size of the electorate.” I am stopping there. We do give some other scenarios. In fact, sorry, I will give a scenario from the U.S. We have just mentioned it as a thought. That is it. If one looks at the House of the Representatives and the U.S. Senate in the House of Representatives you have one U.S. congressman as a minimum and then it increases proportionately. In the U.S. Senate you have a fixed number of 2 irrespective of population. So what I am trying to say is there are big jurisdictions which have, let us say, discrepancies. In fact sometimes I wonder if there are some analogies that we could learn from but that is not within the remit of what we are talking about today. So I am not afraid of new facts and I am not afraid of reform. In fact I will say I am one of the few who has achieved some change but what I do not favour is reform that is not going to move us forward. So let us start with the specifics of this amendments; that is to get rid of Senators, create super-constituencies and add a couple of extra Members called Deputies into St. Helier. Now, Deputy Andrew Lewis has cited the 2013 referendum in both of his amendments and he states that there was a significant consultation; correct. The results of the referendum are clear and in this instance has said: “That is why he is proposing that we adopt the result of the referendum in his amendment” and other people have made the same observation. I think we have got to be very clear, this is not Option B. It is close to Option B, there is no question, but it is not Option B because it adds 2 extra Deputies. So in other words the number of votes per super-constituency is different, which was not one of the principles from the Electoral Commission. It is different for St. Helier versus all the other super-constituencies. Depending on the variation one picks it is either, and I should know this but I will just make sure I do not misquote. I am looking at Deputies. For St. Helier they will always get 6 Deputies per super-constituency, so there are 2 of them, everybody else either gets 4 or 5. That is not what was voted on in Option B. Now ...

**Deputy A.D. Lewis:**

Will the Deputy give way?

**Deputy J.A.N. Le Fondré:**

No, I am not giving way to anyone.

**Deputy A.D. Lewis:**

What it is talking about, it is A plus B.

**Deputy J.A.N. Le Fondré:**

I am not giving way to anyone. Now, one, I think, very strong conclusion we can derive from the work we were able to do ... and I emphasise that we were not attempting to emanate the work of the Electoral Commission, there is no way we could achieve that in the 3½ or 4 weeks we had is that 75 per cent of the public asked know nothing or nearly nothing about the proposals and a similar size majority are very clear, they want a referendum on these proposals and an even greater percentage want greater communication on matters relating to significant changes to political representation. I do not think one can argue those results at all. Now, I would venture to suggest that if one does... if we do not hold a referendum on these types of items and we have previously signed up to this principle, then this will cause greater voter disengagement which is not what we are trying to achieve. I was reminded by a speech of very well-respected Member of this Assembly some time ago. In fact on 29th April 2014 that Member was talking about a referendum and to quote: “Well, then it seemed to me that the public has a right to a voice in determining ...” the constitutional change we were debating at that time and he continued: “This is very important to the people of Jersey. This is not just a matter for the Assembly. The people of Jersey, in my view, are

entitled to be heard and for my part I would respect their decision.” Now, that Member was Senator Bailhache and equally he has referred to some of the elements of the main proposition as a “dog’s dinner”. Now, I would suggest that if these proposals are a dog’s dinner then it does matter how passionate one is about reform, then we should not be supporting them. We certainly should not be supporting them without a referendum and that is what the public have said. Not something that happened 4 years ago on something similar that is not the same. Now, in relation to the position of Senator, and I think this is relevant to this particular amendment, it is very clear the public, from the work we did, do support that position, it was about 58 per cent. You cannot, in my view, remove the entire position of Senator without a specific yes/no question in a current referendum. Now, I accept the Mori poll that we performed gives some conflicting views but I will just quote from it if I can find the thing. Mori, themselves, say: “That with a sample size of 1,030 where 72 per cent agree with a particular statement then the chances are 19 and 20 that the true value [i.e. one that would have been obtained] if the whole adult population of Jersey had been interviewed will fall within a particular range of plus 2.8 percentage points from the survey result.” So, in other words, for the very clear figures that Mori poll should be statistically representative of what the views of the Island are. That is their view. So that is why we have focused on people do not know, people want more information and people want a referendum. Those are very clearly up in that bracket. After that it gets more tricky: 33 per cent were in favour; 29 per cent were against; 16 per cent did not know and 22 per cent said it depended; 91 per cent did not know what Parish they might be combined with; 51 per cent then thought when they were told on the phone that might be okay, wanted it explained on the phone to them. But 48 per cent versus 43 per cent with 10 per cent who did not know, so very close, would have been happy to share their Deputy with another Parish. The point being that those who were not happy, it does not show a clear understanding. You cannot have a super-constituency and not share your Deputy. That is not the point of it. Oddly enough, which again surprised me, 65 per cent of those polled, i.e. more than for Senators, wanted to retain the position of Parish Deputy. That is the problem. We had these conflicting results. So what I have said in my forward to that report is: “The public do not know about the proposals. They do care about them. They want to be informed about these types of matters and they want to have their say by way of a referendum.” None of that has either happened or is included. Again, people will say: “Well, a referendum has already been held [and that was obviously 4 years ago] and there is no need to consult.” The Venice Commission very clearly states, I think we have heard it already but let us remind people of this: “The question put to the vote must be clear. It must not be misleading. It must not suggest an answer. Electors must be informed of the effects of the referendum. Voters must be able to answer the question asked solely by yes, no or a blank vote.” Unfortunately, the 2013 referendum did not conform to that. I am not going to go into all of the good intentions, all the very good reasons it did not because we have understood that and I have understood that position, but it did not confirm and we have heard ...

[17:00]

But to give the other side of the view, it has been put to us that Option B, which Deputy Andrew Lewis is obviously very much using as the basis for this amendment, attracted approximately 8 per cent of the vote of the population if our population is 100,000. So, yes, it is for all good intentions but I need to put the other side there as well. I also make the point that Senator Farnham, when he put the amendment through, was very clear the he expected a referendum to take place on the proposals and that is not what is taking place. To use a phrase made very clearly at one of the public meetings, where is the mandate for change? That is why, taking account of all of our works, the results of Mori but also the public meetings and the written submissions we have just concluded it would seem that the case for the proposal set out in P.18/2017 and the amendments has not been made. So even for those who are possibly supporting this amendment, even those who do, consider it to be a mess, a dog’s dinner, a dog’s breakfast, whatever. Unless I am mistaken that is not a

complimentary remark. Constitutional reform is important. It is incredibly frustrating but it is critical one gets it right. You just do not vote something through for the sake of change. It is not responsible to vote something through that has been described as a dog's dinner. Again, I will cite the same individual I cited earlier, Mr. Henwood, who was part of Clothier and who is passionate about reform, he has been waiting for reform for 20 years. He does not think these proposals are supportable and to quote him, he considers these proposals to be backward steps. In his view it does not work. It is confused. It will lead to confusion and will lead to voter disengagement. Now, that may be on the main proposition rather than this but that is not a vote of confidence in what we are debating today. He also considered that an information campaign after the event, in other words if this was voted through, would be too late. I am going to quote him. "If this proposition is upheld people are not going to know what they are being invited to do come next May. It is a bit late then if people say, 'Hang on a minute, that is not ... I do not understand it. Nobody asked me whether I wanted to be part of District 5 and why is Trinity in there?'" Tie that in with 87 per cent wanting more information, 75 per cent not knowing and 71 per cent wanting a referendum, let alone the public meetings which roundly rejected these proposals and I think we are heading for a major mess if these are approved today. On that basis I am not supporting this amendment and I am afraid I do urge people to vote contre. I think that is the sensible and prudent thing to do with something of this importance.

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

Does any other Member wish to speak on the amendments?

**9.3.19 Connétable J. Gallichan of St. Mary:**

To answer your question I do not wish to speak. Unfortunately I think I have to speak. I think I have spoken quite enough before but I just need to explain the dilemma that I am in. I am the only Member present here today in the Assembly that was on the Electoral Commission.

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

I think we may just have to pause. Unless there is someone hiding we are close to inquorate. I will check before you get into your stride. I think we are one short. I am looking for some nods. If Members who are outside in the coffee room perhaps could come in to ensure there is a quorum. Constable, if you wish to resume?

**The Connétable of St. Mary:**

Thank you. Just let me set the context of what I am going to say. As I mentioned before we were inquorate, I am the only Member present in the Assembly today who was a part of the Electoral Commission. As such I think I probably lived and breathed that Commission's research for the best part of a year probably all told, up until the end of the referendum. I want to say to Members today, because I have heard a lot of things about the referendum, about the question, whatever, but I stand by absolutely the detailed research and information gathering that that Electoral Commission undertook. The Commission, I would remind people, looked at everything that had gone before. It looked at Clothier. It looked at all the different debates. It looked at every submission. We have already heard other Members say today how much detailed research the Commission undertook. We produced 2 reports. I remain, to this day, deeply disappointed that the Assembly of the time did not accept the recommendations of the Commission because, quite frankly, and of course the result of the referendum, if we had done that, if the Assembly at the time had done that, we would be in a very different place today. However, I have to say that, as we have heard all the time in this Assembly, hindsight is very interesting. I think we would have made the right choice for the time but we would have had to have embarked almost immediately, I believe, on a comprehensive reform of machinery of government. Now, I said when I spoke on the principles to this, I believe it was, there have been so many debates recently, that I was deeply disturbed by the lack of

confidence that the public showed in the way that the Assembly and the Government, particularly, operates. There is a great mistrust of proceedings and I was immediately... well, almost immediately followed later that day by a completely unrelated event, although in my speech I did touch on the Innovation Fund, when the Chief Minister introduced a report and said that he was also concerned about machinery of government and felt that a great many changes had to be made. Since that time I have looked back again at the research that the Electoral Commission undertook and the findings of the second report, mostly particularly concerned to item 4, the number of Members. I can only reinforce my concerns that the reduction to the number of Members that the Electoral Commission recommended does not stack up with the machinery of government. I honestly and fundamentally believe that we must resolve this issue either before or at least contemporaneously with our electoral reform. Because, having looked again at what the Commission's findings said, they talked about ... the findings talked of the positions that were absolutely necessary, the ministerial and assistant ministerial positions, the chairman and numbers for the Public Accounts Committee, the 5 Scrutiny Panels in which they allowed a certain number of Members for each, and the Privileges and Procedures Committee. The Commission then went on to say there were other bodies that were formed, such as Legislation Advisory Panel, such as the States Employment Board, such as the Planning Applications Panel, as it was then, Committee as it is now. They are interesting because I sit on all 3 of those panels. As I mentioned previously, I regularly find myself sitting on a panel or a committee that is barely quorate. Recently, the Planning Committee sat on an application for the second time for 200-plus houses that was hotly contested by a number of Members. That was a fundamental part of the Housing Strategy. We sat with 3 members, the bare quorum, because ... not because there were other members available on one of the days but because on other days when we had met to consider parts of the application, site visits, *et cetera*, which by our protocols are an integral part of the determination process, there were not enough members of our Planning Committee who could attend because they were all actively engaged in work in other areas of government, not because they were at home twiddling their thumbs or sitting on a beach somewhere, but because they were doing other work which they are expected to do. I have sat recently on a number of States Employment Board matters where we are considering probably this Government's most valuable asset, its staff, when it has been a struggle to remain quorate because the composition of that board, for example, requires a certain ministerial component as well as a non-ministerial component and by virtue of the nature of the work that they do our Ministers are busy people and are attending to affairs of their ministries. Finding a scheduling opportunity where all the members of these panels, the Scrutiny committees and other bodies of our government, can be available to sit in a consistent manner is well-nigh impossible. I say that it has even been impossible to find the full complement of Members for several of the Scrutiny Panels, certainly the Planning Applications Panel, and it is just extremely difficult. One member offered to come forward but found out that the other panel they sit on conflicts almost in every instance with meetings that were planned. It is just not workable. I have got a track record of reform. I have brought, in various guises, quite a few debates to this Assembly on minor and major elements; some I have won, some I have not and certainly I am not frightened of making the right changes but one element that has been consistent through every single thing I have examined, either in my own right or as chairman of the P.P.C. of the day, I have said that any reform this Assembly puts through must be workable. We cannot gamble with our Government. We simply cannot do it. I cannot support the main proposition because it is so far removed from what the results of that referendum, albeit 4 years ago, said. There was no justification for keeping a senatorial and having a constituency mandate. That was never considered. For me that is a step too far. I have great difficulty with the amendment because I fundamentally believe that reducing the number of Members will render the Government unworkable and I do not believe that the necessary machinery of government reforms will be instigated within the next year. I have got a track record there as well. I have brought or assisted with, on panels, several machinery of government reforms.

I have worked extensively with the Deputy, as she is now, of St. John on this matter. I believe there is a way forward but having a way forward in the confines of what we have now with the Troy Rule as it is, with numbers of Members reducing as they will be, will not be workable and I think it is going to take a lot of very persuasive work and detailed research and scenario building, I suppose is how you do it, as we say now in development, I am learning in computer development, use the stories. Understanding people's problems with, perhaps, abandoning the Troy Rule would be, because that is a very difficult thing to overcome as our Government gets smaller. It is not going to be a 5-minute solution because people have very ... probably justifiable concerns about what that might entail if that is one of the proposals that comes forward. Machinery of government reform is vital but it will not happen in a matter of mere months. It is going to take an absolute commitment from Members of the Assembly, this Assembly probably starting it, the new Assembly after the next elections, combining and agreeing to set aside any differences they have about whether they are ministerial or whether they are non-ministerial but working together. I never knew the committee system. I have said that so many times, but I really miss ... it is possible to miss something you never knew. I miss being involved at the heart of things because in the position that I occupy in this Assembly I cannot take part in so many things and I believe I have got things to offer but ... and I believe the same is true of every Member because we are all here because we wanted to offer something. The system we have now simply does not work. So I am totally torn now between something I know I cannot support because it is not what has been endorsed by the public and something which almost was endorsed by the public but which takes us down to a level which I think is unworkable. I find it really difficult. Senator Ozouf, when he spoke, talked about a crisis of legitimacy. Well, there may be a crisis of legitimacy. It is no worse now than it has been. We need to make it better but we need to make it better in the context of a reform that will work.

[17:15]

The crisis of government that will ensue if we do not take the right reform will be worse for the Island than the crisis of legitimacy. Senator Ozouf, you can shake your head but unless this Government can work properly then any amount of reform will not deliver what is necessary because ... I have said this before. The people of this Island are not concerned as much with the way in which we are elected as with how we work once we are elected. **[Approbation]** That is the bold truth of it. The decision must be taken to reform our machinery of government and not a small tinker, as the Deputy of St. John and I have looked at before with former Senator Breckon particularly. It is going to have to be a bold revision of our machinery of government. That is what must determine our reform. I am quite clear on that. I am still no clearer on how I can support this amendment. Deputy Andrew Lewis must convince me about the workability of the numbers but I was on the Commission, I have looked at what we said, I have tried to be generous with the allowances of working hours of Members because what must not be forgotten is that we are all, even though we are part of this Assembly and we take part in our committee work, in our ministerial work, in other roles that are assigned by this Assembly, we are also the representatives of our constituents. We are going to find ourselves in the new Assembly if we are re-elected and if we have these large mandates but Senators, traditionally ... and I know you cannot say this is completely a fact, but the Senators traditionally did less constituency work than the Deputies. That was the way it worked because in the olden days they were the senior Members and I do not say that Senators do not do constituency work, I am sure they do, but the majority of the constituency work is done by the Deputies and the Constables. In the new world order there will be no Senators. All the people who are involved, be they Ministers or be they Scrutiny members, will be doing an increased amount of constituency work. So there will be that added pressure on them as well as the pressures that were identified in the Electoral Commission. I am going to stop now because I have said quite enough. I simply do not believe that the reduction of Members is workable.

### **The Greffier of the States (in the Chair):**

Does any other Member wish to speak on the amendments? Otherwise I call Deputy Andrew Lewis to wind up the debate.

#### **9.3.20 Deputy A.D. Lewis:**

Well, I have got pages and pages of notes here but I do not want to speak too long but what needs to be said, needs to be said. I am delighted that the last speaker was the Constable of St. Mary because she made some very useful interesting points. I said in my opening speech that what comes first, reform or machinery of government. Unless you have reform there is no impetus to reform your machinery of government and I think the Constable eloquently stated her concerns about that. She is quite right. If I could just correct her on one thing. The Commission suggested 42, if I am right, I am suggesting 44 because of the change in St. Helier so it does make it a little easier. But if you are forced to make the changes in the way you run your Government, which the Chief Minister has already alluded to recently, and if everybody is a constituency M.P. (Member of Parliament), Member of the Assembly, whatever you want to call them, we all then have to engage directly with constituents on a more regular basis rather than just Deputies and Constables doing that on a more regular basis. So your Government is suddenly in touch with the community which currently half of the government are Senators; they are not as in touch. We touch the flesh as Deputies on a very regular basis. The machinery of government can be rearranged. If we make these changes the number of people in this Assembly will be smaller so we can change it. We can reform our machinery of government. We will have to do it and we can do it and we should do it and I alluded to that in my opening remarks. I have lots of comments here and I am aware that some people are looking to leave the Assembly shortly and I do not want to drag this out too long but I think it is very important that I reflect on some of the comments that have been made, particularly those of Deputy Le Fondré because he cited the Mori poll that he commissioned and the report that he did. I am not going to diss his report because he and his committee, I think, did a good job in a short period of time. One could say that it was perhaps a little unbalanced in places but, hey-ho, come on, 4 or 5 weeks is a short period of time so I am not going to criticise it. I am just going to make observations. The fact is that the Deputy consistently quoted John Henwood, a previous member of the Clothier panel, and I will quote the Constable of St. Mary here. It is a classic quote that she has used on more than one occasion. "When change is about to possibly happen and people do not want it they adopt the foetal position which is Clothier to make no change." Am I correct, Constable, you have said it on more than one occasion? This is what has happened here with the comments of Deputy Le Fondré in terms of what that member of the Clothier panel said. We are not talking about Clothier here. This amendment is about reducing the size of the Assembly, getting far more people involved in constituency work, having a fair, simple, equitable system of electing people so that we get higher voter participation. I have just come back from a C.P.A. conference and I did try to explain our system to people from Malta, from Cyprus, from the United Kingdom and from other places. I am sorry I gave up in the end because it was just too difficult and they really did not understand why we did not have party politics either. Fortunately I had somebody from Reform that said we do because we kind of do. So we have a bit of party politics. We have 3 categories of Members. We have now one election day but there are issues with that too. So trying to explain it to an outsider is virtually impossible. So if you are new to the Island and you want to participate in our democracy and it is so different to what we have anywhere else and different is wonderful. It is unique. It is part of our culture. But is it fair, equitable, understandable, do people turn out to vote? We know they do not. Why? Only 30 per cent of our population is indigenous to Jersey. That is just the way our Island has developed. We have prospered from immigration but the fact is many of us are from parentage of people not from the Island or we are not born here and recent arrivals in the last 10 years that have grown our economy to our benefit do not understand our system and do not want to understand it

unfortunately because it is too complicated and that is one of the reasons why we have a low voter turnout. Deputy Le Fondré referred to 2 other islands and he is quite right, the Isle of Wight and the Island with the unpronounceable name in Scotland, have water around them because they are islands, so do we. That is the only reason why they have the numbers of representatives that they have is because they want to maintain their island identity. What is wrong with that? We are doing similar here so to use those 2 examples I think is slightly disingenuous. The report also made comparisons with House of Commons. We are not the House of Commons and, yes, there is a difference there in terms of voter equity but the report failed to mention that there is, included in the democracy in the U.K., the devolved Assemblies of Northern Ireland, Scotland, Wales, the district councils, the borough councils, the Parish councils, the House of Lords, the European Parliament for the time being. We are not over represented. The U.K. is. You cannot compare the 2. Jersey is unique but we should not be so unique that we do not have an equitable fair system as Senator Ozouf so eloquently stated. There is an opportunity today to make history, to change things for the better, to make sure that future generations understand our system, that engage with it, turn out to vote. We improve the quality of candidates, not that I am suggesting any of you are of poor quality but there are people out there that do not want to stand because they have not been a road inspector and a rates assessor in the Parishes that they could stand in and they think that that is an impediment to standing. In a large constituency that is not the case. Three of our Chief Ministers have come from my district, District 3. Many Ministers the same, proving that a large district can generate some very interesting candidates. Do not be afraid of larger districts. It is what happens in most other places and yet we are still unique because we have this other district called the Parish which will be strengthened by this because the Constable will be the most important person and that Constable will be able to draw on many more Deputies to support them in their work as happens already in the Parish of St. Helier. The Roads Committee in St. Helier is a very active body, so is the Honorary Police, so is the Twinning Committee, yet we have got 10 Deputies and we work in different districts and if something is kicking off in Springfield, as it was yesterday with a public meeting, had I not been writing speeches late last night I would have gone to that meeting. It is not in my district. I think Deputy McLinton said something similar. He would not turn down a call from a member of the public that thought he could help him or her. It does not matter. You do not have to have these artificial boundaries called Parish boundaries to have a successful democracy. You still have that in your Parish Assemblies. Those powerful bodies, the Parish Assemblies that you can make more powerful by engaging even further with your parishioners. I would urge you to do that. Furthermore, in St. Brelade, Deputy Norton, great speech. He will go to a meeting in the Communicare, it is not his district. It is in his Parish. His Parish Hall is in his district in St. Aubin. These are all artificial boundaries that the public do not care about. We have heard many people say today: "We do not even know which district we are in." It would be a bit simpler if you have only got 6. You would have a common system that everybody understands. That is not the case at the moment. It is complex. It is inequitable. It is not simple. People do not understand it. It is not fair and this is our opportunity to amend P.18 so that it is reflecting what the public said they wanted and I do not take on board the fact that the referendum, it is out of date. When Brexit happens in 2, maybe 3 years' time, it will be 4 years since the Brexit vote. Are they going to turn around and say: "Oh, it is not valid anymore"? I do not think so. They might say it but the Government will not get away with it I am afraid because the Government, with a very small margin, has accepted that referendum. We had a much larger margin and we have ignored it. So I cannot accept that something that was held 4 years ago is not still valid today. The principles of what the Commission were attempting to do and did very well, with eminent members of the committee, that panel, such as the Constable of St. Mary, they did a good and thorough job and that is still valid today and those that claim that the questions were complex; I am sorry there is a good reason for that and this Assembly approved that questionnaire. It was quite well explained to those that voted in it. I am conscious that some people need to go today and I am also conscious that we

are making history. We can make history today. We can change our system. We are not quite on the recess yet. I am getting some nods from the Chief Minister here. Okay, I will sum up briefly. “We need to make sure we have the best possible electoral system, one that values voices, one that creates good government, one that makes sure that people can be and feel involved in the political process.” Not my words. The words of Justin Trudeau, perhaps one of the most democratically popular politicians in the western hemisphere. Be mindful of those words. This is your chance, this Assembly’s opportunity, to make history, to make our democracy as sound as we possibly can within the confines of our traditions that we will uphold. If we adopt this amendment we will achieve all of that. I could go on and on but we have done this for 17 years. I shall not go any further. I would like to call the appel on the amendment.

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

Before we move to the appel, Deputy, it is not in order to refer to another Member as having made a disingenuous argument. I did not want to interrupt the flow of your speech but you did make that point in relation to Deputy Le Fondré and I would be grateful if you could withdraw it.

**Deputy A.D. Lewis:**

I do withdraw that.

[17:30]

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

Thank you. We now move to the vote on paragraph (1) of the second amendment. Just to clarify if this amendment is adopted the first amendment falls, if the amendment is rejected paragraphs 2 and 3 of this second amendment fall away. Members are in their seats, so I would ask the Greffier to open the voting.

<b>POUR: 19</b>		<b>CONTRE: 24</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator A.J.H. Maclean		
Senator P.F.C. Ozouf		Senator L.J. Farnham		
Senator I.J. Gorst		Senator A.K.F. Green		
Connétable of St. Helier		Senator S.C. Ferguson		
Connétable of St. Clement		Connétable of St. Peter		
Connétable of St. Mary		Connétable of St. Ouen		
Connétable of St. Brelade		Connétable of St. Martin		
Deputy G.P. Southern (H)		Connétable of St. Saviour		
Deputy J.A. Hilton (H)		Connétable of Grouville		
Deputy M. Tadier (B)		Connétable of St. John		
Deputy S.J. Pinel (C)		Connétable of Trinity		
Deputy of St. Martin		Deputy J.A. Martin (H)		
Deputy R.G. Bryans (H)		Deputy of Grouville		
Deputy of St. Peter		Deputy J.A.N. Le Fondré (L)		
Deputy S.Y. Mézec (H)		Deputy of Trinity		
Deputy A.D. Lewis (H)		Deputy of St. John		
Deputy of St. Ouen		Deputy M.R. Higgins (H)		
Deputy M.J. Norton (B)		Deputy J.M. Maçon (S)		
Deputy P.D. McLinton (S)		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy S.M. Bree (C)		
		Deputy T.A. McDonald (S)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		



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

As we have passed 5.30 p.m. I suggest it is probably a good time to move on.

**Senator P.F. Routier:**

I propose the adjournment.

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

The States stands adjourned until tomorrow morning at 9.30 a.m.

**ADJOURNMENT**

[17:32]