

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 4th FEBRUARY 2020**

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[9:29]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

### **1.1 Visit from Her Royal Highness the Countess of Wessex:**

Under part A, I am pleased to announce that Her Royal Highness the Countess of Wessex will be visiting the Island on the 24th of March. During her visit she will carry out the following engagements. She will, as patron of the National Society for the Prevention of Cruelty to Children, visit the Gower Centre in Stopford Road and attend a lunch for the N.S.P.C.C. [National Society for the Prevention of Cruelty to Children] hosted by His Excellency and Lady Dalton. She will visit EYECAN at the Westley Centre and she will visit the William Knott Child Development and Therapy Centre at Overdale. **[Approbation]**

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

### **2. Nomination of Deputy M.R. Higgins of St. Helier and Deputy L.M.C. Doublet of St. Saviour as members of the Education and Home Affairs Scrutiny Panel**

**The Bailiff:**

The Chair of the Education and Home Affairs Scrutiny Panel has given notice of his intention to nominate Deputies Higgins and Doublet as members of the Panel.

#### **2.1 Deputy R.J. Ward (Chair, Education and Home Affairs Scrutiny Panel):**

We are requiring extra members of the Panel as the workload increases. It should not make a difference to numbers because we had 5 early on, which has changed, and so the 2 nominations are Deputy Higgins and Deputy Doublet who have both been on the Care of Children Review Panel and as we take on the day-to-day work of the Minister for Children and Housing on to the Education and Home Affairs Panel it seems pertinent to have more members of the Panel, particularly those who have been involved in the review Panel. I hope the Assembly will support those 2 appointments.

**The Bailiff:**

Are those nominations seconded? **[Seconded]** Are there any other nominations? If there are no other nominations I declare that Deputies Higgins and Doublet have been duly appointed as members of the Education and Home Affairs Scrutiny Panel. **[Approbation]**

## **QUESTIONS**

### **3. Written Questions**

#### **3.1 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE SALARY PAID TO FULL-TIME FOSTER CARERS: (WQ.42/2020)**

**Question**

Further to reports that full-time foster carers will be paid a salary of £40,000, will the Minister outline how this figure was determined?

**Answer**

A bid was made in the 2020-2023 SoJ Government Plan to implement an Intensive Fostering Service in Jersey. The service will be established in 2020 to ensure that children with a range of complex or challenging needs can be retained in their local community when that is considered to be in their best interest. The establishment of this service builds on evidence of the importance and effectiveness of family placements in supporting positive outcomes for looked after children.

### **Carers Fees**

Carers will be paid the average salary in Jersey £40,000 per annum. This is in line with the salary paid to Residential Child Care Officers who care for children in residential homes.

Where a foster carer has two placements the salary will increase to £60,000. It is anticipated over the first four years of the service the number of carers will grow to 10.

	2020	2021	2022	2023
3 carers for 6 months	60,000			
4 carers (3 for 12 months 1 for 9 months)		150,000		
8 carers (6 for 12 months, 2 six months)			280,000	
8 carers				320,000

### **Allowances for children**

The allowances for children will be paid in line with existing allowances in the service.

Age Bands	Total
0-2 (JD5)	<b>£216.22</b>
3-4 (JD6)	<b>£221.35</b>
5-10 (JD2)	<b>£243.35</b>
11-15 (JD3)	<b>£301.96</b>
16+ (JD4)	<b>£355.29</b>
Working Children (JD4)	<b>£238.33</b>

Costs are calculated using an average of the three allowances for children aged 5-15 years ie £300. A yearly allowance is calculated on 56 weeks to allow for Christmas/festivals, birthday, holiday.

	2020	2021	2022	2023
Allowances calculated at average of £300/week @ 56 weeks per annum	25,200	63,000	117,600	134,400

## **3.2 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE IDENTIFICATION OF A SOLUTION FOR PARKING PROVISION FOR REGISTERED CARERS: (WQ.43/2020)**

### **Question**

Further to his response to Oral Question 7/2020 regarding the parking arrangements for registered carers when working and visiting clients, in which he stated that (having spoken with the Connétable of St. Helier) he would speak to the other Connétables about the matter “as and when”, will the Minister –

- (a) state whether he has since met any of the Connétables and, if so, which ones;
- (b) if he has not since met any Connétables, commit to having these conversations by the end of March 2020 at the latest;
- (c) state what steps he will take to reach the “equitable solution” for parking provision for registered carers when visiting clients which he indicated could be found; and
- (d) commit to presenting this solution to the Assembly before the summer recess?

### **Answer**

In the first instance, for the avoidance of doubt, I would like to clear any misapprehensions as to the extents of the duties of the Minister for Infrastructure. Under La Loi Sur La Vorie 1914, I am responsible, on behalf of the States of Jersey, for the administration of the Island’s main roads, such as Victoria Avenue, Beaumont Hill, Route du Fort etc.

I explained this in my responses to Oral Questions OQ.5/2020 and OQ.7/2020 on the States sitting of 21<sup>st</sup> January. Residential roads have a very different function and character to the main roads that fall to my responsibility.

To be clear, the parking on the smaller roads and resident parking zones where housing is typically situated is the responsibility of the parishes and enforcement on them is the responsibility of the parish honorary police and parish wardens.

While I have offered in good faith to communicate with the Constable for St Helier, and Comité des Connétables about the carers situation, the office of Minister for Infrastructure does not have a particular remit for this topic. Under States Standing Order 9(1) it is not for the Minister to answer on this type of matter, rather under Order 9(5) this question should have properly been addressed to the Chair of the Comité des Connétables to discuss with the Connétables who have the power to act.

However, I will respond to your questions:

- (a) No, for efficiency to ensure all Parishes are included, I have asked that this be put on a future agenda of the Comité des Connétables.
- (b) The administration of the agenda for Comité meetings is with the Connétables, but I would endeavour to make myself available at their earliest convenience.
- (c) As I stated in answer to the Oral Questions last week *“I am more than happy to speak to the Constables, the Comité des Connétables, and come to some equitable agreement with this. I cannot predict what the outcome will be but I will do my best to get the best deal for the carers in Jersey”*.
- (d) No, as I have set out previously, while I am happy to raise the issue, this is a matter for the Connétables.

### **3.3 SENATOR K.L. MOORE OF H.M. ATTORNEY GENERAL REGARDING THE CONSEQUENCES OF A FAILURE TO COMPLY WITH ARTICLE 30A OF THE STATES OF JERSEY LAW 2005: (WQ.44/2020)**

#### **Question**

Will H.M. Attorney General outline for the Assembly the legal implications and consequences, if any, of a failure to publish the list of political responsibilities as required under Article 30A of the States of Jersey Law 2005?

**Answer**

Article 30A(1) of the States of Jersey Law 2005 (the “2005 Law”) requires the Chief Minister to establish, maintain and publish a consolidated list of the functions discharged by Ministers (including the Chief Minister) and delegated pursuant to Article 28 of the 2005 Law. By virtue of Article 30A(2) of the 2005 Law that list must also specify whether a Minister is discharging the functions of a Minister or the Chief Minister due to their temporary absence or incapacity.

There are two legal issues that I address in relation to circumstances where a list is not published in accordance with Article 30A of the 2005 Law:

- a) *Does the failure to publish the list affect the legality of a Minister or the Chief Minister exercising functions pursuant to a delegation or during any period of temporary absence or incapacity?*

In brief, Article 30A of the 2005 Law requires that information about the arrangements for the performance of public functions be collated. However, it is clear from the context of the 2005 Law that preparation of the consolidated list is not intended as a pre-requisite for the lawful conferral of functions, either by operation of Article 27 of the 2005 Law, or by their being delegated pursuant to Article 28 of that Law.

This construction is reflected in Article 30A(3), which provides that information need not be incorporated into the consolidated list where the period for which a delegation is in effect, or during which functions are discharged, is brief. If it were the case that the list must be compiled for a function to be lawfully exercised, then the exercise of discretion that Article 30A(3) anticipates could not exist.

It follows that the failure to publish a list does not affect the legality of anything that might be done by a Minister or the Chief Minister pursuant to Article 27 or a delegation under Article 28 of the 2005 Law.

- b) *The manner in which the Chief Minister’s obligation in Article 30A of the 2005 Law may be enforced.*

The purpose of the provision in Article 30A of the 2005 Law would appear to be to ensure that those who exercise a Minister’s functions pursuant to Articles 27 and 28 of the 2005 Law can be easily identified and held accountable. There is no specific legal enforcement mechanism provided in the 2005 Law in respect of the obligation in Article 30A of the 2005 Law and the enforcement of this obligation is therefore primarily a matter for the Assembly, which may hold the Chief Minister to account for the discharge of his functions, including the preparation of the consolidated list, politically.

**3.4 SENATOR K.L. MOORE OF THE CHIEF MINISTER REGARDING THE IMPLEMENTATION OF A SINGLE LEGAL ENTITY FOR THE GOVERNMENT OF JERSEY: (WQ.45/2020)**

**Question**

Will the Chief Minister advise when he will bring forward proposals to revise the Employment of States of Jersey Employees Law 2005 and to establish the single legal entity for government that arise from the agreement of the Machinery of Government (Miscellaneous Amendments) (Jersey) Law 2018?

## **Answer**

### Employment of States of Jersey Employees (Jersey) Law 2005

The Council of Ministers has commissioned a complete review of the Employment of the States of Jersey Employees (Jersey) Law 2005. This review includes addressing the points regarding legislation made in the Comptroller and Auditor General's report on the Role and Operation of the States Employment Board, published in March 2019. Initial research is being progressed. Subject to resources, it is anticipated that during the second quarter of 2020 draft proposals will be developed for discussion with key stakeholders. The outcome of that initial consultation phase will inform the scope and scale of the proposed changes and hence the associated timeframe.

### Single Legal Entity

Part 4 of the Machinery of Government (Miscellaneous Amendments) (Jersey) Law 2018, as decided by the Assembly in 2018, requires implementing Regulations to be brought into force. These Regulations are currently being drafted in order to update every Law, Regulation and Order in Jersey by replacing references to individual ministerial offices with the single legal entity or alternative arrangements as required. It is anticipated that this work, which commenced last year, will be finalised by September 2020.

### **3.5 THE CONNÉTABLE OF ST. MARTIN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE ASSISTED REPRODUCTION UNIT AT THE GENERAL HOSPITAL: (WQ.46/2020)**

#### **Question**

Will the Minister advise whether there are any plans in place to close the General Hospital's Assisted Reproduction Unit (A.R.U.) and, if so, will he set out the justification for such plans?

#### **Answer**

There are no plans to close the General Hospital's Assisted Reproduction Unit.

### **3.6 THE CONNÉTABLE OF ST. MARTIN OF THE CHIEF MINISTER REGARDING THE 'ONE GOVERNMENT' PROGRAMME: (WQ.47/2020)**

#### **Question**

What is the work programme in 2020 for the 'One Government' initiative and what are the chief priorities of that programme?

#### **Answer**

The 'One Government' 2020 programme will continue to focus on improving the way we plan for the future, operate as a single organisation and improve services.

The biggest priority for 2020 is to deliver on the ambitions of the Government Plan and the Common Strategic Policy.

There are a number of work streams that form part of the 'One Government' work programme for 2020 which will run concurrently during 2020 which are outlined below.

#### **Government Plan 2020-23**

Refresh and update the Government Plan and the associated Departmental business plans. Improvements to the process for developing the Government Plan 2021-24 and its content will be

put in place in 2020, learning from experience and taking into account recommendations from Scrutiny Panels, stakeholders, users and Government Ministers.

### **Developing the next tranche of the Efficiencies Programme**

The Government Plan set out the Council of Ministers' ambition to make £100 million of efficiencies over its lifetime. Following the first tranche of £40 million in 2020, a further £20 million of efficiencies will be identified for 2021. Various themes are being developed for 2021 – 2023, which include:

- Modern and efficient workforce
- Modern and efficient processes and systems
- Demand shaping (previously prevention and care)
- Efficient commercial operations
- Efficient organisational structures

### **Integrated Technology Solution (ITS)**

This will modernise our technology platforms to deliver new Government-wide capability to enable better

citizen-centred services and ensure that GoJ keep up with new technologies and cyber-security standards.

### **Public Estate Strategy**

Finalise, publish and implement the Public Estate Strategy, which will provide over the longer term a co-ordinated basis on which to manage, maintain and review our assets responsibly, to ensure that GoJ obtain value for money for tax payers and support improved services for Islanders.

### **Data analytics transformation**

The Government is data-rich and insight-poor. The current approach to data analytics has been ad hoc, driven by specific Departmental needs and separate leadership decisions. This programme will review and establish an effective analytical function to better evidence and inform operational and ministerial priorities

### **Office Accommodation Programme**

Develop and deliver the Office Accommodation programme:

- Outline Business Case
- Procurement Strategy
- Selection of Partner
- Agreeing financing

Leading to the implementation of the agreed scheme in 2021.

### **Customer Strategy**

Publish and start to implement plans to make interacting with the Government as easy as possible by:

- removing obstacles to accessing services and reducing the level of effort required for customers to interact with GoJ.
- continuing to improve the services at 'One Front Door' at La Motte Street.

- implementing programme of services available online.

## **People Strategy**

The States Employment Board (SEB) have recognised the need for a strategy and the Comptroller and Auditor General (CAG), recently recommended that GoJ should develop and follow a strategy in relation to the strategic management of the workforce.

Development and delivery of the People Strategy including the ambition statement, priorities (commitments) and objectives. The People Strategy will outline an ambition and vision for the work force and will help prioritise investment in staff providing a frame work for the measurement of return on this investment.

## **The Next Phase -Team Jersey Programme**

The Team Jersey programme is ongoing to 2021. However, for 2020 the programme will build organisational capability to create and then sustain a change in culture across the Government.

- Roll out new Corporate Induction & On-Boarding programme.
- Roll out the Jersey Employer Engagement initiative to run through 2022.
- Build internal capability to deliver learning.
- Launch and embed Team Jersey Toolkits for managers.
- Develop and deliver My Actions Matter & I AM Team Jersey campaigns.
- Develop Departmental specific programmes to address specific cultural issues in certain areas.
- Employers forum focused on Jersey Workforce Strategic Plan; Mentoring and Coaching

## **Next Phase - Jersey Performance Framework**

In 2020 GoJ will develop and roll out performance measures for its public services, Department by Department, which will show how our activities and actions contribute to improving those Island-wide outcomes.

### **3.7 THE CONNÉTABLE OF ST. MARTIN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX RETURNS FILED BY MARRIED WOMEN: (WQ.48/2020)**

#### **Question**

When can the Assembly expect the new online tax filing system to be altered to allow married women to file returns for themselves; how much is it forecast any changes required to the system will cost; and will this provision be in place in time for the introduction of independent taxation?

#### **Answer**

The new online filing system has been configured in line with the existing tax law. It replicates precisely the position for paper returns, where only married men are able to sign the return.

Members will be aware that the Minister has lodged a proposition for today's sitting to ask the Assembly to agree to the introduction of joint and several liability for married couples with regards to rights and responsibilities within the tax system. Part of the proposition is to introduce joint

responsibility for married couples to file the tax return. If Members vote in favour of the proposition today, officials will begin the task of identifying how the law needs to be changed, and how the new system would work in detail.

There will be a number of technical issues to work through, including how married couples will be able to log in and file an electronic return. Once the Assembly has agreed in principle to the direction of travel, Revenue Jersey will examine what technical changes are needed to systems at what cost. It should be emphasised that, although the Minister intends to bring forward independent taxation from the year of assessment 2022, it is likely that some form of married couples' taxation will remain in place for some time. It should therefore not be viewed solely as an interim measure.

In the meantime, married couples who wish to file their own tax return have the option of electing for separate assessment.

The Minister's ambition is to introduce joint and several responsibility for the year of assessment 2021, one year ahead of independent taxation for the year of assessment 2022.

### **3.8 THE CONNÉTABLE OF ST. MARTIN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE USE OF THE YOTI IDENTIFICATION FOR THE ONLINE TAX FILING SYSTEM: (WQ.49/2020)**

#### **Question**

Will the Minister –

- (a) explain why the Yoti digital ID system was selected as the means of identification to access the new online tax filing system; and
- (b) state, in particular, how use of this system will respect the security measures that are currently in place for the filing of individual tax returns on paper?

#### **Answer**

a)

Yoti is the Digital ID provider for *all* Government of Jersey online services, not just the tax return submission service.

These services, of which over 120 are now available, are accessed through the Government Services Portal, [one.gov.je](http://one.gov.je), but not all them have made it mandatory to verify the identity of the user, so until now, many customers haven't activated their onegov account.

Every islander is encouraged to activate their personal account on [one.gov.je](http://one.gov.je) so that all their transactions with the Government are fully secured, through the Digital ID verification tool, Yoti and they can have a transaction history to refer back to.

Because the online tax return is one of our first services that makes it mandatory for users to verify their ID, there is predictably a very sharp increase of islanders visiting the portal and activating their accounts, a process which includes setting up a Yoti, so they can get to the tax return form.

Yoti was selected and implemented in 2018 following an open competitive procurement process and extensive due diligence assessment which considered factors including:

- Approach to privacy
- Approach to security
- Customer experience
- Product readiness (e.g. in development or live)



- Development pipeline
- Commercial offer
- Financial strength

These factors, and its potential for use them beyond government services, were significant factors. The selection decision was documented on the Government website.

The decision to appoint Yoti was taken by a cross-government Panel including senior leaders from Revenue Jersey, Health and Community Services, Customer and Local Services and the States Greffe amongst others (i.e. higher risk profile) supported by external specialists in global identity consultancy.

Yoti can and is already being used by Island retailers and pubs and clubs, and festival organisers to verify the age of people purchasing age-related goods or wanting entry into an event. It also has the potential for use within the recruitment, training, travel and other sectors, and offers the safety to users of easily proving their identity without the need to carry important documents on their person which could be lost or stolen. If the adoption of Yoti by businesses across the island as their Digital ID verification solution continues, islanders will be able to have one Digital ID, conveniently on their smartphone, for many of their day to day activities.

b)

Yoti is just the digital key (similar to the banking secure key) that allows customers to verify their Identity and gain access to Government online services via the one.gov.je portal. It is completely separate to the actual forms customers use to transact with Government online. It is similar, in physical terms, to bringing a passport to the reception of a government building to prove identity, then being free to go to the relevant service desk.

The online customer will then use the appropriate form for whatever service they want, and the data they input into the form is managed by the Government's platform where all forms are run from.

### **3.9 THE CONNÉTABLE OF ST. MARTIN OF THE CHIEF MINISTER REGARDING THE CONTRACT FOR THE USE OF THE YOTI IDENTIFICATION: (WQ.50/2020)**

#### **Question**

What contingency provisions and plans, if any, have been made for the event of a termination of the contract between the Government of Jersey and Yoti; and do any such provisions include the reclamation of all Jersey IDs registered through the service?

#### **Answer**

The procurement process for digital ID considered the need for contingency provisions. It fully assessed the financial strength of the supplier. A strategic decision was taken to work with a single provider to support transition from paper to online services (research suggests multiple options do not generate sufficient critical mass with any provider, particularly an issue in a small jurisdiction like Jersey). Yoti was appointed in March 2018 No plans are in place to add or change providers, but technical architecture has been built to enable this in the future. If the provider failed or this service did not prove successful it would remove the ability to deliver online services that require a digital ID. The Government would need to procure an alternative digital ID solution so the speed to market with a new proposition would depend on the digital identity product and market maturity. The contingency for this is that to date, existing channels remain open and resourced providing a backstop. It was not considered viable to make the significant financial commitment to build and sustain a digital ID solution. This is not an area in which government has expertise and, given the fast-paced development of the global identity market and the small scale of the Jersey population the

ongoing capital investment would be prohibitive. The background behind this decision, and many more of the aspects setting out the journey to selection of Yoti as a digital ID, have been extensively covered on the [gov.je blog](#).

Regarding any reclamation of data, any data shared by Jersey citizens with the Government of Jersey via the Yoti identity platform and [One.Gov.je](#) service is stored in the Government of Jersey's People Directory. This data includes Yoti verified name, date of birth and email address. This data is in the possession of and owned by the Government of Jersey and can be used (subject to data protection laws) with a new supplier. As such, there is no need for any reclamation of data from Yoti.

The way Yoti is engineered means that Yoti itself does not have the ability to access the personal data Yoti stores because the data is encrypted and each user holds their own private encryption key. In the event that Yoti was shut down, Yoti would delete all user data as part of its winding up.

### **3.10 THE CONNÉTABLE OF ST. OUEN OF H.M. ATTORNEY GENERAL REGARDING THE VENICE COMMISSION'S CODE OF GOOD PRACTICE IN ELECTORAL MATTERS: (WQ.51/2020)**

#### **Question**

Will H.M. Attorney General –

- (a) state what legal effect, if any, the Venice Commission's Code of Good Practice in Electoral Matters has in Jersey; and
- (b) if he considers that the Venice Commission's Code does have legal effect in Jersey, state whether it is his assessment that the proposition of the Privileges and Procedures Committee, 'Electoral Reform 2020' (P.126/2019), and the accompanying report are compatible and consistent with the Code, in particular paragraphs 2.1 and 2.2?

#### **Answer**

##### *Question (a)*

The Human Rights (Jersey) Law 2000 provides that certain Articles of the European Convention on Human Rights (the "**ECHR**") are incorporated into Jersey's domestic law and are enforceable in Jersey. The principle ECHR right relating to elections is Article 3 of the First Protocol to the ECHR ("**A3P1**"), which provides –

*"The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature."*

It is important to recognise that A3P1 is not an absolute right and may be subject to limitations. The European Court of Human Rights ("**European Court**") has found that limitations on, for example, voting and candidature rights are permitted provided that they do not impair the very essence of the rights afforded by A3P1 or deprive them of their effectiveness; and also that they are imposed in pursuit of, and are proportionate to, some legitimate aim. The leading case on these issues is *Mathieu-Mohin v Belgium* (1987) 10 EHRR 1.

A3P1 does not require any particular constitutional structure, nor electoral system, and in determining whether a state's system is compatible with A3P1, the European Court will have regard to its political history, allowing the state a considerable margin of appreciation so long as the electoral measures ensure the free expression of the opinion of the people in the choice of the legislature.

In addition to A3P1 is supplemented by guidance issued by the European Commission for Democracy through Law (the "**Venice Commission**"). In particular the Venice Commission's Guidelines on

Elections’ (“**the Guidelines**”) which sit at the core of its ‘Code of Good Practice in Electoral Matters’ (“**the Code**”). One of the provisions in the Guidelines’ recommends that electoral systems seek to ensure that seats be distributed evenly between constituencies. The Guidelines include a formula indicating when a particular electoral system might depart from what the Venice Commission considers to be acceptable democratic standards.

The Code and the Guidelines may be a relevant consideration for the European Court when interpreting A3P1. They may also be relevant to the interpretation of the International Covenant on Civil and Political Rights (“**ICCPR**”), which, unlike the European Convention on Human Rights, does expressly require that “*elections... shall be by universal and equal suffrage.*” However, it is important to recognise that the Venice Commission is an advisory body and its Guidelines and Code reflect best practice, but do not have the force of law in Jersey or elsewhere. The European Court has considered the Guidelines and Code not to be binding and has previously distinguished their relevance to its assessment of the requirements of A3P1.

#### *Question (b)*

Looking at the specific requirements of Guidelines by reference to the PPC’s proposals, the following points might be made:

- The Venice Commission’s commentary on Paragraph 2.1 of the Guidelines makes it clear that this paragraph is intended to ensure that each individual has equal voting power in relation an elections he or she is eligible to vote in. It is not designed to require that electors be provided with an equal number of votes in a system, such as Jersey’s, where multi-member constituencies are combined with first-past-the-post elections, and where electors in each constituency are each given the same number of votes in relation to the seats to be filled to represent them.
- Paragraph 2.2 includes a series of principles relating to the distribution of seats between constituencies based on the number of constituents and includes two figures that are relevant to determining whether the distribution of voting power is in accordance with the Guidelines. Specifically, it says that the proportion of seats to constituents in a constituency should seldom be outside +/-10% of the mean; and not outside +/-15% save in exception circumstances. On the PPC proposals found at Appendix 3 to P.126/2019:
  - St Clements and St Helier Central would be at -13% and +13% respectively. This would be unlikely to represent a problem, particularly as, in the case of St Clement, population increases are anticipated.
  - Grouville/St Martin would be at -18%. While this would exceed the Guidelines, it is necessary to look at the question of justification as the Guidelines note that geographical and historic boundaries may be taken into consideration in distributing seats. It is stated in P.126/2019 that the deviation in this case from the Guidelines is the result of basing the proposed new constituency boundaries on existing Parish and Vingtaine boundaries for practical reasons. It might be argued that the grouping of Parishes together recognises their historic importance at least to some extent, but as the degree of departure from the +/-15% figure is minor it is unlikely that this deviation could give rise to any arguable breach of A3P1 or any other relevant international standard.

### **3.11 THE CONNÉTABLE OF ST. OUEN OF H.M. ATTORNEY GENERAL REGARDING THE HUMAN RIGHTS COMPATIBILITY OF JERSEY’S ELECTORAL SYSTEM: (WQ.52/2020)**

## Question

Will H.M. Attorney General advise whether Jersey's electoral system for the States Assembly is compliant with the European Convention on Human Rights?

## Answer

The principle Article of the European Convention on Human Rights (the "ECHR") relating to elections is Article 3 of the First Protocol to the ECHR ("A3P1"), which provides –

*"The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature."*

It is important to recognise that A3P1 is not an absolute right and may be subject to limitations. The European Court of Human Rights ("European Court") has found that limitations on, for example, voting and candidature rights are permitted provided that they do not impair the very essence of the rights afforded by A3P1 or deprive them of their effectiveness; and also that they are imposed in pursuit of, and are proportionate to, some legitimate aim. The leading case on these issues is *Mathieu-Mohin v Belgium* (1987) 10 EHRR 1.

A3P1 does not require any particular constitutional structure, nor electoral system, and in determining whether a state's system is compatible with A3P1, the European Court will have regard to its political history, allowing the state a considerable margin of appreciation so long as the electoral measures ensure the free expression of the opinion of the people in the choice of the legislature.

There is no reason at present to consider that the electoral system for the States Assembly would breach the requirements of A3P1.

### **3.12 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE MONITORING OF AIR POLLUTION: (WQ.54/2020)**

## Question

Will the Minister advise when air-pollution monitoring will be fully functioning across the Island; and if the roll-out is to be done in stages, will he detail the dates on which these stages will be implemented?

## Answer

We are at the evaluation phase of a project that will hopefully eventually see air pollution monitoring across the Island. Government is working in partnership with AirSensa (who have kindly provided the sensors at their own expense) and Digital Jersey, to ensure that this project – which involves an entirely new area of innovation – is successfully completed.

Before the roll-out phase starts, the evaluation of the new technology has to be completed. Only when both AirSensa and Government are satisfied that the data being produced is accurate and reliable, and that the systems in place for delivering that data are fully embedded, will we begin to roll out further units and give the public access to the data online.

I recognise that progress has not been as we first hoped but it would not be appropriate to provide firm dates for the roll-out now, because the technical evaluation is still underway, but I will update the Deputy when I have firmer information.

### **3.13 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING AN INVESTIGATION INTO THE EFFECTS OF INCOME INEQUALITY IN JERSEY: (WQ.55/2020)**

#### **Question**

What research is being undertaken or funded by the Government to investigate the effects of income inequality in Jersey on educational outcomes, physical health, mental health and other long-term societal pressures?

#### **Answer**

A key report, Jersey Better Life Index – 2019, into overall wellbeing and the factors that drive outcomes will be published on 14 February 2020 by Statistics Jersey. Over the last decade there has been a drive globally to move away from purely economic measures, such as GDP, as the sole indicators of a nation's well-being and progress. Approaches which draw on social and environmental, as well as economic, factors are now a common international objective. This latest report, for 2019, is intended to be the first in a series of annual updates of the Jersey Better Life Index. The Better Life Index is based on 11 "dimensions" of well-being: income; jobs and earnings; housing; health status; work-life balance; education and skills; community; civic engagement; environmental quality; personal safety; and life satisfaction.

In addition, a range of government projects are underway which aim to reduce income inequality or the effects of income inequality. These projects range across many different initiatives and include elements of formal and informal research into the effects of income inequality. Key examples of Government Plan commitments in this area where work is underway include:

- Good progress is being made to deliver a Health and Wellbeing Framework. The framework will outline new ways of working together across government on the prevention agenda, to achieve better health and wellbeing outcomes. One of the new approaches being developed through the framework is a 'Jersey Needs Assessment', which will bring together both existing and new data into one place to better identify needs and to target services accordingly. The needs assessment approach is currently being piloted with a focus on children and young people with the intention to complete the first data set report in March.
- Statistics Jersey started the fieldwork for the five-yearly Living Costs and Household Income Survey (LCHIS, formerly the Household Income and Spending Survey) in July 2019. The fieldwork is conducted over a period of twelve months and will be completed in June 2020. The report on the income distribution of Jersey households is anticipated to be published around the end of 2020. The results of this survey will provide updated measures of income inequality in the Island, overall and broken down by, for example, household type, tenure, income level, employment status, residential status, as well as changes in the income distribution and income inequality over the last two decades. The results will form the basis of research underpinning evidence-based policy development relating to, for example, social security benefits and fiscal policy, including the distributional effects of consumption taxes and user-pay charges.
- The current approach taken by Adult Mental Health Services is that mental health disorders are complex multi-level phenomena and their full understanding calls for the integration of multiple disciplines and perspectives. The service takes a multi-agency approach involving social workers, psychologists, occupational therapists, psychiatrists and psychiatric nurses.

The service does not work in isolation and is impacted upon by wider community issues. An example of this is the multi-agency work done to secure employment; the work available is determined by the wider social context. The fact that mental health is everyone's business is reflected in (for example) the finding that 'hopelessness and a difficulty in imagining

solutions, which are also risk factors for suicidal behaviour, are influenced by both neighbourhood culture and the physical environment' (Friedli 2009 p25). The World Health Organisation states that certain population subgroups are at higher risk of mental health problems because of greater exposure and vulnerability to unfavourable social, economic, and environmental circumstances. These intersect with factors such as gender, ethnicity and disability. These factors are teased out at an individual level by highly trained support staff within the Adult Mental Health service.

The resources of the Adult Mental Health Service are focused on meeting the needs of people who present with acute and complex issues. We are however continually working on improving systems, data collection and reporting to allow population analysis of the level of mental health issues in our community. We aim to contribute to the second stage of the development of the Government Plan commitment to deliver a Health and Wellbeing Framework which will include a 'Jersey Needs Assessment'.

- The effects of income inequality on educational outcomes are well known worldwide and in Jersey and Jersey Premium funding is already proving effective in starting to close the attainment gap. Jersey Premium is a targeted funding programme for schools which was introduced in January 2017 following a pilot phase in 2016. The funding is available to all school children who have ever been looked after, pupils from households who have recently claimed income support and pupils from households with 'registered' status who would qualify for income support if they had lived in the Island for five years.

Over the past three years, the proportion of pupils in receipt of Jersey Premium, assessed as Secure in reading and writing at the end of Key Stage 2, has increased at a greater rate than those pupils not in receipt of Jersey Premium. Jersey Premium funding is being increased within the Government Plan and its scope has been widened to ensure that funding can also be targeted towards schools and colleges with eligible 16 - 19-year-old students.

All relevant education attainment reports now contain separate statistics for the Jersey Premium eligible students, so we can track the effect on outcomes.

- A project group is investigating the development of a model to support access to primary care for financially vulnerable individuals.
- An independent review of financial independence in old age is underway, including an examination of the income levels experienced in old age.
- The Housing Policy Development Board has overseen research into rental levels and the level of rental stress experienced by private sector tenants as part of its broad review of housing provision.
- Fieldwork is planned to start in February in respect of the additional household costs experienced by families that include someone who has long term care needs.

### **3.14 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PAYMENT OF INCOME SUPPORT TO THOSE IN FULL-TIME WORK: (WQ.56/2020)**

#### **Question**

What was the amount spent on Income Support for those in full-time work over the last 3 years?

#### **Answer**

Income support provides benefits to low income households during in work and out of work periods. Whereas claimants are required to work full time (35 hours per week), this requirement is subject to a range of full and partial exemptions based on the caring responsibilities and the health and age of the individual. Many claimants will experience a change of circumstances during the course of their claim. As such, it is not possible to extract accurate data on the cost of Income Support for individuals in full time work without examining each claim individually over the 3-year period.

It should also be noted that the amount of Income Support will vary considerably between different full-time workers depending on the size and nature of the overall household. For two full-time workers with the same take-home pay, one may have no entitlement to Income Support at all and the other may be entitled to a significant weekly sum to support the needs of the whole household.

Information is published on the government’s [open data website](#) in respect of Income Support amounts categorised by a range of household types, giving annual statistics since 2012. The website describes how annual data can be estimated against different types of claim as follows:

*“The value of Income Support paid to a particular household depends not only on the mix of components that it is entitled to, but also on the other income received by the household. It is therefore not straightforward to report on the value of each component in the total expenditure for Income Support. However, to enable an analysis of the estimated total costs by component, a method of allocating costs within the various components has been developed. This method divides the actual Income Support benefit received by a household in proportion to the gross value of each of the components that the household is eligible for, to allocate a specific net value to each of the components. The mix of Income Support claims changes over time and the values of some components can change during the year. This analysis includes data taken from each month of the year to ensure that trends in the take-up of Income Support and rate changes during the year are represented and provides approximate net values for the cost of each component group.”*

Using this monthly analysis method, Income Support amounts as yearly totals (£M) grouped by household type are reported as follows:

Year	65+ (£M)	Adult/s without children (£M)	Adults with Child/ren (£M)	Single adult with child/ren (£M)	Grand Total (£M)
2016	16.1	22.3	13.2	19.0	70.5
2017	15.9	21.4	12.2	17.7	67.2
2018	16.5	21.5	12.4	18.5	68.8

And, taking a snapshot of open claims as at 31 December each year, an analysis of the earned income of the working age groups is provided:

Year	Adult/s without children			Adults with Child/ren			Single adult with child/ren		
	No. of Claims at year end	No. with at least 1 adult	% of total income as earnings	No. of Claims at year end	No. with at least 1 adult	% of total income as earnings	No. of Claims at year end	No. with at least 1 adult with earnings	% of total income as earnings

		with earnings			with earnings				
2016	2,270	756	27	918	813	59	1,037	639	34
2017	2,176	717	27	859	772	60	1,002	631	36
2018	2,083	725	28	823	743	59	1,018	648	35

**3.15 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING POLICY IN RELATION TO ASSISTED DYING: (WQ.57/2020)**

**Question**

Will the Minister provide an update on the work being done in respect of policy on assisted dying, including what further work is anticipated for this year, and state when it is expected the work will be completed?

**Answer**

In October last year, I informed the Assembly that I intended to establish a citizens' deliberation/engagement process to examine the issue of assisted dying. In December, the Government of Jersey secured specialist independent advisors to help support the design and delivery of that deliberation process, in addition to similar processes related to the Our Hospital and Carbon Neutral programmes.

Early planning meetings have already taken place which have supported us to determine that a Citizen's Jury is the preferred deliberation/engagement methodology. The Citizen's Jury will allow a demographically representative group of Island residents to come together to examine the issue of Assisted Dying and to make associated recommendations.

The initial planning phase will be completed over the coming weeks and I anticipate that, before the end of February, I will publish a detailed timeframe.

The Citizen's Jury process will provide this Assembly and others with in-depth understanding of our community's response to the medical, ethical, legal and regulatory issues associated with assisted dying.

**3.16 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE CHILD AND ADOLESCENT MENTAL HEALTH SERVICES: (WQ.58/2020)**

**Question**

Will the Minister advise members what improvements have been made to the delivery of services by the Child and Adolescent Mental Health Services (C.A.M.H.S.) since the completion of the Scrutiny Review of mental health services by the Health and Social Security Scrutiny Panel, particularly any improvements arising as a result of the Target Operating Model and the transfer from the Department of Health and Community Services to the Department of Children, Young People, Education and Skills?

**Answer**



CAMHS transferred from the Health and Community Services Department to the Children's, Young People Education and Skills Department in June 2019.

CAMHS is in the process of a service redesign which includes wellbeing and mental health services across the whole system in addition to specialist CAMHS. The redesign sets out to improve pathways for children and young people, a partnership system that closes gaps and avoids duplication, improved assessment and treatment pathways, quality and range. The design will consider the workforce skill mix, development, knowledge and qualification. The redesign work is engaging the range of stakeholders including children, young people and families and a three day (3X1 day) workshop is scheduled in March/April with the new service specification subsequently being developed with resource implications identified.

The redesign is taking place in the context and taking account of the work and subsequent report produced by the Scrutiny Panel in 2018 along with international best practice.

The most important area that has been progressed is to have an experienced team manager in place after a period of contingency arrangements. The current manager is in the service on a secondment from a partnership trust in the United Kingdom where the CAMHS service was recently evaluated as outstanding. The officer brings a wealth of experience and knowledge and has prioritised staff supervision and management, along with updating and improving procedures and processes impacting on service delivery.

In advance of the service re-design conclusion improvement have been taking place in the areas of oversight and governance, operational practice and service delivery

### **Oversight and Governance**

- Both Departments have developed and jointly agreed a Memorandum of Understanding setting out responsibilities and accountability for clinical, professional and operations.
- There is a monthly Joint Clinical Oversight Group in place meeting chaired by a director to ensure oversight and challenge on a number of clinical areas such as risk assessment and management, workforce and quality of service.
- The service links to Health and Community Services Departments Women, Children and Families Care Group under the leadership of the Associate Medical Director
- In the CYPES Target Operating Model the CAMHS service is line managed by a Head of Service Health and Wellbeing who will work closely with colleagues in the Health and Community Department particularly the Associate Medical Director and the Lead Allied Health Professional.

### **Operational Practice and Service Delivery**

Improvements include:

- Review and completion of policies and clear operational procedures
- Introducing Outcome Measures to each clinical caseload, ensuring quality of intervention and review points for all service users
- Using national evidence based practice for interventions to increase contacts and improve access to service
- Changing team meeting systems to create learning opportunities and case formulation
- Improving contact and work with other agencies- creating opportunities for improving relationships with CAMHS stakeholders and referrers (Children's Services, Emergency

Department, Paediatrics) as well as transformation work such as the interface with the Early Help design and implementation.

- Using service user and parent forums and feedback to learn about service improvement, and share compliments to build on excellent practice
- Collating and analysing data to inform redesign and in the short term to improve waiting list, response times and care coordination role

### **3.17 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING THE PROVISION FOR ‘BEREAVEMENT LEAVE’ IN JERSEY LEGISLATION: (WQ.59/2020)**

#### **Question**

Will H.M. Attorney General advise what legal provision, if any, there is in Jersey for ‘bereavement leave’ of any kind; and, if there exists such provision, is he aware of how it compares with the corresponding situation in the U.K.?

#### **Answer**

There is no statutory requirement for ‘bereavement leave’ under the Employment (Jersey) Law 2003. Employers typically offer paid leave on compassionate grounds.

As the largest employer, the Government of Jersey provides up to 5 days paid compassionate leave to employees in relation to the death of a close relative (and up to 1 day paid compassionate leave in the case of a more distant relative).

The United Kingdom is introducing legislation which will provide parents with 2 weeks’ paid bereavement leave (“Jack’s Law”) where they lose a child under the age of 18.

### **3.18 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE DISTRIBUTION OF CHARITY GRANTS FROM CHANNEL ISLANDS LOTTERY FUNDING: (WQ.60/2020)**

#### **Question**

Will the Minister provide an update on the work undertaken in relation to changing the arrangements for the distribution of charity grants from Channel Islands Lottery funding, since the proposals to contract a company to administer the distribution of funds were withdrawn last year; and will he state when this work will be completed?

#### **Answer**

In order to ensure that the distribution of funds to good causes makes the greatest positive impact in our community it is important that Lottery proceeds and other sources of Government funding for local good causes are better aligned. To achieve this we are working with colleagues across Government with responsibility for a number of funding mechanisms. The aim is to ensure funds are distributed on the basis of need, delivers measurable outcomes and had the broadest possible impact on our community.

Progress is being made and the new arrangements will be in place in time for the distribution of the proceeds from 2019.

**3.19 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE PROSPECTIVE IMPLEMENTATION OF ‘ELECTORAL REFORM 2020’ (P.126/2019): (WQ.61/2020)**

**Question**

What work will be required to ensure the implementation of all of the aspects of ‘Electoral Reform 2020’ (P.126/2019), subject to the Assembly’s approval; and will this work include a proposal to move the next election from May to October?

**Answer**

If P.126/2019 is approved, Amendments will be brought forward to make all of the necessary changes to the legislation which underpins the Public Elections process, as well as the States of Jersey Law 2005 and the Standing Orders of the States. Any alteration to the electoral legislation framework will need to be debated and approved by the Assembly by May 2021, in order that we avoid making changes within 12 months of the next elections, currently scheduled for May 2022, as this is not considered good practice by the Venice Commission.

P.126/2019 is independent of any proposals to move the election date. This is an issue which has been considered by the PPC Sub-Committee looking at reform of the composition and election of the Assembly, but discussions with States Members and some public consultation will need to be undertaken before any proposals to alter the timing of the election period are brought forward.

**3.20 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE NUMBER OF SCRATCH CARDS SOLD BY THE CHANNEL ISLANDS LOTTERY: (WQ.62/2020)**

**Question**

Will the Minister advise the Assembly of –

- (a) the total number of scratch cards sold by the Channel Islands Lottery for each of the last five years;
- (b) the total value of these scratch cards; and
- (c) the number of Christmas Lottery tickets sold during the same period?

**Answer**

Figures for the Channel Islands Lottery are presented to the States Assembly in the Public Lotteries Report each year.

- a)     2015   5,079,225  
       2016   5,484,925  
       2017   5,536,200  
       2018   5,224,950  
       2019   5,083,600
  
- b)     2015   £18,445,350  
       2016   £17,762,000  
       2017   £18,674,200

2018 £22,107,000

2019 £22,250,600

c) 2015 1,715,100

2016 1,661,100

2017 1,515,800

2018 1,061,150

2019 901,400

#### **4. Oral Questions**

##### **4.1 Connétable K. Shenton-Stone of St. Martin of the Chair of the Privileges and Procedures Committee regarding the research undertaken during the drafting of ‘Electoral Reform 2020’ (P.126/2019): (OQ.34/2020)**

In the absence of a bibliography to accompany Electoral Reform 2020 (P.126/2020), will the Chair explain what research – as opposed to consultation – was used by the Privileges and Procedures Committee for the development of this Proposition?

##### **Deputy R. Labey of St. Helier (Chair, Privileges and Procedures Committee)**

The principal document that was used was the final report of the C.P.A. (Commonwealth Parliamentary Association) E.O.M. (Electoral Observers Mission) to Jersey and its findings and recommendations. Recommendation 1 of which points us towards the work carried out by the Electoral Commission of 2012, 2013. That then took us to the very expert paper by Dr Alan Renwick who also, of course, revisited Clothier and some of the 100-plus Propositions on electoral reform that have come before the Assembly in the last 20 years and I, myself, in the small hours, revisited Hansard and many of the debates that were held.

##### **4.1.1 The Connétable of St. Martin:**

I asked this question because the Proposition seemed to be lacking in detail. It kept referring to consultation and it would have been very useful for all of us if we had seen the ...

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

Is this a supplemental question, rather than a point made in response?

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

Why were we not given a fuller bibliography?

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

I have never seen a bibliography on a Bill before the Assembly. It is possible that they have existed, but I think in the Report to the Proposition, it is very comprehensive and it does explain where our source material is. But the principal document, of course, the principal response that is represented by P.126 and P.46 before it, is to the recommendations - 18 of them - of the C.P.A. E.O.M.

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

I just wondered if the Deputy could remind the Assembly of exactly how many people outside of the Parish, or roadshows that were conducted, the Committee engaged with in this Proposition?

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

Alongside the election reform explained roadshows in the Parishes, we undertook extensive market research, as it were, by commissioning 4insight to do the full package; the quantitative survey which surveyed over 600 people. Once that had been turned into a representative sample it was 500-plus. We also did the full package of qualitative market research with 6 sessions of focus groups, 8 of each, one person was ill, but that was 47 people.

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

I did not catch the name in the response to the first question, but the Deputy referred to somebody who had done a report. I assume that that report will be published and why has it not been published, because we have not seen it?

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

That is odd, because the Comité des Connétables' report into P.126 uses extracts from Dr. Alan Renwick's report. **[Approbation]** It does so in a very selective way. For example, Dr. Alan Renwick publishes 2 graphs on malapportionment ...

#### **The Bailiff:**

I wonder, Deputy, if that is straying into the substance of what you might want to say on a later occasion, but not an answer to the question posed.

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

I was going to let them off the hook with that one, Sir, but I will bear it in mind.

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

While the Comité des Connétables have had it and I have seen it, I was just wondering how widely circulated it had been with the other documentation to all Members of this Assembly.

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

It is in the public domain.

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

The Chairman referred to the very good research from Dr. Alan Renwick, provided to the not independent Electoral Care Commission. He also found that, within his research, that there should be ... there was a recommendation that an alternative voting system be used, a preferential voting system; A.V. (alternative vote) in single seat constituencies and single transferable votes in multi-seat constituencies. Why has this recommendation not been put forward by the Privileges and Procedures Committee.?

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

Because it was not part of the E.O.M. report but I do think it would be natural to follow on from whatever happens today in the Electoral Reform debate to consider, especially S.T.V. (single transferable vote) in multi-seat constituencies.

#### **4.1.6 Senator S.Y. Mézec:**

Is the Chairman struck by the consistency that can clearly be observed in all of the research plus independent advice which has been given to various Privileges and Procedures Committees over the years that shows that Jersey's electoral system does suffer from extreme malapportionment and how does his version for electoral reform deal with that issue?

[9:45]

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

Voter engagement in Jersey is among nearly the worst in the world. We have severe malapportionment. The facts are there. They are stark. We have known them for a long time and the situation is getting worse.

#### **4.1.7 Senator J.A.N. Le Fondré:**

Too many questions. Did the Sub-Committee of the P.P.C. (Privileges and Procedures Committee) take professional advice in the interpretation of the Venice Commission's clauses, in particular paragraphs 2.1 and 2.2?

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

Yes, we did.

#### **4.2. Senator K.L. Moore of the Chair of the Privileges and Procedures Committee regarding 'States of Jersey Complaints Board: Findings – Complaint by Mr. T. Binet and Ms. R. Binet against the Minister for the Environment regarding the processing of planning applications by them and the various companies which they have significant interests (R.125/2019) – Response of the Minister for the Environment (R.125/2019 Res.) – Response of the Complaints Board' (R.125/2019 Res.Res.): (OQ.26/2020)**

Following the publication of the response of the Complaints Panel to the Minister for the Environment's response to the Panel's initial report on the processing of planning applications, what action, if any, does the Chair propose to take in relation to this matter?

#### **Deputy R. Labey (Chair, Privileges and Procedures Committee)**

In relation to this matter the Minister has taken action. He has appointed a U.K. (United Kingdom) independent planning inspector to review the entire case that is the subject of this particular complaint. In my discussions with the Complaints Board, they are appreciative of that. They think it is the right course of action and they are pleased to see that that is going to happen.

#### **4.2.1 Senator K.L. Moore:**

I am grateful to the Chair for his clarification and, of course, that has occurred since the lodging of this question, which I should have perhaps altered in light of those actions. But this is a rather unusual situation, where a Minister has actually taken action following a response of a Complaints Panel. The usual method is to simply give a response and not offer any redress, or action. In relation to other cases, does the Privileges and Procedures Committee feel that greater emphasis needs to be put on Ministers to provide action and/or redress to complainants who are found in favour of?

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

Just on a protocol, P.P.C. is the conduit for the Complaints Board to publish their findings. We do not actually comment on the findings ourselves. As long as the findings, or whatever they want to publish, is within their terms of reference - and this matter clearly was and their second report on it clearly was - and so P.P.C. will publish what they want published. P.P.C. has never, to my knowledge, worked as an enforcer, badgering Ministers to enforce the recommendations of a Complaints Board finding. We do hit the age-old problem with this in that a non-elected body ... it is difficult and perhaps not correct for a non-elected body to force an elected Minister to a certain course of action. But if the Senator is asking me personally if I feel that there have been poor responses from Ministers to Complaints Boards' findings I would have to agree with her.

#### **4.2.2 Senator K.L. Moore:**

I understand absolutely the Chair's response there and thank him for it. But does the Chair and does his Committee feel that the process in relation to the Complaints Panel is adequate and are they

considering further tightening up of the system, or are they waiting for the Chief Minister to bring a Public Sector Ombudsman, as promised, to the Assembly?

**Deputy R. Labey:**

The Committee have discussed, this is very much a hot topic at the moment. P.P.C. have discussed, on the invitation of the Chief Minister, the suggestion for the Complaints Board to be replaced by an Ombudsman and we have sent our thoughts on that to the Chief Minister.

**4.3 Deputy R.J. Ward of St. Helier of the Chief Minister regarding the measures being taken to hold the U.K. Government to account over the required action to combat climate change: (OQ.37/2020)**

Given that, at a recent C.P.A. conference on sustainable economies, the importance of small jurisdictions holding larger countries to account over their actions on climate change was highlighted, what action is the Chief Minister taking, if any, to hold the U.K. Government to account over the required action to combat climate change?

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

The participation of States Members in multilateral fora, such as the C.P.A. and the British-Irish Parliamentary Assembly, is a key aspect of Jersey's international engagement. While it is not up to Jersey, or any other jurisdiction individually to hold the U.K. Government to account over this truly global issue, our contribution to the dialogue and the development of policies in response to climate change remains a key priority. I would just note that in respect of the U.K., U.K. CO2 emissions have declined by around 38 per cent since 1990, that is faster than any other major developed country. The U.K. is regarded as the world leader in offshore wind, with more installed capacity than any other country, it has just over a third of the world's offshore wind power. I believe in terms of the G7, the cut in emissions is the greatest attributable to the U.K. out of all the G7 economies. Therefore, my perspective says the U.K. has a very good record, but I would say obviously if there are matters of carbon neutrality and environment the expert is roughly 2 seats to the left of the Deputy asking the question and perhaps detailed questions on this matter should be referred to the Minister for the Environment, but I look forward to the supplementary.

**4.3.1 Deputy R.J. Ward:**

This is about principle and I think it is a very key principle, because the C.P.A. do say that small Islands will be affected disproportionately by climate change, so should it not be that the pressure that we put on as a small jurisdiction should be equally as disproportionately high on the U.K. Government? I will ask the Chief Minister: does he bring this issue up when he meets with his counterparts in the U.K., or those at the top of Government in the U.K., because of the importance to us as a small jurisdiction?

**Senator J.A.N. Le Fondré:**

As I said, with the work that we all do, whether it is through C.P.A., through B.I.P.A. (British-Irish Parliamentary Assembly), through British-Irish Council, where we do have meetings on the climate emergency and on global warming as a general issue, we do work with the jurisdictions. I make the point that relative to all the other G7 economies the U.K. is ahead of the game; therefore, it is doing, relative to everybody else, a good job.

**4.3.2 Deputy I. Gardiner of St. Helier:**

As the Chief Minister mentioned, the U.K. is the leader and ahead of the game, I would like to search for an answer how Jersey can be a leader and ecologically friendly tourism and U.K. might be a leader in developing quicker electric aircraft, which probably will be developed to a shorter

destination, and the U.K. might be a leader to develop ecologically friendly yachts, boats, and transport between British Isles can be more ecologically friendly. Can we encourage the U.K. Government as well and to push towards that direction?

**Senator J.A.N. Le Fondré:**

I think it is a little bit outside my technical knowledge from the point of view that I know there is a lot of work happening on ... I will use the word eco-friendly transport, but more in the electrical vehicles territory, although there is talk about the aviation industry aiming to be carbon neutral by 2050, I believe. But the point I make, again, in our overall work that we do with the jurisdictions of the British Isles, I think there is an overall working together and willingness to address this. The U.K. has set its aims, which are somewhat less ambitious than us in terms of dates of 2050, rather than aiming for 2030 as ours are thanks to Deputy Ward; however, we have a slightly smaller problem of a population of 105,000, 106,000 people rather than 60-odd million people they have to deal with. I think the direction of travel - pardon the pun - is likely to be that, that the Deputy seeks. I cannot give a timeframe on it because, at the end of the day, it is about technology and whether an electric, or a carbon neutral, aeroplane, for the sake of argument, or boat, probably the latter is more feasible, is technically feasible in the near future.

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

On how many occasions has the Council of Ministers discussed climate change and is he in a position to indicate what priorities he has for delivering climate change? Is it reduction in the number of petrol-driven cars on the road? Is it hitting offices and housing? Is it improvement of insulation in housing? What are his priorities?

**Senator J.A.N. Le Fondré:**

The Deputy might recall that his colleague in the Reform Party brought a Proposition to the States about carbon neutrality and one aspect of that was at each meeting on the agenda of the Council of Ministers would be the climate emergency. Therefore, the answer to the question is every meeting of the Council of Ministers, since that Proposition, has addressed the issue. In relation to the aspects he has raised, step one is in the carbon neutral strategy, which we are going to be debating in the next few weeks.

**4.3.4 Deputy K.G. Pamplin of St. Helier:**

May I congratulate Deputy Gardiner and Deputy Ward on their recent visit representing this Assembly at the C.P.A. Small Branches region meeting in Malta and showing what the purpose and the benefit of those C.P.A. meetings are for bringing questions to the Assembly. So, my attempt at that is to say to the Chief Minister, going down the path of holding U.K. Governments and larger regions to account, what work is going on with our fellow islanders, Guernsey and the other islands? Maybe there is a taskforce bringing together if at a time the islands want to put any sort of pressure on regarding climate change.

**Senator J.A.N. Le Fondré:**

The islands try to work together on a whole variety of issues and I believe climate change is always going to be one of those. In terms of referring to general... the higher question on the United Kingdom, I refer back to my earlier answers. It is about working together as part of the British Isles family.

**4.3.5 Deputy R.J. Ward:**

We have set an ambitious target and it is a good thing for us to do. I would ask him that every representation, whether he would take the ambition of Jersey and let Jersey lead the way on this issue whenever he talks to the U.K. Government, because that continued pressure, particularly of the new



Government, which may slip, would be really important for us as small islands. Would the Minister do that?

**Senator J.A.N. Le Fondré:**

The Deputy would be delighted to know that when I was in Washington last week I mentioned it to one of the congressmen of New Jersey.

**4.4 Deputy S.M. Ahier of St. Helier of the Minister for Social Security regarding the incorporation of paid bereavement leave into Jersey's family friendly legislation: (OQ.31/2020)**

Will the Minister advise the Assembly whether she plans to propose the incorporation of paid bereavement leave (recently introduced in the U.K. as "Jack's Law") into Jersey's family friendly legislation?

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

Firstly, let me say the death of a child must be a devastating event and there is no financial amount that could truly compensate the family. But practical help is already available in Jersey in this tragic situation. Our system of support does vary completely differently from the U.K. As Members will be aware, we have recently approved significant improvements to family friend employment legislation, which will give both parents rights to paid and unpaid leave. These rights apply to parents if a child is stillborn after 24 weeks of pregnancy, or in the sad event the child dies before the age of 2. Since the law was headline news in the U.K. about 3 weeks ago, I have contacted J.A.C.S. (Jersey Advisory and Conciliation Service). I am trying to find out if it has been a problem ever in Jersey. They have never so far had one. But on all interviews I have said if anybody knows where we could improve, or if it is affecting, because I find that employers in Jersey are much more compassionate than these events that took place in the U.K.

**4.4.1 Deputy S.M. Ahier:**

There can be nothing in life as devastating as losing a child. 90 per cent of all couples split up as a result of this loss. Would the Minister agree the compassionate paid leave is an essential step in the healing process?

**Deputy J.A. Martin:**

I think I have just answered that we are already doing better. I mean, I did not know this until last year; funeral directors in Jersey make no charge for a funeral for a child under 18. Where in the world does that happen? I absolutely understand, what I am saying is I need to know the problem, I do not think ... I have read up on Jack's Law, it can be taken in 2 blocks and it is not full pay. I am not sure they are addressing a situation that we have in Jersey. I am watching this and, as I say, it has not ever been a problem. I can go into the people who monitor the law, which is J.A.C.S.

[10:00]

Not one employee, or employer, has been to them since we have had the employment law for 20 years, so I am listening. I hear what the Deputy is saying and if I find out this is a problem of course we will look much further into it.

**4.4.2 Deputy K.G. Pamplin:**

I thank the Attorney General designate for a written question on this subject: "As the largest employer, the Government of Jersey provides up to 5 days' paid compassionate leave to employees in relation to the death of a close relative" and bearing that in mind, when the Minister said she will look at it, she will look at that as an example that there is a package included that it is not just a child,

it is not just leave, it is a total package, because there are many charities on this Island that will support families and many families do not know that that exists. Will she look at that, as well?

**Deputy J.A. Martin:**

Absolutely. As you say and that is the States of Jersey as an employer. There are other big employers. There are small employers. We need to make sure that ... as I say, the system is different. Paid leave for the first 28 days is paid for by the employer in the U.K. It is not here. So, we are not comparing like to like, but absolutely we will take all this into consideration. Please, if anybody knows where I can improve on this law ... as I say, when we pass the next part of family friendly ... we have passed it, but when I bring in the benefits it really does take a lot more into account than we have ... and I think goes much further than Jack's Law.

**4.4.3 Deputy G.P. Southern:**

Does the Minister not recognise that the absence of evidence of need is not necessarily the absence of need and will she take a precautionary approach to this process and introduce the equivalent of Jack's Law to be safe and sure?

**Deputy J.A. Martin:**

I am not going to say yes to that, because the evidence of need is not necessarily the evidence that is not there. I am not sure the Deputy is hearing; I am saying we have completely 2 different systems. I think we are doing a lot better and when we pass the final part of family friendly we will have a much better system of 6 weeks and 6 weeks and then a year, then a year. But, again, if the Deputy wants me to actually introduce it, I need evidence and I need to be targeting it to the right people.

**4.4.4 Deputy M. Tadier:**

Would the Minister remind us how much the death grant is and also how that compares to the average cost of a funeral and whether she thinks that is sufficient?

**Deputy J.A. Martin:**

The death grant is £900 but, as I have just said, I only found this out 6 months ago, funeral directors together, as a collective, came together and they do not charge for a funeral of a child under 18. Absolutely fantastic.

**4.4.5 Deputy M. Tadier:**

I do not think we are talking specifically, or uniquely, about the death of children under 18. We are talking about funerals in general and clearly the death grant applies in cases where people have a social security record and, therefore, would not be relevant to a child's death anyway, so could the Minister talk more generally about whether she thinks the death grant is sufficient?

**The Bailiff:**

Sorry, Deputy, I think that goes outside the proper parameters of the question, which relates specifically to a law which is analogous to Jack's Law in the United Kingdom and not the death grant, generally speaking.

**4.4.6 Deputy S.M. Ahier:**

Statutory paid leave for bereaved parents will be a legal right in the U.K. from April. Does it concern the Minister that a backbencher will now have to bring forth a Proposition to bring in a Jack's Law that she should have made a priority?

**Deputy J.A. Martin:**

I am told that it is not paid leave, as you are earning money. It is an amount and, to me, the amount in the U.K. is going to be very small. If the backbencher, I presume Deputy Ahier is talking about

himself, feels that it is urgently needed for Jersey, a backbencher has a right. I do not think I can find the need and I cannot find that where we do things so differently in Jersey who pays the compassionate, that would say we have a compassionate Island and I have not heard that this has ever been a problem. If the Deputy feels that it needs addressing, hopefully look at Jack's Law and find out it is not as good as he thinks it is.

#### **4.5 Deputy K.G. Pamplin of the Chief Minister regarding the Government-wide review of records management: (OQ.42/2020)**

Further to my Written Question 269/2019, will the Chief Minister advise whether the Government-wide review of records management, which had been paused and was recommenced in quarter 4 of 2019, as stated in the Chief Minister's response to that question?

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

Deputy Wickenden is taking answers.

##### **Deputy S.M. Wickenden of St. Helier (Assistant Chief Minister - *rapporteur*):**

A records management review was conducted in early 2019 that identified areas for improvement. Resourcing constraints, at the time, prevented any further immediate - in the Government's mind - work to commence. Improvements in the records management area restarted under the current limited business as usual resource in quarter 4 2019. Further business as usual resources will be injected into this area under the modernisation and digital target operating model, which will start to be implemented during 2020. Additionally, works on the cybersecurity programme covers many of the improvements and recommendations of import, as described in the Government Plan and there is work going on, on information sharing, within the Government that has been going on since summer last year.

##### **4.5.1 Deputy K.G. Pamplin:**

In the original answer by the Chief Minister at the time, his understanding was that the reason also for the delay is there was a person, who was doing the work, had left the organisation and had not been replaced; is that still a problem?

##### **Deputy S.M. Wickenden:**

We currently have a contract of resource from a local company that has undertaken that work and we are recruiting right now for the position of Records Management Manager.

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

I apologise to the Assistant Minister for my old-fashioned approach to it. But the name and address register seems to me something we were aiming for, a complete record of where people are, who is here and where they live, has that gone by the board now? Or has that been completed, or is it due to still be completed? Where are we after 7 years, I think, of working on the names and address register, where is it?

##### **Deputy S.M. Wickenden:**

The People Directory, which was part of the eGovernment programme, is up and running and it is collating information as a decision by this Assembly to collect information on names and addresses, which is a true data source and that is still ongoing and that is still a record that we are using.

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

So my question is it completed yet, the answer is no?

##### **Deputy S.M. Wickenden:**

There are people moving to this Island every day, so it is a record that we are continuing to update as we need, but it is completed as far as we have got a People Directory where it has collated the names and addresses, yes.

**4.5.4 Deputy R.J. Ward:**

The question talks about a Government-wide records management system; is this review looking at the record management system within the health service and the implications for plans in the Government Plan, for example, for the ambulance service to have a records system that will feed into something that does not exist yet?

**Deputy S.M. Wickenden:**

It does not talk about a system at all. It talks about a process. The records management is a process about how we record information and how we categorise it. It is a process that all Government will be following to make sure that we are managing and retaining records for the appropriate amount of time in an appropriate way.

**4.5.5 Deputy R.J. Ward:**

Just for clarity, is this effectively a glorified Excel spreadsheet of how we record things that needs to be reviewed, or is this actually a look at the type of systems and the money being spent on the systems for recording the data that we so desperately need on this Island to make genuine decisions?

**Deputy S.M. Wickenden:**

I go back to my previous question. This is not a system; this is a process on how we manage our documents.

**4.5.6 Deputy K.G. Pamplin:**

If my understanding was right, there is a contract in place for somebody to continue the work while you continue to recruit - just getting clarity - of the position of my original question? Secondly, can the Assistant Minister point to funding in the Government Plan, which the Jersey Archive was seeking as they have a shortage of people, which means there could be a back work of catalogue of 100 years, I quote?

**Deputy S.M. Wickenden:**

We have been waiting for the Government Plan and the target operating model to be able to resource this position correctly and we are doing that now that the Government Plan has been passed. As far as the Archive, I cannot, but I can try and find out for the Deputy.

**The Bailiff:**

We come to question 6 which is scheduled to be answered by the Attorney General designate and posed by Deputy Higgins. The Attorney General designate is on route to the Assembly from the United States where he has been conducting urgent business on behalf of the Government. As Members will be aware, he is the sole Law Officer available and therefore this question will be deferred until the next hearing. [Aside] I am not sure the Attorney General designate went to the United States because of the question, Deputy. [Laughter]

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

Can I go to the U.S. (United States) to get the answer please?

**4.6 Deputy J.H. Perchard of St. Saviour of the Minister for Infrastructure regarding the issue of parking for registered carers: (OQ.24/2020)**

Given that, at the last States sitting, the Minister stated he would arrange a formal meeting with the Connétable of St. Helier to discuss the issue of parking for registered carers, will the Minister advise whether this meeting has been arranged?

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

I have briefly spoken to the Constable of St. Helier, before he went away on business. Now he is back I will speak to him again. I have also asked for an agenda item with the Comité des Connétables, which they have arranged for March. But I would yet again remind the Deputy, as I have set out in response to her written question W.Q. 43/2020, while I am happy to speak to the Comité about carers this is not part of my official remit. Under Standing Order 9(5), the Deputy should properly be addressing her enquiry to the Chair of the Comité.

**4.6.1 Deputy J.H. Perchard:**

The Minister strayed slightly from the question at the end there. The question was simply whether he had arranged the formal meeting with the Connétable as he stated he would do to discuss the issue in full. From the Minister's answer it is not clear whether it was just an informal chat, or whether a formal meeting has been arranged; has the formal meeting that he said he would arrange been arranged?

**Deputy K.C. Lewis:**

As I just stated, the Constable has just come back from travelling to the United States and I will speak to him again. I believe - he is either here, or in the coffee room, or maybe in his office, I am not sure - he is back on the Island and I will arrange a meeting with him, but this should be properly sorted out through the Comité des Connétables, a joint response from the Constables themselves.

**4.6.2 Deputy G.P. Southern:**

Once again, the Minister appears to be ducking any responsibility. Is he saying that there is no responsibility in his Department for parking issues and parking fines at all?

**Deputy K.C. Lewis:**

This is to do with carers parking in and around care homes, which is predominantly in Parish-administered roads. There is also a question whether there are certain housing associations that have their own security arrangements. I know Andium, for instance, where there have been a few issues, employ a local security company to administer their car parks, which is where this question arose in the first place. I have spoken to Andium and they said they were more than happy to look on this on a case-by-case basis.

**4.6.3 Deputy G.P. Southern:**

I will ask directly then. What responsibility of parking issues and parking fines does his Department have, if any?

**Deputy K.C. Lewis:**

In multi-storey car parks and on main roads.

**4.6.4 Deputy J.H. Perchard:**

Given the Minister's verbal commitment to arrange a formal meeting with the Constable of St. Helier to discuss the issue, will he update the Assembly on when this meeting will take place?

**Deputy K.C. Lewis:**

As soon as I have spoken to the Constable of St. Helier and I will also be having a meeting, as I said, in March with the Comité des Connétables.

**4.7 Deputy J.M. Maçon of St. Saviour of the Minister for Treasury and Resources regarding the tax assessments of families needing to access higher education funding: (OQ.30/2020)**

Will the Minister take steps to ensure that priority is given to the tax assessments of families which need their assessments in order to access higher education funding and if not, why not?

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

I have asked the Comptroller of Revenue to do everything possible to assist his colleagues in the Education Department in streamlining the process for confirming family income for the purposes of making higher education grants. Online filing is now available to many Islanders and is receiving excellent feedback. The Comptroller expects to start processing tax returns submitted online later in February. If people can file their 2019 tax return online, they should expect to receive a tax assessment in weeks, rather than months, in most cases. The more people who can file online and do so, the more tax officers will be available to process paper tax returns.

**Deputy J.M. Maçon:**

I thank the Minister for her response, it was raised with me as a concern by parents and I think that is a very practical way forward and I thank the Minister for her response.

[10:15]

**4.7.1 Deputy R.J. Ward:**

Can I ask the Minister whether she believes that the new system at La Motte Street, a one stop shop so to speak, has assisted the speed of this process, when you have got such a specific need in terms of higher education, or whether it may have become a slight obstacle to the speed of this, in terms of processing these applications?

**Deputy S.J. Pinel:**

The one stop shop has been very successful at La Motte Street, but the Deputy asks, in quickening the process I think the online filing arriving at the same time as the move to La Motte Street and the introduction of the revenue management system has been quite complicated for tax officers. The Education team, if they need a quicker assessment, can accept self-certification by the applicant of an income and view a tax assessment at a later date.

**4.7.2 Deputy R.J. Ward:**

Is the Minister certain that the link between the assessment team for higher education and tax is there, so that they can be highlighted, because I know that can be an issue?

**Deputy S.J. Pinel:**

Yes, I did say in my opening remarks to Deputy Maçon that the Comptroller is working with the Education team to try and process any of these tax assessments very quickly.

**4.7.3 Deputy K.F. Morel of St. Lawrence:**

Will the Minister be assuming responsibility for ensuring the Comptroller meets these timeframes, or will she be merely remaining accountable?

**Deputy S.J. Pinel:**

Yes, as the Minister for Treasury and Resources, of course I assume responsibility.

**4.7.4 Deputy J.M. Maçon:**

If a parent has a concern about delaying their tax return and they need this information, or the student does, will the Minister confirm that the best person to contact is the Comptroller?

**Deputy S.J. Pinel:**

Yes, there is a Comptroller and Deputy Comptroller and a large team of tax officials dealing with all of this.

#### **4.8 Deputy G.P. Southern of the Chief Minister regarding the agenda items relating to income inequality considered by the Council of Ministers: (OQ.44/2020)**

Will the Chief Minister inform Members of the agenda items discussed by the Council of Ministers in the last 18 months that have dealt with the issue of income inequality?

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

Whilst no individual items have come to the Council of Ministers that specifically refer to income inequality in their title, the Council has discussed a wide range of areas over the last 18 months that relate to the issue based on the aims set out in the C.S.P. (Common Strategic Policy). To give some examples, since the election the Council has discussed: family friendly employment rights, the Listening Lounge, the gender pay gap, the Jersey Care model and personal taxation. Obviously, we have had increases in the minimum wage very recently. So, we continue to address the income inequality issue. Just to remind the Deputy, the C.S.P., one of 5 priorities is around income inequality specifically and obviously page 193 of the Government Plan that lays out what we intend to do and we are intending, basically, to spend between £188 million and £200 million a year over the next 4 years to address these very issues.

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

The question is, I think, directed otherwise than to the answer we received in that what we are talking about is the reduction of income inequality is the priority. What actions have been taken in order to reduce income inequality by this Government?

##### **Senator J.A.N. Le Fondré:**

I thought I had just said that in the previous answer. In terms of addressing income inequality, there are a range of components that come into this area and they cover things like the family friendly employment rights. Things like the gender pay gap side. Things like the issues around taxation. Things like increases in the minimum wage. Things like the changes in the social security ceilings. They all address dealing with the levels of income inequality. What I will also say, if one refers to the written question, or the answer to the written question 55 in the pack today to Deputy Ward, that gives quite a lot of detail about the actual work that is taking place on this area and what work is taking place this year to again improve the situation.

##### **4.8.2 Deputy J.H. Perchard:**

Given the wide range of areas quoted just now by the Chief Minister, it would be prudent to ask what he deems to be the main drivers of income inequality in the Island.

##### **Senator J.A.N. Le Fondré:**

Difficult to give a short answer to this. Can I refer the Deputy to the Written Question 55, the answer we gave to Deputy Ward, which is a 2-page quite detailed synopsis and then, perhaps, come back to me? I would say the answer is quite detailed and gave quite a lot of information there.

##### **4.8.3 Deputy R.J. Ward:**

I appreciate the answer to my written question and one of the areas highlighted is educational outcomes affected by income inequality. Would the Chief Minister, therefore, accept that because Jersey Premium is less than the U.K. should we not be addressing that issue and increasing it, given the recognition of income inequality and its effect on educational outcomes?

##### **Senator J.A.N. Le Fondré:**

I always urge caution about doing direct comparisons on what is paid in the U.K., versus what is paid here. Because they are always very different scenarios, very different circumstances and often you can target matters better here, I would suggest. What I will also say is, to go to the generic response, is that there is a review of education, as a whole, coming together, that will be coming forward over the next few weeks, probably few months and I suspect that will be considered in that area.

#### **4.8.4 Deputy R.J. Ward:**

Can I ask then what benchmarks the Chief Minister believes should be used, so that we can make the correct decisions and the correct judgments?

#### **Senator J.A.N. Le Fondré:**

What I look for is what is going to be the most effective. I was just making the point we do not automatically, just because the U.K. do such-and-such a matter, it does not automatically mean we should match them, because we may just be doing compensating measures somewhere else. We need to just understand that, that is to be part of the education review, as I understand it.

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

Would the Chief Minister not accept that those people on minimum wage will have seen their incomes fall relative to the average wage in this Island and that the Chief Minister has done nothing to prevent this worsening of income inequality?

#### **Senator J.A.N. Le Fondré:**

What I can certainly accept is that since the survey that was done between 2009/10 and 2014/15 very clearly showed a drop in average household income after housing costs, particularly the layers of a further update survey, which is being carried out I believe ... it is going to be starting this year, I believe the results come out either towards the end of this year, or next year and that will give us the proper data. We need to understand what it is. We do need to address certain areas and that is why a lot of the pieces of work that are taking place are taking place.

### **4.9 Deputy K.F. Morel of the Chief Minister regarding the findings of citizens' assemblies established in Jersey: (OQ.40/2020)**

Is it the Chief Minister's assessment that the findings of a citizens' assembly should never be binding on the Government of Jersey or this Assembly?

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

The short answer is absolutely. The slightly longer answer is that a citizens' assembly has been proposed to a Carbon Neutral Strategy. The intention for that assembly is to assist the decision making by providing a platform for members of the public to contribute to decision making. As such, I would agree with the Deputy a citizens' assembly cannot be binding on the Government of Jersey, or on this Assembly. So, to summarise, the citizens' assembly is advisory, it will make recommendations to this Assembly and to the Council of Ministers, who will consider those recommendations accordingly. Obviously, if the Deputy looks at, I think, page 91 in the appendices of the Carbon Neutral Strategy I would hope that makes it fairly clear on those pages.

#### **4.9.1 Deputy K.F. Morel:**

If I may take that one stage further, then. Will the Chief Minister resist any attempts to try and make citizens' assemblies on carbon neutrality, on the hospital, or any other areas binding on this Assembly, always accepting the primacy of this Assembly?

#### **Senator J.A.N. Le Fondré:**



I absolutely accept the primacy of this Assembly and it is not just me to resist it, no one can bind this Assembly, other than this Assembly.

#### **4.9.2 Deputy S.M. Ahier:**

At a recent briefing by Extinction Rebellion Jersey, their spokesperson stated that any climate change citizens' assembly must have binding powers. How would the Chief Minister respond to this demand?

#### **Senator J.A.N. Le Fondré:**

Firstly, I refer the Deputy to my previous answer. I hesitate to use these words, but I am going to say the legal position is that only this Assembly can bind this Assembly, period.

#### **4.9.3 Deputy R.J. Ward:**

One of the key concepts behind a citizens' assembly is that the decisions they make are informed. They are informed in detail. Will the Minister, therefore, assure that this Assembly, when making decisions as to whether they take on the advice, will be equally as informed and have the opportunity to get the same sort of information, rather than making decisions based upon just uninformed views, which could be a danger if a group of citizens go through that process?

#### **Senator J.A.N. Le Fondré:**

I do not think the Deputy's comments are specific only to the climate emergency stuff. I think it is imperative for all States Members to ensure that they are properly informed when debating any subject, including perhaps all the issues we are going to be facing today. It is important that Members are informed. It is important on a climate emergency side that the citizens' assembly is being given resources. As I understand matters, there is, I think, a Panel that is going to help provide information to the Assembly, if I remember correctly and I would rather assume that on that basis, as the carbon neutral strategy advances, I am sure the Minister will be absolutely delighted to ensure that Members are properly informed as that debate continues.

#### **4.9.4 Deputy R.J. Ward:**

Can the Chief Minister commit to this Assembly having access to the same panel of experts, so that we can inform ourselves in detail on the decisions that have been made?

#### **Senator J.A.N. Le Fondré:**

I am in the hands of the Minister for the Environment on that side. I can see no reason why not. What I would say is that I would imagine that the whole Scrutiny process on this will be taking a very close interest in this area and, therefore, I would imagine that Scrutiny will be availing itself of all the information that is readily available to then inform States Members, as one would normally expect to be the case.

#### **4.9.5 Deputy J.M. Maçon:**

Notwithstanding what the Chief Minister has said, but does he accept that citizens' assemblies ultimately are made up of lay people and they are not chosen for any particular skills, ability or merit? Ultimately there must be some form of vetting process, so can I ask the Chief Minister, if he agrees with that, what is the vetting process, or criterium, that are being worked to?

#### **Senator J.A.N. Le Fondré:**

It is quite useful to refer the Deputy to question 17 on the order paper, which is going to be coming up, being asked by Deputy Perchard, which gives an indication of things around citizens' panel selections. I think the same criteria are going to be applied to the citizens' assembly for the climate neutral strategy.

#### **4.10 Deputy C.S. Alves of St. Helier of the Assistant Chief Minister regarding States and Government of Jersey computers running on Windows 7: (OQ.35/2020)**

Given that Windows 7 reached the end of its life on 14th January 2020, will the Assistant Chief Minister explain why some States and Government of Jersey computers are still running on this operating system?

**Deputy S.M. Wickenden (Assistant Chief Minister):**

I can inform the Deputy that Microsoft still offer extended support for Windows 7, however I am not willing to discuss the Government of Jersey I.T. (information technology) infrastructure in any way in a public forum.

**4.10.1 Deputy C.S. Alves:**

My understanding is that Microsoft does offer extended security updates and the costs rise exponentially every year, so will the Assistant Chief Minister advise how long it will take to replace all the machines that need replacing and move on to a current operating system?

**Deputy S.M. Wickenden:**

I will hold to my answer; I am not willing to discuss the Government of Jersey I.T. infrastructure in any manner in a public forum.

**4.10.2 Deputy K.F. Morel:**

We all know what the Minister, who does not know what he is doing looks like at the moment. Could the Assistant ...

**The Bailiff:**

Deputy, Deputy, that really ...

**Deputy K.F. Morel:**

I apologise, Sir.

**The Bailiff:**

Thank you, Deputy, sit down. That is an unnecessary observation.

**Deputy K.F. Morel:**

Thank you, I withdraw that. Would the Assistant please explain how much is being spent in order to maintain Windows 7 support from Microsoft?

**Deputy S.M. Wickenden:**

I am not willing to discuss the Government of Jersey I.T. infrastructure in any public forum and I am going to keep to that stance.

**The Bailiff:**

Can I ask, Deputy, I anticipate that is going to be your answer to any supplemental question?

[10:30]

**Deputy S.M. Wickenden:**

Yes, Sir.

**The Bailiff:**

Are you able to tell the Assembly why you are not prepared to answer any questions on this matter?

**Deputy S.M. Wickenden:**

I feel that to discuss any matter, which no private, or public, company would do, any matter to do with our infrastructure, could lead to a security risk within our infrastructure, Sir.

**The Bailiff:**

Very well.

**Deputy K.F. Morel:**

Sir, if I may?

**The Bailiff:**

Yes.

**Deputy K.F. Morel:**

My question is about the cost of something, it is not about the detail of how something is applied, or what it looks like.

**The Bailiff:**

The answer ...

**Deputy K.F. Morel:**

I believe my question is perfectly reasonably answerable by the Assistant Chief Minister.

**The Bailiff:**

I am certainly not ruling that your question is not answerable, but it may be you will get the same answer and it is a question of when we draw a halt to this exercise and ...

**Deputy K.F. Morel:**

Sir, if I may?

**The Bailiff:**

Yes.

**Deputy K.F. Morel:**

We have a serious matter of someone in ministerial capacity not being held to account and given no good reason in this case.

**Deputy M. Tadier:**

Sir, may I raise a point of order?

**The Bailiff:**

Yes.

**Deputy M. Tadier:**

I cannot find the exact Standing Order, but there is one been recently passed saying that our Ministers should try to address the question wherever possible and, notwithstanding the Assistant Minister's logic that he has chosen to adopt, could you rule on whether the answerer is in breach of that Standing Order, Sir?

**The Bailiff:**

If the Assistant Minister has given an answer to the Assembly, which says he will not answer questions more broadly, because of a concern in security, that is, to my mind, an answer to the question. It may be an unwelcome answer, it may, the Assembly might think, be an answer that should not be given, but that is a matter for the Assistant Chief Minister and, in my view, it would

not fall foul of Standing Orders. The correct consequence of that would be entirely political, as far as the Assistant Chief Minister might be concerned.

**Deputy M. Tadier:**

Sir, could you just emphasise that? Could I ask, that there is nothing to stop any Minister, on any question, saying that they are not answering the question, because it is a security risk? Is that a valid answer, as you have said, with a potential political recourse, that there is nothing in Standing Orders to stop any Minister doing that?

**The Bailiff:**

In my judgment, where a question is relating to I.T., it is a feasible answer. I make no comment on the quality of it, but it is a feasible answer to say it cannot be answered for security reasons. That may not be something that is feasible in any kind of answer posed by, or given by, a Minister to a different kind of question, but that is my ruling on this question. Do you have anything you wish to ask, Deputy, in the knowledge of what the likely answer will be?

**Deputy G.P. Southern:**

Yes, Sir.

**The Bailiff:**

Yes, please do.

**4.10.3 Deputy G.P. Southern:**

Does the Assistant Minister accept that he has responsibility for this particular area and, in particular, for the spend of this particular area and that he is accountable and should be held accountable to this House on the spending that he is undertaking?

**Deputy S.M. Wickenden:**

I am responsible for that and I am responsible for the security of it too.

**4.10.4 Deputy R.J. Ward:**

Can I ask the Assistant Chief Minister whether he would be happy if Windows 7 was still working in Government systems and whether he does see this as a security risk, or just simply an inconvenience?

**Deputy S.M. Wickenden:**

I am going to answer with the same answer.

**4.10.5 Deputy M.R. Higgins:**

Will the Assistant Minister - the new Review Panel on efficiencies looking at the Government and its operation - be prepared to give full evidence to that Panel on this particular matter, because it is obviously of great concern?

**Deputy S.M. Wickenden:**

Yes, I will follow Scrutiny, but I will not talk in a public forum regarding this matter.

**The Bailiff:**

The Assistant Chief Minister's answer is that he will respond to Scrutiny, but he will not give an answer in this Assembly.

**4.10.6 Deputy R.E. Huelin of St. Peter:**

Given that running out-of-date software, even with the manufacturer's extended support, is expensive and I will not go down the security risks avenue; however, can the Minister please update us on when the Windows 7 infrastructure will be replaced and no longer be reliant on extended support from Microsoft?

**Deputy S.M. Wickenden:**

I am not willing to discuss matters of the Government of Jersey I.T. infrastructure in a public forum.

**The Bailiff:**

Do you have a final supplementary, Deputy Alves, in the circumstances?

**Deputy C.S. Alves:**

No, I do not think there is much point, Sir, thank you.

#### **4.11 Deputy S.G. Luce of St. Martin of the Chief Minister regarding the future of the buildings at Haut de la Garenne: (OQ.39/2020)**

Has the Council of Ministers made its decision about the future of the buildings at Haut de la Garenne?

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

Yes, on 15th January the Council of Ministers agreed a preferred option for the long-term redemption and future use of the former Haut de la Garenne and Aviemore sites. We also considered a wider report on the progress that has been made towards implementing the recommendations made by the Independent Jersey Care Inquiry since they reported 2 years ago. A summary of progress report will be published in the near future and will describe the preferred option for these sites, once the process of informing stakeholders has been concluded. I will just add, the Director of Regulation is, I believe, in the process of arranging a meeting with both the Connétable of St. Martin and the Deputy, to give them more information.

##### **4.11.1 The Deputy of St. Martin:**

Given that this issue and subject has been raised a number of times over the last 18 months and that the decision was taken in the middle of last month, does the Chief Minister share my disappointment that I have had to ask a question on the floor of this Assembly to get the answer?

**Senator J.A.N. Le Fondré:**

I did update the Connétable and I appreciate it was not the Deputy, it was the Connétable who raised a query of me, while I was away off Island and I did respond to that at that point. Yes, that a decision will be made and the key thing has been to make sure that the relevant stakeholders and obviously the Connétable and Deputy should be one of those, a meeting is in the process of being arranged. We need to be updated before it went public.

##### **4.11.2 Deputy S.M. Ahier:**

Will the Chief Minister accept the recommendation of the Jersey Care Inquiry to have Haut de la Garenne demolished?

**Senator J.A.N. Le Fondré:**

This has been raised on a number of occasions and a survey in July 2018, the Council of Ministers agreed to support the findings of the public consultation about the Care Inquiry's recommendations; 94 per cent of respondents, including the citizens' panel, which includes 4 survivors from our care system, disagreed with that recommendation to raze the building and that remains our position.

#### **4.12 Deputy M. Tadier of the Minister for Health and Social Services regarding the ability of Jersey's patients to obtain prescribed cannabis medication: (OQ.46/2020)**

Where a Jersey patient has obtained a prescription for G.M.P. (Good Manufacturing Process) approved cannabis medication, including from a prescriber outside the Island, what methods are available to that individual to obtain the prescribed medication and, where it is unavailable in Jersey, is the patient allowed to import it themselves?

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

Dealing, firstly, with the situation within the Island, in order for prescription medicines, such as a G.M.P. produced cannabis-based medicine to be legally dispensed by a pharmacy in Jersey, the prescription must be signed by a Jersey registered doctor, or other authorised prescriber. This is a requirement under the Medicines (Jersey) Law 1995. If a patient has a prescription signed by a Jersey registered doctor, any pharmacy will be able to import that medicine under the authority of its controlled drug import licence. This is because cannabis-based medicines, produced to G.M.P. standards, are Schedule 2 medicines and can be treated in the same way as, for example, morphine-based medicines. In respect of the position outside of the Island, if a patient has obtained their prescription in another jurisdiction and had it dispensed there, they would be able to travel back to Jersey with those medicines on their person. This would be either under the authority of the Open General Import Licence issued under the provisions of the Misuse of Drugs Law, or a specific licence issued to them following an application by their prescribing doctor. A specific licence would be required if the quantities to be imported exceeded 4 weeks' supply. In summary, cannabis-based medicines, produced to G.M.P. standards, are treated in exactly the same way as any other medicine, which is a controlled drug in terms of the importation and supply.

##### **4.12.1 Deputy M. Tadier:**

Is the Minister aware whether any G.M.P. approved products, so obviously with regard to medicinal cannabis, are stocked in Jersey pharmacies or indeed, apart from Sativex, whether any of these products are stocked at the hospital?

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

I am not aware of that, but I do not believe there is any specific problem around maintaining stocks; stocks are regularly brought into the Island.

##### **4.12.2 Deputy I. Gardiner:**

At the moment, some of the people use medical cannabis and some were self-prescribing, medical cannabis products also have contra-indicators and as a medicine should be used with some advice and supervision. What facilities, if any, would the Minister consider can be put in place to safeguard and advise patients, who are already using recognised medicine, which cannot be prescribed in Jersey?

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

I fear there may be some confusion ... if patients are self-medicating, they are not taking a medicine which has been prescribed to them by ... the questioner wishes to intervene, I think, but I do not understand quite the import of the question, because the question referred to self-medication. This question relates to prescriptions issued by registered G.P.s (general practitioners) and other approved prescribers in Jersey and that is the only way a medicine can be issued in Jersey.

##### **4.12.3 Deputy I. Gardiner:**

Maybe I will rephrase. The medical cannabis was prescribed by a doctor outside of Jersey, has been imported and the person is using it in Jersey, but he would like to have ... or probably it would be right to give advice, as possible advice, not prescription, to these patients for using it in Jersey now.

**The Deputy of St. Ouen:**

Right, I understand the question and I would suggest that patients see their G.P., or a consultant, if they are under the care of a consultant. I am sure the medical profession would be able, would be willing and are well placed, of course, to provide medical advice. I hope that might answer the question. I certainly would not wish to stand in the way of any advice being provided and I do not think I could. People are free to attend their G.P., or any medical professional and seek advice.

**The Bailiff:**

Deputy Morel and then final supplementary. Deputy Morel.

**Deputy K.F. Morel:**

Given the ... **[Interruption]**

**The Bailiff:**

Excuse me, I am afraid I did not see your light, it was on at the moment, but if you assure me your light had been on prior to my calling that, then I will allow you. Very well, carry on, Deputy.

**4.12.4 Deputy K.F. Morel:**

Given that there is still some confusion and seeming inconsistency around the prescribing of medical cannabis, would the Minister please advise the Assembly what support, or training, is being given to G.P.s to help them understand what they can prescribe and what they cannot prescribe and how best to help their patients?

**The Deputy of St. Ouen:**

G.P.s are members of the General Medical Council, they are required under the terms of that membership to maintain continuous professional development. They will have access to learning, papers, lectures; all that goes within continuous professional development. Some G.P.s will take a special interest in the subject more so than others, perhaps. There is continual learning and research going on within the profession I am sure.

**4.12.5 Deputy M.R. Higgins:**

The Assembly passed a Proposition, enabling various cannabis products to be prescribed by doctors. Can the Minister tell us if any doctor in the Island is prescribing them and if it is the General Medical Council that is stopping it, how is he going to ensure that the will of the Assembly, that those patients who could do it can be prescribed that product?

**The Deputy of St. Ouen:**

There are certain cannabis-based medicines which are being prescribed. Deputy Tadier had mentioned one called Sativex, which I understand has been in use and remains available for prescription. But, in fact, all medicines are available to be prescribed and that was the purpose of this Assembly's decision, to remove the illegality associated with cannabis as a medicine and allow that to be prescribed as a medicine, if it complied with certain standards and that remains the case. There is no legal obstacle to a cannabis-based medicine, produced to Good Manufacturing Processes, being prescribed. It is not that the G.M.C. (General Medical Council) are preventing its use, the G.M.C. are adhering to the guidelines which measure ...

[10:45]

Then, perhaps, I am straying into professional practice here, which I am not an expert in, of course, but the G.M.C. will require its members to adhere to proper practice, proven practice and that research is still ongoing.

**4.12.6 Deputy M.R. Higgins:**

What steps can the Minister take to ensure that the will of the Assembly is followed through? Can he indemnify the doctors if the G.M.C. cause a problem, or can he find some other solution? But what is the point of us passing Propositions if they can be thwarted by bodies that do not want to follow it?

**The Deputy of St. Ouen:**

The will of the Assembly is to make law, is to make legal the prescription of cannabis-based medicines; that was the function of the Assembly and that is what the Assembly did. It was not the will of the Assembly to prescribe, to decide what patient should be able to receive certain medicines, because we should never be involved in that medical issue; that is a question for proper G.P. professionals and other prescribing nurses and the same. My own view is that this time will come. The politicians have, perhaps, been ahead of the curve on this. It should be understood that because cannabis was an illegal drug, there was not a great deal of research into its medicinal effects. There is now that research going on, but it does take time to establish that it is a safe drug to prescribe for the patients it is required. I believe that sort of work is going on in universities and medical schools throughout the country and, no doubt, we will see the results, but it does take time and I think we need to understand that.

**Deputy M.R. Higgins:**

One final supplementary, Sir. Can I ask the Minister ...

**The Bailiff:**

I am so sorry, that was your supplementary, was it not, Deputy? This is your second supplementary and I am afraid you only get the one.

**Deputy M.R. Higgins:**

Okay. I would just like to know why we are not introducing it in the Islands ...

**The Bailiff:**

No, I am not going to let you ask it, Deputy. I cannot say you cannot have a question and then you ask it, that is not how it works.

**4.12.7 Deputy M. Tadier:**

There is a great deal of frustration, because the spirit of the decision that we made in this Assembly was very much to allow people and our constituents, who are suffering greatly, to be able to access a form of medication, which they know would help themselves against other more harmful medication, which they take. The issue that faces Jersey patients, I think, has been compared slightly clumsily and not by myself to the Northern Irish abortion issue, where women in Northern Ireland were forced to travel abroad for their treatment. We now have a situation where Jersey's laws are ahead of the U.K., but in terms of prescribing we are falling even further behind than we were before the Proposition was brought. A Jersey patient can travel to the U.K., or to the Netherlands and I will ask the Minister whether he agrees that this is right. But a Jersey patient ...

**The Bailiff:**

That has been quite a long question so far.

**Deputy M. Tadier:**



Thank you, Sir.

**The Bailiff:**

Can you bring it to an end immediately and ...

**Deputy M. Tadier:**

You stopped me, just as I was getting to it, Sir.

**The Bailiff:**

Excellent.

**Deputy M. Tadier:**

The question I would ask the Minister: is it right that a Jersey patient has to travel to another jurisdiction to obtain a prescription, bring it back to Jersey, travel with their medication and that is perfectly legal and they may be doing that at great physical cost to themselves, yet in an Island where it is legal for it to be prescribed they cannot get hold of the medication they need for many reasons?

**The Deputy of St. Ouen:**

I am not going to comment on what care should be given to patients; that is a matter for their professional relationship with their G.P. or other advisers.

#### **4.13 The Deputy of St. Peter of the Minister for Infrastructure regarding the credit card payment machines at Sand Street car park: (OQ.33/2020)**

Will the Minister explain why, after almost a month, the credit card payment machines at Sand Street Car Park have yet to be fixed?

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

I am delighted to inform the Assembly that the machines have been fixed and are fully operational. Unfortunately, in January the credit-card provider terminated a number of accounts in Jersey unexpectedly. The result of reapplication process and integration with our terminal providers has taken far longer than we would have liked and has caused considerable customer inconvenience, for which I can only apologise. I would like to take this opportunity to thank the public for their patience and indeed all our staff in the car parks, who went the extra mile to ensure that customers were informed and who kept the office open, outside normal hours, to ensure that inconvenience was minimised whenever possible.

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

That is a very good answer, because I can relate to a lot of that, however, can we be assured that this was not a technical error, which has been rumoured a technical error, whereby spare parts could not be found because of the dated system that is being operated?

**Deputy K.C. Lewis:**

No, the Deputy is correct, it was not a technical error as such with machines; it was a credit-card error with our providers in Ireland.

##### **4.13.2 Deputy K.F. Morel:**

I would just like to ask the Minister for Infrastructure if he feels that he has been entirely responsible by speaking about Jersey's partly I.T. infrastructure in his answer there and whether he perhaps should have taken a more guarded approach to his answer? **[Laughter]**

**The Bailiff:**

There we are, as amusing as the question might be, I do not think that is strictly within the terms of the question.

**4.13.3 Deputy J.M. Maçon:**

What lessons can be learned from this episode and what has been put in place, so it does not happen again?

**Deputy K.C. Lewis:**

Indeed, our Technical Department is working on this resilience for any faults that could happen in the future. I doubt, though, if this particular thing will happen again, but we are looking at resilience and a fallback position where this would not occur, with a possibility of installing possibly additional hardware, or indeed new machinery, that would be more resilient to any failure of this nature.

**4.13.4 Deputy M.R. Higgins:**

Can the Minister elaborate on the error of the credit-card provider? Are they, for example, also using Windows 7? [Laughter]

**The Bailiff:**

I am not sure you need to respond to the last part of the question, but the first part, can you elaborate on the problem with the credit-card provider?

**Deputy K.C. Lewis:**

As I have mentioned - I do not think we are getting rid of 7 at all - there was a problem in the Republic of Ireland, where the servers are based, inasmuch as we had a problem in Jersey and the legislation was changed, I believe, in the Republic of Ireland. The people this side had to answer certain questions, as it is "know your customer" or "know your client". Because there had been changes in the Departments, from the Department for Infrastructure to Growth, Housing and Environment, it took a completely new set up and everything had to be reapplied for in a certain timeframe. We were not able to do that in time, so the whole system had to be reset and reapplied for.

**Deputy M. Tadier:**

Except, Sir, I hope this is in order, it relates to why we need credit card machines there at all, so if they do not work. I think it is related, Sir.

**The Bailiff:**

It is tangentially related; I will allow questions to why there needs to be credit card machines.

**4.13.5 Deputy M. Tadier:**

Thank you, Sir. It seems to me that when you go to Sand Street Car Park there is always a queue and that is even when the credit card payment system is working well. What is the point in having a number-plate recognition system, which is supposed to make people's lives easier, if you do not have an automated payment system, where it automatically takes money off their card at the same time? Has the Minister thought about streamlining this and perhaps talking in a very secret room with the Minister for I.T. somewhere about how we might do this?

**The Bailiff:**

Yes, let us deal with the first part of that question, shall we?

**Deputy K.C. Lewis:**

Okay. Yes, the Deputy is absolutely correct and it is something that is being worked on. This was very much an experiment to start with. This is the only car park that we use this particular system on. But as the technology improves, we do have A.N.P.R. (Automatic Number-Plate Recognition)

and you can buy a certain card, which eases payment, but we are working on it. In the not too distant future, everything will be fully automated, you will be able to open an account with the car park fund and the automatic number-plate recognition will automatically deduct from your account. It will see your car going in, your car going out, hello, goodbye and no queuing at all; that would be possibly in the not too distant future, I hope.

**Deputy R.J. Ward:**

Sir, I did just put my light on, am I too late?

**The Bailiff:**

No. I think it is a little unworkable for people to tell me that they have put their light on. I think the trick is to put the light on until I nod and then it will be clear that I have seen the light in those circumstances, in both senses, probably.

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

Thank you for that advice. I did put my light on, but I did not get the nod, so it is my fault. The question was asked that I was going to ...

**The Bailiff:**

Right, thank you, well that, I think, is ...

**Deputy K.C. Lewis:**

Sir, may I just point out that I am up for questions without notice later? If anybody wants to put the boot in I am ...

**The Bailiff:**

Nonetheless, I have already said we can have an opportunity for that for the Connétable of St. Saviour, so, Connétable.

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

I would just like clarification on something the Minister said before. The Minister said before that the trouble down at the car park was not the States problem, it was a credit card problem, but he has just said - I might have misunderstood - that the system had not changed over from one Department to another and the credit card company did not recognise. In my words and in my little mind this would make it a States fault and not the credit card company's fault. The States had not verified themselves as to who they were when they changed Departments and the credit card did not recognise them. Am I wrong, or am I right?

**Deputy K.C. Lewis:**

Partially wrong and partially right. As I say, this was a "know your customer" thing, but now and again, I dare say, the Constable might get a phone call from her bank to check details, which may be several years down the road. This does sometimes ... **[Inaudible]**

**The Bailiff:**

No, this is not a conversation, Connétable, this is a question and then an answer.

**Deputy K.C. Lewis:**

This does sometimes happen and, as I say, the details, the requirements from the company in Ireland had changed, the legislation there had changed. They needed more information; that is where the anomalies came to light.

**4.13.7 Deputy C.S. Alves:**

I am not sure whether this is going to be in order, or not, but relating back to what Deputy Tadier said about the Minister was looking at new systems, I was wondering if any consideration has been given to the way people are charged. My understanding, when Sand Street first came into play, was that it would be similar possibly to the airport one where you would be charged per 15 minutes, instead of a whole hour. Is this something that the Minister for Infrastructure has considered?

**The Bailiff:**

I think, Deputy, on reflection - and I have perhaps been far too permissive up to now - this is a question about the operating credit card payment systems, whether they are operating, or not and, as the Minister has rightly observed, that you can ask any questions that you want when he is answering questions without notice in a few minutes. Did you want to ask your question, Deputy Ward?

**Deputy R.J. Ward:**

I think it is related, because the automated system is used for fining people if they do not pay, can that not be adapted to make people be able to pay?

**The Bailiff:**

I think I will draw a halt to general charging and it can be asked later on, Deputy.

**Deputy R.J. Ward:**

Yes, Sir, I withdraw the question.

**The Bailiff:**

No, not at all. The Deputy of St. Peter, you have the final supplementary, if ...

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

The Minister used the word “experiment” in the answer to one of his questions. As Sand Street, I think, for about 5 years has been the only car park to use this technology, does he deem it to be a success and which to roll it out to all the other car parks in the ...

**The Bailiff:**

This is the credit card payments.

**The Deputy of St. Peter:**

The whole system is part of the payment, is it not? That is one way of using the system, paying for the system. Is it a success, yes, or no and will it be rolled out?

**Deputy K.C. Lewis:**

I think it has been a success. We have had a blip, of course, as previously mentioned. But people do like the convenience and people do like the fact that, unlike scratch cards, if they happen to be in Town to meet a friend and then go for a coffee, they do not have to rush back and worry about receiving a fine, because it would just clock up to the next particular unit, so I would say it was a success. Because it is automatic number plate recognition, it is only the sort of thing we could use in our multi-storey carparks and other general car parks would be a little more difficult, but not impossible.

#### **4.14 Deputy I. Gardiner of the Minister for Children and Housing regarding the transfer of administration of all assisted home ownership schemes to Andium Homes: (OQ.29/2020)**

Following the Minister’s answer to my Written Question 17/2020 in which he indicated his intention to transfer the administration of all assisted home ownership schemes to Andium Homes, will he

state what checks and balances will be in place following the transfer to ensure sufficient oversight by the Government and the appropriate decisions are made to meet Jersey's housing needs?

[11:00]

**Senator S.Y. Mézec (The Minister for Children and Housing):**

The Deputy will be aware that we had a review recently of the system that provides for access to social housing and it proposed that the administration of access to assisted home ownership schemes should be separated from that of the access to social rental homes. We are suggesting that it is Andium Homes that takes over the administration of that and that is being done to improve the service provided to clients when they purchase a property because Andium, through its Homebuy scheme, we know has the knowledge and expertise in this area. I think that that will enable the Housing Gateway to focus specifically on social rental applications, not mix the 2, because the assessment of needs that exist there are very different. The transfer has not yet taken place, but it will not happen unless there is a robust agreement which sets out Andium's responsibility to deliver Government-assisted ownership policy and that we have robust arrangements for things like data-sharing, performance monitoring and making sure that there is reporting on K.P.I.s (key performance indicators).

**4.14.1 Deputy I. Gardiner:**

Would the Minister advise what are the checks and balances he is planning to introduce to be sure that the Government will not lose control over decisions that will be made by Andium?

**Senator S.Y. Mézec:**

To be honest, I do not envisage that they will be that different to what exists right now, given that Andium is the main provider of assisted home ownership schemes - their Homebuy scheme is extremely popular - but we will have to sit down with them and draft out what we want in terms of how appeal processes will work, how they report back to us on how they are meeting that and making sure that applications are fitting the criteria that they are meant to.

**4.14.2 Deputy R.J. Ward:**

May I ask the Minister what assurances he can give that in the future, if the system is not being seen to work ... I refer to Jersey Property Holdings and some of the accommodation they have developed, which is inaccessible, that as these arm's length companies, the arms seem to get longer and longer. What assurances, what checks will there be to ensure that this can be reviewed and perhaps reversed if it is not seen to be working and, as a Government, we maintain control?

**Senator S.Y. Mézec:**

The Housing Gateway, as it stands, currently does both access to social rental housing and assisted ownership housing and there are specific criteria that people have to meet to be eligible for that. It is not like an open market sale, or anything like that. It is very specific and that is determined by what the Government, or this Assembly, decides it ought to be. Within any agreement for Andium to provide that service, then, of course, there has to be provisions in it to have reviews about how it is going and I suppose, if worst comes to worst, it could be brought back to where it currently is, because we have that system as it currently is. I do not think that would be a desirable thing, because I do think it makes sense for those 2 to be separated, but if it did not work, well, of course, we would have to review it and see if there is an alternative arrangement.

**4.14.3 Deputy G.P. Southern:**

Will the Minister assure Members that the provision of social rental housing will remain his priority for Andium and that we will not see a drift into Andium becoming predominantly a builder of houses for sale, rather than social rental?

**Senator S.Y. Mézec:**

Absolutely; my view is that we need to drastically increase the number of social rental homes that are available in Jersey, primarily to meet what we know is the need particularly of vulnerable, or people on low incomes, but also I would hope to have some sort of disruptive effect in the rest of the market, where the standard and accessibility to social housing is so good that it provides gold standards. That, of course, remains my priority, but there are, of course, many people in the Island who wish to own the home that they live in and I think that the model that Andium provides through their Homebuy scheme is a good model, because it has the safeguards in place to make sure that these homes remain for first-time buyers in perpetuity, when there are lots of historic examples in Jersey where that was not the case, where assistance went to schemes that only benefited the first people who got into those homes, not for future generations, which is not a good use of public money, in my view.

**The Bailiff:**

A final supplementary, Deputy Gardiner?

**Deputy I. Gardiner:**

No, thank you.

**4.15 Deputy K.F. Morel of the Minister for Children and Housing regarding the reported lack of bedsits (or studio apartments) in Jersey: (OQ.41/2020)**

Does the Minister share the assessment of recent reports that there is a lack of bedsits, or studio apartments, in Jersey and, if so, what is, in his opinion, the cause of the shortage and what is he doing to rectify the situation?

**Senator S.Y. Mézec (The Minister for Children and Housing):**

It is my assessment that there is an inadequate supply of all categories of housing, not just those referenced in the question. In terms of what would I attribute that shortage to specifically for these, I think that it is viewed that where lodging houses may have provided more of these sorts of homes previously, it is known that there are often some being converted into larger self-contained units. Presumably, that is because it is the people who own those properties view that as a way to make more out of the market there than providing bedsits. We have had the Objective Assessment of Housing Need report, which provides a helpful breakdown of what sort of homes we may need in the next 10 years and they have projected that based on several different migration scenarios. Our social housing providers are currently onsite this year to deliver 246 one-bedroom homes, which will help alleviate some of that demand. While the Housing Policy Development Board has not concluded its work at this stage, I think it is safe to say that it is likely to recommend a substantial increase in the States-led delivery of homes across different levels of need and that, of course, would enable the market to focus on areas that are not being delivered by the State as well.

**4.15.1 Deputy K.F. Morel:**

Does the Minister accept that bedsits and studio apartments fulfil a particular need, particularly when it comes to affordability for single people? Does he agree that there are issues with the planning law, which require units to be a minimum of 51 square metres, thereby making it impossible to build new bedsits in the current era?

**Senator S.Y. Mézec:**

In terms of the practicalities around that, that would probably be a question better posed to the Minister for the Environment, who can give a more informed perspective on that to me. I would say that as well as issues of affordability, there is also the issue of quality of life and so I think that in

providing, or trying to provide, as many more one-bedroom units as possible that do have a decent amount of living space, hopefully that can provide enough to meet demand, that those who will want to focus on bedsits will be able to have access to them, because there will not be as many people after them.

**4.15.2 Deputy G.P. Southern:**

The last time that the issue of bedsits came to my notice was something like 12 years ago, but then I was told that the then Housing Department was trying to move away from building any bedsits at the time and one-bed flats, with the associated well-being of those renters, was its priority. Can the Minister - I think you have just heard him say something like this - assure us that that remains his policy?

**Senator S.Y. Mézec:**

It does, and I can confirm that social housing providers are currently onsite not delivering any new bedsits. They are focusing on one-bedroom properties.

**4.15.3 Deputy S.M. Ahier:**

Has the Minister considered converting Cyril Le Marquand House into bedsits, to ease the shortage of such accommodation?

**Senator S.Y. Mézec:**

I hope my views on this is well-known, that I think the Cyril Le Marquand site ought to be earmarked for affordable homes of whatever tenure, or size, to be determined and I would not like to see that opportunity lost. Of course, there are other sites in the vicinity that I would have my eye on, such as Westaway Court, which, as we know, has not been utilised effectively in recent years.

**4.15.4 Deputy K.F. Morel:**

Given that the Minister has just said it is a policy to not provide any more studio apartments in this way, while it was a homelessness charity which brought this issue to the attention of the Island, does the Minister accept that he may be creating problems of affordability in housing by sticking to his policy of not creating more studio apartment availability?

**Senator S.Y. Mézec:**

I think that is a very fair question. I said that it was not the policy of the States to deliver bedsits and so the bodies of the State, which we use to provide more homes, are not doing that, they are focusing on one-bedroom properties. I am told that it is the case that if you are eligible for support for a bedsit and there are not bedsits available, then income support can bump that up to a one-bedroom to make sure that you are more likely to find a roof above your head in that sense. It is the case that the work of the homelessness strategy review will be completed relatively soon. I think there is a draft report next week that is being reviewed and that may well indicate to us some measures that need to be undertaken to provide access to emergency accommodation. Often, that emergency accommodation may well not be a full one-bedroom property, but something smaller, because it is a stepping stone. When that is in our hands, we will be able to review what actions we need to do to make sure there is adequate support for people who find themselves in that situation.

**4.16 Deputy J.H. Perchard of the Chief Minister regarding diversity requirements for the membership of States boards: (OQ.25/2020)**

Given that the hospital citizens' panel selection methodology states that: "Panel membership must be representative, including 50 per cent men, 50 per cent women, a representative range of ages, someone who identifies as of Portuguese origin, someone who identifies as of Polish origin and a

geographic weighting to reflect urbanisation” why have the Government not applied these requirements to the membership of States’ Boards?

**Senator J.A.N. Le Fondré:**

The Connétable of St. Ouen is answering this question, Sir.

**Connétable R.A. Buchanan of St. Ouen (Assistant Chief Minister - rapporteur):**

I thank the Deputy for her question. There is a distinction between the citizens’ panel and States boards. The hospital citizens’ panel is a non-statutory body created for a particular purpose and of course is newly established. It has a remit that it requires a diverse membership and to reflect all walks of life in the Island. It should essentially be a microcosm of the public at large. The other States boards - having had a discussion with the Deputy, I am clear that she is referring to that - are arm’s length and 100 per cent owned companies, which were established on a statutory footing with a smaller membership and which existed for many years. They are there to serve a specific and a specified purpose, requiring specific skillsets. However, we must ensure that the range of candidates we attract to any vacancies are as diverse as possible. As the Deputy is aware, we have already written almost a year ago to the Chair of these boards and similar organisations, reminding them of the importance of diversity in their board memberships. This will take time to achieve and will occur naturally as terms of office expire and replacements are appointed. In supplement to that, the Deputy is probably aware that Dame Janet [Paraskeva, Chair of the Jersey Appointments Commission] and I did a presentation to the members of the subsidiary boards about the importance of doing this and it was well-received. However, also you must remember that these boards have to deliver on their business plans and, ultimately, any appointment will be based on the merit of the individual candidate and their ability to fulfil the role that is set before them. This will always be a primary concern when selecting a candidate.

**4.16.1 Deputy J.H. Perchard:**

Given what the Assistant Minister has just said about the citizens’ panel, is he saying that the work of the States boards and the ethos and culture which cascades from the top from these boards, through the organisations, does not need to take into account all walks of life on the Island?

**The Connétable of St. Ouen:**

No, he is not saying that. What he is saying is that we have to take those principles, which the Deputy rightly points out and apply them to an organisation which requires specific skillsets. The specific skillset itself will narrow the field. However, the underlying principle of diversity will always be at the forefront of our minds when making and putting together panels to select candidates.

**4.16.2 Deputy J.M. Maçon:**

With regard to the health board and noting the diversity there, but if we are talking about health needs, can I ask why members of the L.G.B.T. (lesbian, gay, bisexual, and transgender) community have not been explicitly on this panel? If you look at trans needs, for example, they will be distinct and I cannot imagine why they have been left out.

**The Connétable of St. Ouen:**

I thank the Deputy for his question and say that I am not able to give him an answer, but I will undertake to get back to him and the wider Assembly with a direct response to that question.

**4.16.3 Deputy M. Tadier:**

Given the fact that there is a quota system for the hospital consultation, or the citizens’ panel, does the Assistant Minister fear that we may not be getting the best people for the job for that citizens’ panel, because half of them have to be women?



[11:15]

**The Bailiff:**

Contentious question now, but ...

**The Connétable of St. Ouen:**

I do thank the Deputy for his challenging question. I might even ask Deputy Perchard to answer it, but having avoided asking Deputy Perchard that question, diversity is an important part of the panel and we have to balance the groups of people in terms of their ethnic origin as well as if they are ladies, or men. It is, as always, a balance to ensure that we achieve a cross-section of the public and we would hope to achieve a 50:50 balance. I cannot give the Deputy an absolute assurance that that will happen, but I can assure you that we will be using our best endeavours to do that and I do thank him for his question.

**4.16.4 Deputy M. Tadier:**

The *sous entendre* of the question is clearly that the Assistant Minister is saying for statutory bodies we cannot have a quota system, we cannot ensure that half are men and half are women, for example, because that might mean we do not get the best people for the job. Is that a position that he genuinely holds? If that is the case, why would we employ such a quota system for the likes of a citizens' panel?

**The Connétable of St. Ouen:**

I did not understand the first French bit of his question, but I am sure he will enlighten me later. The object of the citizens' panel is to achieve a microcosm of Island life and that includes both gender, ethnic origin, sexual orientation, so that we get a balanced view. As always, when you have a number of people, a fixed quota, you are probably not going to cover everyone, but it is our intention to achieve that in the best way that we can.

**4.16.5 Deputy R.J. Ward:**

Can I ask the Assistant Minister whether he just recognises that we already have a quota system for these boards? Unfortunately, the quota system is for men, which has existed for years and if we are going to do that, we need to take affirmative action and have a quota system that would address those issues that have existed for so long.

**The Connétable of St. Ouen:**

I assume the Deputy is referring to the subsidiary boards when he talked about a quota system. All I can say is that our policy now is to have as wide a field as possible when we are recruiting for candidates for those boards. There is not now a quota system of a proportion of men and women making up those boards. We will do our best to ensure that when we are recruiting, we are recruiting from as broad a range of candidates as we possibly can.

**4.16.6 Deputy R.J. Ward:**

Is the problem not that we fail to recognise the value of unpaid labour on this Island and across the world and therefore fail to see the value of people? The vast majority of that unpaid labour is from women and so we are not looking at this through an equality perspective. That is the failing of these boards.

**The Bailiff:**

A final supplementary, Deputy Perchard. I beg your pardon. Sorry, he did not answer that, did he? I apologise, slightly getting ahead of myself.

**The Connétable of St. Ouen:**

I was all ready to answer that question. Yes, I accept entirely what the Deputy is saying and I can assure you the States is working very hard to improve its approach to diversity and he is quite right. Some of the issues that he outlines are social issues and, as an employer, we can only do our best to improve those social issues by making employment for women and the terms and conditions that we employ women easier, so that they are able to balance all the families, they are able to balance their childcare requirements with their work responsibilities. It is a project that will take some time to achieve, but I can assure the Deputy that the States Employment Board are totally committed to it and are taking a number of steps to achieve that. The start of the process has been that we have engaged with both the Chamber of Commerce this week and the Institute of Directors to try to look at ways that we can balance gender diversity on our boards and indeed in our wider employees.

**4.16.6 Deputy J.H. Perchard:**

Earlier, in one of his responses, the Assistant Minister stated that a search for a particular skillset will naturally narrow the field. Is he saying that given the vast majority of board members are of a certain age, ethnicity and gender that we are, in fact, searching for a skillset that is widely attributed to a certain group, so you inevitably are going to recruit mostly from that group?

**The Connétable of St. Ouen:**

Yes, the Deputy makes a good point and it is one that we are considering. As she knows, we are having - the Deputy, myself and Dame Janet [Paraskeva] - a debate about this very point. I do not have a specific answer to that, but I am aware that it is an issue and it is an issue, as an Employment Board and indeed the subsidiary boards, we are going to have to address going forward.

**4.17 Deputy R.J. Ward of the Minister for Education regarding the provision of sanitary products in the Island's schools and colleges: (OQ.38/2020)**

Will the Minister ensure that sanitary products are available and free for all Jersey students in the Island's schools and colleges?

**Deputy J.M. Maçon (Assistant Minister for Education - *rapporteur*):**

While technically not the Minister, I wonder if the Deputy would accept a response from the Assistant Minister?

**Deputy R.J. Ward:**

Absolutely, Sir.

**Deputy J.M. Maçon:**

May I begin by expressing my gratitude to the excellent work of the Red Box Project Jersey volunteers [**Approbation**] and all those who support them with donations. Thanks to their efforts, since February 2019, they have ensured that free period products are now available in 28 schools, who either request the box, or gratefully accept one when offered. May I just quote a comment from that group when they say: "Please can we ask that you do not use the word 'sanitary'? Instead say 'menstrual' or 'period products' when talking about products used, as 'sanitary' creates and reinforces the false connotations of periods being unclean and further adds to stigma."

**4.17.1 Deputy R.J. Ward:**

I absolutely take that on board and I compliment the services of that project, but can I ask the Assistant Minister if he would commit to ensuring that we are not reliant upon a charity, no matter how good their work is, that we can ensure that these period products are available for young women in our schools, in order that they do not miss school, for example and do not have to have the problem that is associated with that?

**Deputy J.M. Maçon:**

The Jersey Red Box Project also commented that: “Unlike the U.K. there is unfortunately no such data available in Jersey, due to lack of research” so it draws the exact same conclusions from the statistics used in the U.K. when analysing whether period poverty is an issue. At the moment we do not have that information, so, therefore, at this stage the Department is unable to commit to funding period products at this stage, without knowing the quantity. It has never been an issue that has been raised by head teachers, but we would want to further understand this as an issue, not only through teachers, but through the school councils. Also, to draw to the Deputy’s attention, of course, there is a school funding review and which head teachers do have input into that if this is an issue for them. So, at the moment, I cannot give that undertaking, but there are avenues which can be pursued.

**4.17.2 Deputy M. Tadier:**

The Assistant Minister has been very helpful in quoting other people, including Red Box Project, but what is the Assistant Minister’s political view and judgment on this issue as to whether our students, our female students in schools, should have access to period products?

**Deputy J.M. Maçon:**

My view is that they should be available and thanks to the good work of the Jersey Red Box Project, they are available free to students within the schools.

**4.17.3 Deputy G.P. Southern:**

Is there not a principle that we should not be automatically reliant on charities; that, perhaps, this is an issue that should be made statutory?

**Deputy J.M. Maçon:**

Again, as I have said, if you go with that premise again, you need the evidence in order to back it up. We do not have that, at this time, but the Department will be asking head teachers and students about whether this is an issue for them, in order to gain that evidence and make a decision about whether it would be appropriate to enhance the process, or not, or whether that could be done through, perhaps, the school funding review.

**4.17.4 Deputy G.P. Southern:**

Is it not the case that we can probably rely on U.K. data, which has been extensive and/or we should be setting up our own investigation to make sure, if this is a requirement, that it is statutory?

**Deputy J.M. Maçon:**

I would not wish to compare apples with pears.

**4.17.5 Deputy J.H. Perchard:**

Given the fact that the average age at which girls begins to menstruate is about 14 and given that children spend so much of their time at school and therefore are quite likely to start their period for the first time at school and given that the population is made up of about 51 per cent female, is that not evidence enough to enable the Department to provide at least some level of product to schools? Because, my own experience tells me that schools do tend to buy, or have, some sanitary products available, but often teachers buy them with their own money and keep them in their classroom for that exact scenario, because they know how difficult it is for children and how scary it can be for girls when they first start to bleed.

**Deputy J.M. Maçon:**

I thank the personal experience that the Deputy has shared there. Again, we do have those products available in schools, thanks to the Jersey Red Products ... I am going to get this wrong. Red Box Jersey Project, thank you. So, they are there. If there is a matter to do ... because the point is this is

a devolved matter for the schools. If there is an issue around funding, whether it should be provided through funding, there is a school funding review going on, which the head teachers can contribute if it is an issue for them.

**4.17.6 Deputy R.J. Ward:**

Is it not clear from this debate and from the data that is available that this is an equality issue and this is an issue of access to education for young girls? As such, it should be a statutory provision in our schools to provide these products.

**Deputy J.M. Maçon:**

No, I mean, this is an issue ... yes, it is about equality, but this issue has been addressed by a charity and we are grateful for that and for that support. That has been going on from 2019. That is not to say that previous to that schools did not provide other products to that. So, at this time, I do not have the evidence that it should be a statutory matter, but it is something which we are going to raise with head teachers and students, in order to know what the best way forward is.

**4.18 Deputy I. Gardiner of the Minister for the Environment regarding the prospective banning of new plastic bags in Jersey: (OQ.32/2020)**

Will the Minister advise whether the Government is planning to propose that all new plastic carrier bags be banned from being given out, or sold, in Jersey?

**Deputy J.H. Young of St. Brelade (The Minister for the Environment):**

As the Minister for the Environment, I want to see us reduce the use of plastic bags by any means possible and, particularly, I support the voluntary charging scheme introduced by supermarkets in 2015 that has already reduced their use; but, ultimately, I believe that we will have to ban their importation to prevent the damage done by accumulation of plastics in the environment and switch to greener alternatives. However, there are complexities and this cannot clearly be done without prior consultation, first of all with business and it would involve several Ministers, Economic Development, Tourism, Sport and Culture and Home Affairs, who I think, if I am right, do have the legal power to do so - under the Customs and Excise (Jersey) Law 1999, Article 19(1) - to either ban, or impose conditions, by Order on any imports. I think this is a matter that I will be discussing with the Council of Ministers, particularly as part of our future waste strategy.

**4.18.1 Deputy I. Gardiner:**

At our meetings at a workshop in Malta, I realised that the Australian Capital Territory banned 8 years ago; Seychelles banned 2 years ago; all Caribbean islands banned during the last year. Would the Minister advise approximately the timescale and maybe Jersey will lead the way in our region?

**Deputy J.H. Young:**

I do understand the Deputy's point and, in fact, when one looks through and sees, it is very impressive how many countries that we describe as, perhaps, Third World, or less developed countries have introduced these bans. But, of course, the reason is they do not have ... they are unlikely to have any sophisticated technology to do waste processing. We are lucky in Jersey. We have an E.f.W. (Energy from Waste) plant that at least prevents what happens in the U.K., these plastic bags get into landfill and then it gets into the environment. We do not have that. But, nonetheless, I think the principle of the Deputy is right. In the U.K. they have gone for a charging scheme and, interestingly enough, I am waiting to see what the U.K. Government is going to do. The previous administration in the U.K. announced that they were going to up the charge from the 5 pence scheme, which is a statutory scheme in the U.K. - it is not a voluntary one - to increase those charges in January 2020 and I am waiting to see what happens. Timescale: I certainly will discuss it with the Council of Ministers as

soon as possible, but I think we do need to do this in a structured way. I am happy to come back to the Assembly and the Deputy with more information as we take that forward.

**4.18.2 Deputy M. Tadier:**

I think when a turtle ingests a plastic carrier bag in the sea, it does not really care about whether that bag, that costs 5 pence, went to charity, or whether it was a statutory scheme.

[11:30]

Could I ask, this is not just an issue about plastic bags, but it is about all extraneous packaging that shops in Jersey seem to want to provide for customers. Is it also a case that we need to make them responsible for the packaging and the disposal of the packaging that they provide, rather than the consumer?

**Deputy J.H. Young:**

I think the Deputy is absolutely right. It has to be part, in my view, of a wider drive to eliminate plastics. Looking at the whole issue of the issue of pollution in the marine environment, there is no question the accumulation of plastics is getting into the food chain and destroying much of our marine life and so on. We have to deal with that, so there needs to be a strategy. On the question of charging, I think the point, why I mentioned charging is that the evidence is it has removed - so we are told - in the U.K. already 15 billion bags from the U.K. supply chain, but we are equally told there is still a lot of small businesses using those. So, I think, certainly, the direction of travel would ultimately have to be banning. But we do need this wider strategy to remove these wastes entirely and, ultimately, I want to see a situation where we do not need a replacement E.f.W. plant, because we have eliminated waste, but that is a personal ambition and I shall probably not live to see it.

**4.18.3 Deputy R.J. Ward:**

Would the Minister not agree that, one, the removal of plastic bags by burning them just simply adds to greenhouse gases, because they are made of plastics, which is a hydrocarbon and second, that now is the time for Jersey to be brave and take the lead and ban plastic bags? The population, myself and everyone in this Assembly, just needs to deal with that fact and then find another way to carry their shopping home, because of the impact it is having on the environment. Let us be brave, and can I ask the Minister, will he just push ahead with banning plastic bags as soon as possible?

**[Approbation]**

**Deputy J.H. Young:**

I certainly hear what the Deputy has to say and I am hearing the stamping of feet. I have already committed to take this forward to the Council of Ministers. It is an open secret that we absolutely desperately need to do more about waste reduction. Waste reduction and plastics are pretty well number one, so the actions that we take have to be part of the strategy. We have to work with business, because even I accept that they need to find alternatives, they need to gear up to use paper bags and other means of doing it. But I do think - unless I am wrong in the reading of the law, I only looked at it this morning and we do not have the Attorney General designate here - we have possibly got the legal power already. Certainly, it is an issue that I shall be taking to the Council of Ministers.

**4.18.4 Deputy J.H. Perchard:**

I appreciate the complexity around imported goods, that are wrapped in plastic when they arrive, but carrier bags are simply used to facilitate people carrying their things from one place to the other. What is the worst that could happen? If the Minister were to ban bags tomorrow, what is the worst that could happen?

**Deputy J.H. Young:**

I, personally, do not have those powers at my disposal to exercise. I think the honest truth, if I had those powers, I would probably sign the Order tomorrow and take the hit and see what happens. Possibly, the worst that would happen would be a vote of no confidence, but nonetheless I do not have that power and we do try to work constructively as the Council of Ministers together. This does cross over a number of Ministers. It crosses over the Minister for Infrastructure, who has got the job of sorting this out and doing the disposal of it, so he is having to pick the problem up. It is the Minister for Home Affairs, who has got the powers to stop stuff coming in the Island and it is the Minister for Economic Development, Tourism, Sport and Culture, who is trying to steer our economic strategy, but I cannot really believe that the loss of plastic bags is going to wreck our economy.

**Deputy M. Tadier:**

Can I raise a point of order? It seems that the Minister might be unintentionally misleading the Assembly, by saying he does not have the power to lodge a Proposition banning plastic bags.

**The Bailiff:**

I am not sure that is a point of order; it does not require a ruling from the Chair, does it?

**Deputy M. Tadier:**

Could he clarify, Sir?

**The Bailiff:**

That is just a question to the Minister. That is not a point of order. Well, firstly, Deputy Perchard, it is a little bit difficult to believe you are talking to the Chair when you turn around and look behind you. That is just the first observation.

**4.18.5 Deputy J.M. Maçon:**

While you can reuse a plastic carrier bag, can I add to the Minister's list the top of coffee cups, because they make a huge amount of plastic waste and do not necessarily get reused at all?

**Deputy J.H. Young:**

I think you are pushing ... my expertise is probably running out now. I know that the whole issue about the plastics, the type of plastics, it is not a one size fits ... there are all different types of plastics. There are alternatives to these things and we are all trying, I think, to achieve the same goal. I think that whatever we do about plastic bags has to be in the context of plastic generally, I think it should do. When I said that I did not have the legal powers, yes, I can bring a Proposition, but that is not the way to work collectively in Government, is it? Well, so could the Deputy bring a Proposition and I would be happy to support it if he does.

**Deputy R.J. Ward:**

A point of order: for backbenchers, it is the only way for us to work in Government.

**Deputy M. Tadier:**

And for Assistant Ministers.

**The Bailiff:**

Neither of those were points of order, but never mind.

**4.18.6 Deputy M.R. Higgins:**

I am pleased to hear the Minister talking about working with others and so on. I fully agree with the idea of climate change measures, we have got to, but we do not need to take ... and I am not saying this as a knee-jerk reaction in terms of plastic bags, because it is something we need to do. However,

recent research has come out that says as we use our washing machines, the fibres are going through the water out into the sewers, into the thing and some of them into the sea. They have discovered that a great deal of pollution is coming from that source. There are many things that add to pollution. We need to look at them, not spending months, or years, looking at them, but we need to look at them collectively and come up with a way and take the public with us. You do not just use sanctions and beat people over the head if you want to get their co-operation. Does the Minister not agree?

**Deputy J.H. Young:**

Yes, but I want to say just a tad more, if I may. I think the Deputy is right, that the issue of microplastics is probably one of the most serious things. These are things that are not visible. There is no question that the use of artificial fabrics and our current practices means that these particles get in our liquid waste. That liquid waste goes through our S.D.W. (sterile distilled water) plant and the effluent goes out to sea. Marine monitoring has shown that there are very high levels of microplastics within seawaters generally. Our waters... I understand and I believe so - and I cannot be sure - the latest information I heard that the levels were higher in the outflow in St. Aubin's Bay, which you would expect them to be. But, nonetheless, this is an international problem, it is a worldwide problem, because these microplastics get into our marine ecosystems, get into fish and get into our bodies. I think this is an issue that I, as the Minister for the Environment, will be working with the British-Irish Council, the other British jurisdictions, and I have made a plea. We are investing more money in science and that money is going into research to find ways of trying to deal with some of these very insidious hazards, so the Deputy is right.

**The Bailiff:**

I note a question from the Connétable of St. Lawrence.

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

No, it was my binder.

**4.19 Deputy G.P. Southern of the Minister for Economic Development, Tourism, Sport and Culture regarding the prospective banning of online gambling with credit cards: (OQ.45/2020)**

What action, if any, will the Minister take to address the issue of online gambling with credit cards in light of the recent U.K. Gambling Commission's decision to ban this practice?

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

Islanders are currently free to gamble with any company they choose. However, the Jersey Gambling Commission suggests that local residents, who do choose to gamble online, do so predominantly through a U.K. operator. As a result, they will no longer be able to use their credit cards, because the U.K. will have this functionality removed in April 2020.

**4.19.1 Deputy G.P. Southern:**

When the Minister says "predominantly" what is he talking about? How many companies are registered here and governed here and how many are regulated in the U.K.?

**Senator L.J. Farnham:**

We have very few online gaming businesses here - under 10, in fact, as I understand it - the vast majority of which are operating in other countries around the world outside of the U.K. Some of those jurisdictions do require use of credit cards for other reasons and other usages of the website.

**The Bailiff:**

I am afraid that brings the time available for questions to Ministers with notice to an end and the ...

**Deputy G.P. Southern:**

There are 4 questions remaining. Could I ask the Ministers with those questions to circulate a written answer to all Members?

**The Bailiff:**

Yes.

**Deputy G.P. Southern:**

Thank you.

**The Bailiff:**

You have asked and I am sure that Ministers will do what is appropriate. Then we now come to ...

**Deputy M.R. Higgins:**

Can I just mention though, question 22 will be answered at the next sitting? I would like an oral answer from the Attorney General designate, not a written one.

**The Bailiff:**

Then it may have to be submitted as a different question, because Standing Orders provide that if we run out of time, any questions listed after that are deemed to be withdrawn and it is a matter of concession that Ministers agree to give written answers. The Attorney General designate is not here to give a written answer, so you will have to relist that question, because it has come after the time has fallen away. If we had got to it, then the agreement with the Attorney General designate would apply and it would move forward to next week, but I do not think it does in these circumstances, Deputy.

**Deputy M.R. Higgins:**

I am quite happy to have a written one in those circumstances, then I will have another go at him next time.

**Please note: following the meeting, the Minister for Education provided the following written response to oral question 36/2020, which would have been asked by Deputy C.S. Alves of St. Helier, had time permitted:**

**Question:**

Will the Minister state whether the contact details of each school governing body are publicly available and whether the purpose and function of school governing bodies are communicated to parents?

**Answer:**

Nine Government provided schools are supported by seven Governing Bodies, Le Rocquier, Les Quennevais, Haute Vallée, Grainville and Hautlieu each have a Governing Body. Jersey College Preparatory and Jersey College for Girls are supported by one Governing Body. Victoria College Preparatory and Victoria College are also supported by one Governing Body.

The majority of Governing Bodies (5) have contact details publically available online. Four of them have detailed information online listing members and functions.

Schools communicate with parents in many ways such as newsletters, handbooks, parent evenings and electronic Parent Mail. I haven't been able to confirm if the 3 schools with less information online use one of these alternative communication methods, to share the purpose and function of their Governing Body with parents.



School	Are the contact details of the relevant governing body publicly available?	Is the purpose and function communicated to parents?
Jersey College Preparatory & Jersey College for Girls	Yes	Very clearly on the website
Victoria College Preparatory & Victoria College	Yes	Very clearly on the website
Grainville	Yes	Very clearly on the website
Haute Vallée	Yes	Very clearly on the website
Le Rocquier	Yes via search only	Unconfirmed
Hautlieu	No	Learner booklet advises the annual report is available from the school office
Les Quennevails	No	Unconfirmed

In the interests of openness and transparency, the Senior Officer with responsibility for Governing Bodies contacted schools earlier today. Schools have been advised that (where required) websites are updated to ensure contact details and member profiles of Governing Bodies are published

**Please note: following the meeting, H.M. Attorney General provided the following written response to oral question 28/2020, which would have been asked by Deputy M.R. Higgins of St. Helier, had time permitted:**

**Question:**

Will H.M. Attorney General advise whether the Jersey Police Complaints Authority can apply any exemptions under the Data Protection (Jersey) Law 2018 that mean the Authority does not have to deal with subject access requests made under the Law?

**Answer:**

The Jersey Police Complaints Authority ('JPCA') is an independent, statutory body corporate established pursuant to the Police (Complaints and Discipline) (Jersey) Law 1999 (the '1999 Law'). The JPCA processes personal data for the purposes of the performance of its functions set out in the 1999 Law. These include the investigation of criminal offences or offences against discipline by a member of the States of Jersey Police or by a member of the Honorary Police. To the extent that it processes personal data for the performance of its functions the JPCA may act as a controller in relation to that data. The JPCA is registered as a controller with the Jersey Office of the Information Commissioner (the 'JOIC') (Reg no. 18487).

The Data Protection (Jersey) Law 2018 (the '2018 Law') includes an obligation for a controller to answer a request from an individual concerning the personal data that the controller is processing in relation to that individual. This right of access to personal data is set out in Articles 27 to 30 of the 2018 Law.

This right of access is subject to a number of exemptions in Part 7 of the 2018 Law, which are designed to balance the public interest in protecting the individual's rights with other public interests. These include the prevention, detection, or investigation of crime and the apprehension or prosecution of persons who have committed or are alleged to have committed an offence and also Article 48(3)(iii) which applies where a public body has functions conferred on it to consider or investigate maladministration of other public bodies. The right of access is also provided subject to a provision in Article 27(6) of the 2018 Law, which provides that a controller may refuse to act on a request which is "vexatious, unfounded or excessive".

The JPCA is also listed as a competent authority (paragraph 1, Schedule 1 of the 2018 Law). Article 4(5) of the 2018 Law provides that the Schedule 1 provisions of the 2018 Law apply if the competent authority is processing personal data for a law enforcement purpose which is defined in Article 1 as 'the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against, and the prevention of, threats to public security'.

If the JPCA are processing personal data for a law enforcement purpose as defined in Article 1, the Schedule 1 provisions remove the requirement to be transparent (first data protection principle), the time limit applicable to subject access requests is amended (a response must be 'without undue delay') and Article 28 is amended to include a further paragraph 28(8), which provides that a data subject's right of access can be restricted to the extent that, and for as long as, the restriction (whether whole or partial) is necessary and proportionate having regard to the fundamental rights and legitimate interests of the data subject concerned. This restriction applies if it is in order to inter alia avoid obstructing official or legal inquiries, investigations or procedures; avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties or protect the rights and freedoms of others. When the controller restricts the right of access in this way the controller must assess, according to individual circumstances, the extent to which a data subject's rights should be restricted under paragraph (8) and any such restriction must be notified in writing to the data subject with the factual or legal reasons for the restriction.

The application of the exemptions in Part 7 of the 2018 Law, the vexatious requests limitation in Article 27(6) and the application of Article 28(8) of the 2018 Law is something that should be determined on a case by case basis by the controller in the context of a specific request for information. Where an individual is dissatisfied with the application of exemptions in their case they may complain to the JOIC pursuant to the Data Protection Authority (Jersey) Law 2018 and to the Royal Court pursuant to the 2018 Law.

## **5. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture**

### **The Bailiff:**

We now come to questions to Ministers without notice. The first question period is for the Minister for Economic Development, Tourism, Sport and Culture.

### **5.1 Connétable A.S. Crowcroft of St. Helier:**

Would the Minister advise the Assembly when the retail strategy is going to be presented, which is now, I think, some 9 months overdue and does he agree with me that it should contain extensive cross reference to the recently lodged Sustainable Transport Policy? Because, of course, retail and transport are so closely linked.

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

I will answer the second part of that question first, if I may and the answer is yes, I do. It is absolutely essential that the strategy is not only connected to the Government's strategy on sustainable transport, but also other Government strategies, such as taxation, for example and we must start to understand the impacts of taxation on certain sectors. The first draft was presented in, I believe, May of last year and having worked with most - in fact all - of the major stakeholders, we decided it needed more work in light of the forthcoming Government Plan and other strategies that were being awaited, for example, such as the Sustainable Transport Plan. I am expecting a final draft by the end of this month and then I will engage with stakeholders and the Parishes and other interested parties to ensure we produce the final strategy as soon as we possibly can. But, as I have said before, it is a piece of work that is incredibly important, it is important we get it as right as we can.

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

A supplementary question, if I may, Sir. The Minister says that the forthcoming retail strategy should cross-refer extensively to the Sustainable Transport Policy. He will have read the Sustainable Transport Policy and will realise that there is very little in it about retail, about deliveries to retailers, about shoppers' needs and so on, so what action is he going to take in that respect? Because clearly his retail strategy cannot be a substitute for the transport one.

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

I think one of the big challenges for retail is the juxtaposition that is emerging between sustainable transport, the environment and, actually, the requirement of businesses around the Island that rely on people using wheels to get to them, not necessarily the combustion engine, but wheels. So it is important that the Town development plans that the Constable knows we have been working on and parking and access is incredibly important, so there is a lot of work to do the Sustainable Transport Policy. I believe we will need some work to refine it and the retail strategy needs to make sure we support retailers.

### **5.2 Deputy J.H. Perchard:**

Would the Minister update the Assembly on progress made regarding the provision of netball facilities?

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

I was nervously looking at the Assistant Minister leaving the Chamber. **[Laughter]** I am pleased to say the Assistant Minister is leading on this. This is a high priority for him. He is working with his Panel on the Island-wide sports facility work. K.K.P (Knight Kavanagh and Page) have produced, I believe, their final draft report. What I can say is that some time has been bought for the Jets and the netball facility at Les Ormes, which now has been extended until 2021. The sports facility strategy will deal with this issue, but it will take some time, so therefore it is envisaged that temporary facilities will be made available to bridge the gap. Now, can I suggest that the Deputy takes this up with the Assistant Minister for Sport, either asks him a challenging question at the next sitting, or meets with him privately and he can give her all the details? Because we are not quite ready to make them public at this stage.

[11:45]

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

Following on, on the gambling and credit card question, will the Minister take it up with his Guernsey colleagues, because obviously there is a large number of online gambling firms based in Alderney, which I think comes under the Guernsey Government? Will he take it up and try and encourage them to ban the use of credit cards and report back to the States the result of any discussions?

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

I am happy to discuss the issue, as I do with most issues, with my Guernsey counterparts. I would not be so bold as to suggest anything to what Guernsey may, or may not, want to do, but I think that, as I said in the answer to Deputy Southern's question, the majority of Islanders that gamble, gamble online with U.K. companies and that facility will be removed. It does not resolve it altogether, but I think it is a big step in the right direction.

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

Again, though, Alderney is not in the U.K. and therefore if you would raise it with them. If they do not listen, at least tell us.

### **The Bailiff:**

Sorry, that really was not a question, Deputy, which is ...

**Deputy M.R. Higgins:**

Will the Minister please tell us the result of any discussions he has with his Guernsey colleagues?

**Senator L.J. Farnham:**

Yes, I will.

**5.4 Deputy S.M. Ahier:**

Will the Minister advise the Assembly how long it has taken him to prepare his inflation strategy report and when it will finally be published?

**Senator L.J. Farnham:**

I am very pleased to say that the inflation strategy report is now almost complete. It went before Scrutiny last week, who have made some suggestions, which we are taking on board and it will be presented to the States as a Report very soon.

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

Is the Minister aware that after 3 years' research and consultation, the U.K. Gambling Commission stated that the use of credit cards to gamble online does lead to problem gambling and will he not take whatever measures he can to prevent that problem gambling in Jersey?

**Senator L.J. Farnham:**

I am not sure what further actions I can take. The U.K. has not banned consumers from using a credit card, they have banned companies, who operate within the U.K. from accepting credit cards. I do not have that jurisdiction over the vast majority of gaming companies that operate from outside of our jurisdiction. However, I do happen to agree with the Deputy. I represent the industry politically, but I cannot say that I am a fan of online gambling. The Chief Executive of the Gambling Commission has invited Deputy Southern - I would be pleased to attend a meeting with Deputy Southern - to explain in detail the additional work that is being done now to help Islanders with a problem in gaming. Sometimes, banning things is not the option, because banning a credit card, that might stop some people getting involved, or using a credit card, or building up debt, but the majority of problem gamblers will obtain credit by any other means they can to gamble. Those are the people that we need to help more.

**5.6 Deputy G.J. Truscott:**

It has been most welcome to see that arrivals at the airport have increased significantly in recent times, but at the ports, things have been pretty static and flatlined. Is there anything the Minister can do to address that situation?

**Senator L.J. Farnham:**

The port is a much more challenging situation. I am hoping that the sale of Condor Ferries to a new company, that includes Brittany Ferries, will present new opportunities. Of course, the harbours have also had some very challenging weather conditions, as well. On top of that, competition is provided to our shipping link from enhanced airport links and more competition and lower prices from new carriers, such as easyJet. There is a potential challenge coming down the road with Brexit. Senator Gorst is going to sort that out for us, to make sure that does not impact on our European visitors, but that is something we have to watch very closely. Having said that, I do remain confident that we will continue to see an overall growth in our visitor numbers.

**5.7 Deputy J.M. Maçon:**

At the end of the last term, the new licensing law had been lodged, it was ready to go. We were ready to have the debate and it was pulled at the last minute. A year on, we have not seen it come back; 2 years on, we have not seen it come back. Can the Minister please give an update as to why that is and when we are expected to debate it?

**Senator L.J. Farnham:**

Senator Pallett has held responsibility for my Department in that area, but having said that, the Chief Minister and myself are due to meet with the Bailiff imminently to discuss how the liquor licensing reform project might best be restarted, so I can be in a better position to provide an update following that meeting.

**5.8 Deputy M.R. Higgins:**

Following up on that Sir - and I have no idea what the Minister's discussions will be with yourself - but the former Bailiff was certainly opposed to changes in the licensing law. Could the Minister tell us what the objections were from the former Bailiff?

**Senator L.J. Farnham:**

No, I am afraid I cannot. Senator Pallett, as I said, is representing the Department on that, so I am not aware of the previous Bailiff's objections. Having said this, ultimately Members will know how the current law works in relation to the delegation to the Licensing Assembly. Ultimately it will be a political decision how we may, or may not, change that.

**5.9 Deputy S.M. Ahier:**

Has the Minister had a conversation with the Gambling Commission about the use of credit cards on locally registered betting sites, as he stated he would on 21st January this year?

**Senator L.J. Farnham:**

Yes and the Gambling Commission has stated that all of the very few registered companies here tend to operate in countries outside of our jurisdiction. I just do not think it would be in our interests to impose bans on those companies, who operate in other countries around the world, some of whom demand use of credit cards on the website. So, no, there are no plans to address that and not least because our main focus on helping Islanders with problems is based locally. That is work that the Commission is moving on with fairly quickly. Again, I also extend an invitation to Deputy Ahier to come and meet with the Commission to learn exactly what more is now being done to assist Islanders with problems.

**5.10 Deputy J.M. Maçon:**

Does the Minister support a tunnel to Guernsey? **[Laughter]**

**Senator L.J. Farnham:**

No, I do not. I do not think it is possible, or financially feasible.

**5.10.1 Deputy J.M. Maçon:**

Then what endeavours will the Minister undertake in order to improve our links and transport with Guernsey?

**Senator L.J. Farnham:**

Not by a tunnel, or a bridge. I hope, as I have said, we will see more air and sea link opportunities with Guernsey, but that is challenging, due the very nature of the small size of the islands. It is a difficult challenge. One of the possibilities would be to look at ways of Ports of Jersey working with Guernsey Port to see if increased air links, or increasing passenger numbers in both ways, air and sea, could be incentivised in any way, but it is difficult. I would also like to see air links with

Alderney. Those are conversations we are having as well. So I am working hard with Deputy Young and that is on the agenda for later in the month when I do visit Guernsey.

#### **5.11 Deputy K.G. Pamplin:**

Will the Minister provide an update on the work since the Government Plan was approved on the productivity plan that was mentioned in the minimum wage debate and will he envision it is in place before the Employment Forum gives their final review for the next minimum wage at the end of this year?

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

Yes, there are 2 important streams on the productivity work. The Productivity Oversight Group is working on short, medium and long-term economic planning and an economic framework. That is going to be an evolving piece of work. The immediate priority is to work with tourism, agriculture and other sectors to ensure productivity support. That is, putting it frankly, financial support or support to help these businesses cope with bridging the gap from the current minimum wage to ultimately a living wage, which is the ambition of this Assembly.

#### **The Bailiff:**

That brings the time available for questions to this Minister to an end.

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

### **6.1 The Deputy of St. Martin:**

On the subject of air pollution, the Minister has provided a written answer to Deputy Ward today to say he is in the evaluation stage after 2 or 3 years of actively looking at the subject. It is disappointing, but will the Minister tell us whether he intends to follow the U.K. and ban the sale of new combustion engine cars by 2035?

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

Obviously, with consultation with fellow Ministers, I think we need to be equal to the U.K., if not maybe a few months prior to the U.K., simply because we cannot allow Jersey to be a dumping ground for vehicles that cannot sell in the U.K. or indeed the European Union, as it is. So, I think we need to be ... I have only heard the news today, as most people have, but it is something we will be keeping a watching brief on.

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

The Minister may not know that I met the Chamber of Commerce's Retail and Supply Sub-Committee this morning and they expressed concerns about the unfinished nature of P.128, the Sustainable Transport Policy and were certainly supportive of my view that it should be withdrawn and more work done on it before it is presented for debate. I realise that the Minister was meeting a deadline imposed by my Amendment to P.52 last year, but would he agree that rather than backbenchers spending a lot of time on Amendments, it would be better with withdraw it, so that we can bring something forward that we can all sign up to? **[Approbation]**

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

Not at all. The clue is in the name: it is the framework and we will be progressing with this. Obviously it is a work in progress. I can see nothing in it that I would disagree with. I would like to highlight a few things in there. A lot of misinterpretation has gone on. People have been writing to the newspapers and claiming I have said things, which I have not and they have totally misinterpreted certain parts. I have no intention whatsoever of banning cars, as has been said, coming into St. Helier. As a first step, obviously, we need to improve cycle routes into St. Helier and indeed east and west

of the Island. We have increased the cycle racks. There is 20 just gone up in Sand Street Car Park. We have got more parent and child; there are 14 spaces upstairs on level 4. But what I have done, as a first step, is encourage as many people as possible who wish to cycle, they can then cycle, leave their cars at home - should they wish to - in safety on a cycle track and leave their bikes on a safe rack, which will be secure. So, it is a win-win for both and it is not banning anything, as such.

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

I do not disagree with the Minister's remarks about cycling, but does he not agree, by his own admission, that what he has presented the States is a framework and it is not the Sustainable Transport Policy that he was requested to bring forward? So, I repeat my question: would it not be better to go back and finish the policy and bring that to the States for approval?

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

I think it is a very workable policy. I do not have a problem with it at all. We all know what needs to be done and we all know that we are going to do it. Especially with electric vehicles, we will be led by the U.K. and, as it is at the moment, European Union, who will stop producing petrol and diesel cars in the not too distant future, so we will not have a choice but to go electric as much as possible. We are looking into greener fuels as a stopgap for heavy industry vehicles and we are looking into biofuels to sort of cut down on pollution as much as possible, but this is the way ahead and we have to proceed with it.

### **6.3 Senator K.L. Moore:**

It follows on from the previous answer. What consideration has the Minister given to trialling hydrogen-fuelled buses as opposed to the electric-powered bus trial that has been underway recently?

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

Yes, excellent question. The cost at the moment for a hydrogen-fuelled bus is phenomenal. Electric buses are quite expensive, but for a hydrogen bus I think we are talking at least 5 times the cost of a conventional bus, plus it is the fuelling, it does cost the money and the crews to man it.

[12:00]

So we are having a watching brief on the U.K. and indeed Europe regarding hydrogen-based vehicles.

### **6.4 The Connétable of St. Ouen:**

My question to the Minister is about glass in rubbish, a rather basic question, I know. Can I ask the Minister, does he monitor the dustcart vehicles coming in from various Parishes and for the content of glass that is being put in the general rubbish? I ask this question in the context of our Parish, where we did have a problem and we took a number of steps, with the assistance, I hasten to add, of the Minister, who provided us with a lot of helpful information and leaflets. But the point is: is the Minister monitoring glass in rubbish for other Parishes? If so, is he taking this matter up with the individual Constable, to try and reduce the quantities of glass that get into the general rubbish?

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

Interesting question. The answer is yes, we have an excellent recycling manager I am sure the Constable has met. The lady concerned does an excellent job liaising with all 12 Parishes regarding glass collection. I know St. Helier have their own arrangements for certain things, but it is something that we do monitor. I have been in the tipping hall of the energy recovery facility and you can see the refuse lorries backing up and you can hear a thud as the black bags roll out of the back. Now and again you will hear a clink of glass and if it goes on too much, then a note is sent to whichever Constable of that Parish, to see if they can eliminate it. But it does cause an awful lot of damage to the energy recovery facility, which we try to avoid.

## **6.5 Deputy R.J. Ward:**

Given the answer to the written question I put today about air quality sensing, what role does the Infrastructure Department have in enabling the working of the air sensor monitors that we have been waiting so long for and what can his Department do to enable this to happen as quickly as possible?

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

Yes. The lead for this particular thing is with our colleague, the Minister for the Environment, but we do support him in this work. As I mentioned previously, we are trying to cut down on vehicle emissions. We are trying to bring in greener fuels as a stopgap to eliminate a lot of the pollution that is going on at the moment.

## **6.6 Deputy M. Tadier:**

Could I ask my oral question about 12 Burrard Street to the Minister?

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

Yes, indeed. Regarding 12 Burrard Street, this shop has been unoccupied for many years. By way of background information, the property is owned by the public, but has a special association with the Health Department, due to the terms of a bequest. In 2017, a service level agreement was made between the Health Department and Jersey Property Holdings, covering the management of the portfolio and others in the same portfolio. Prior to that, it was managed directly by the former Department. The project board for the portfolio met very recently and agreed a proposal for the future of the property, which is to be progressed and reported upon shortly. Certain detail is still being finalised. It is, therefore, considered to be inappropriate to expand further on that at the moment.

### **6.6.1 Deputy M. Tadier:**

The Minister is being kind by saying “many years”, giving me fuel for my second question, which is to ask exactly how many years the shop has been empty for.

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

I do not know exactly. I can possibly find out, but possibly the Deputy knows more than I do. It has been vacant for some time, I know.

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

Can I raise a point? That I think, again, under the Standing Order where a Minister is required to address the question, I know that it has been addressed, but the spirit of the question starts by saying: “How long has it been unoccupied?” and the Minister has failed to answer that very simple question. This is not satisfactory from a public interest point of view.

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

I will endeavour to find out and inform States Members of exactly how long it has been vacant. I will expand on the fact that I met recently the principal person involved in this, which would be the Minister for Health and Social Services and myself and a senior officer from Health and a senior officer from Jersey Property Holdings. The Minister for Health and Social Services expressed certain wishes as to its disposal, with which I fully concur.

## **6.7 The Connétable of St. Lawrence:**

Some time ago, the blue glass police sign, that was attached to the Fire Service building at Rouge Bouillon was removed and although I spoke to the Home Affairs officers at the time to enquire about it, I could not establish where that police sign had been moved to. As the Minister responsible for public buildings, through J.P.H. (Jersey Property Holdings), will the Minister please undertake to



establish why that sign was removed from what I believe to be a listed building, where it is being stored and when it is going to be replaced on another public building, if at all?

**Deputy K.C. Lewis:**

Yes, the Constable is quite correct. As soon as buildings fall into disuse, they are handed over to the J.P.H. I am not sure at what stage the sign disappeared, but I will endeavour to find out and get back to the Constable.

**6.8 Deputy J.M. Maçon:**

When discussing the Sustainable Transport Policy, the Minister said that there was nothing in there to which Members could disagree. Now, as I recall, the exact same statement was made about the previous transport policy, which was underfunded, did not meet its targets. So, therefore, without the key deliverables which should be in a policy, can the Minister explain what confidence I can have that this framework he is proposing is any better than the previous policy?

**Deputy K.C. Lewis:**

The key thing is it is funded. That is where we score on this one, that we will be progressing very shortly. The Constable of St. Helier is absolutely delighted that his long awaited Midvale Road pavement will be put into place in the not too distant future. As I say, we have the funding to do this and watch this space. As I say, we are thundering ahead with this.

**6.9 Deputy M.R. Higgins:**

While acknowledging the work on cycle paths for those who are fit, can the Minister tell me how, with an ageing population, which may not be as fit as it should be, what measures the Minister is going to take to make sure that these people can get back and forth into Town, because they cannot ride bikes and if the bus service does not cover all Parishes?

**Deputy K.C. Lewis:**

As I alluded to previously, we will be improving the bus service, working with our colleagues at LibertyBus. It is interesting to note that, in the U.K., bus ridership is dropping by about 15 per cent, where LibertyBus is increasing year on year of a similar amount. But, as I alluded to earlier, we are just encouraging people who wish to cycle to use their bikes, to use their electric bikes and if people still wish to drive, they can do so. We are not stopping anybody using their cars and it is a win-win situation, because people who wish to cycle can do so and people who wish to use their cars can do so. It is a win-win situation.

**6.9.1 Deputy M.R. Higgins:**

Will the Minister be planning any sort of stealth taxes, or anything else on car ownership and car use in the future to try and reduce car activity?

**Deputy K.C. Lewis:**

Tax is not my Department.

**6.10 Deputy T. Pointon of St. John:**

Thank you for giving me the opportunity. The Minister speaks about cycle lanes and the priority he gives to people being able to cycle from east to west. Would the Minister explain what is being done to create protective cycle routes to the north of the Island?

**Deputy K.C. Lewis:**

That is something that is in progress. We do have one cycle route that goes north, which has been open for some time now, which was progressed originally by the then Deputy Le Fondré, as my Assistant Minister at the time and it was finished off by my successor. That has had a lot of use. It

goes up through St. Peter's Valley, up to the top and we would like to extend it further and we would indeed like other cycle routes going up to St. John and even St. Martin.

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

Would the Minister begin to invest in routes that are relatively quiet, namely Mont Cochon and Route de St. Jean and also Waterworks Valley, which could be adapted to allow safety for cyclists?

**Deputy K.C. Lewis:**

Indeed, more than happy to look at all routes. As I say, cycling is something that we are encouraging and indeed bus ridership. We will hopefully improve that soon again to cover all parts of the Island.

**The Bailiff:**

Very well, that brings the second period of question time to an end and we now, there being nothing under J, L, K, move on to public business. Before we move directly on to the Order Paper, I wondered, Senator Gorst, whether you wished to raise the question of whether your Proposition can be taken and the lodging period, the shorter lodging period, accepted.

**PUBLIC BUSINESS**

**Senator I.J. Gorst:**

Yes, indeed I do and normally I would have begged the indulgence of States Members, but I do not feel that it is appropriate to do so, so I am wondering whether, rather, the Chair of P.P.C. would like to defer his debate until mine is in time.

**Deputy R. Labey:**

The Senator is in this invidious position, because he agreed to a request from me to change his Amendment into a Proposition. I completely concur with what he has to say. I understand. We do not want to give anybody cause to cry foul on such an important debate, so I would propose to delay P.126 until such time as the 2 can be taken together.

**The Bailiff:**

The ability to delay your Proposition, Chairman, is entirely a matter for you within Standing Orders. It does not require the leave of the Assembly. So, you would like to delay the Proposition until the next sitting?

**Deputy R. Labey:**

Do I have to say which sitting at the moment? Because I am concerned that I am going to be out of here.

**The Bailiff:**

At the time you come to fix public business, you will need to, but you do not need to do it ...

**Deputy R. Labey:**

Yes, Sir, sure.

**The Bailiff:**

But you will be deferring today and consequently you will not be making your application today. Yes, Senator.

**Senator L.J. Farnham:**

May I ask that the Deputy - just out of courtesy to the Assembly, many Members have spent a lot of time in preparing for the debate - why is it necessary for Deputy Labey and Senator Gorst to debate their Propositions on the same day? [**Approbation**]

**The Bailiff:**

I understand the question. Of course, it is not question time, but of course the Chairman has exercised his right to defer his Proposition. He does not need to speak to it. He has already explained that, what he is doing and there is no mechanism by which he should be called to account for that, I am afraid, Senator. Very well. I think there is another Proposition, Deputy Tadier, which ... oh no, it is your Proposition to deal with the public holiday, is it not? That also needs the leave the Assembly. Did you want to deal with that now?

**Deputy M. Tadier:**

I am very much in the hands of the Assembly. Given the fact that the big piece of work, that we were supposed to be debating today, is now not happening, I would simply add that I would not normally ask for a reduction, or even suggest a reduction in lodging period, but as this matter has effectively been on the table since last September and this Proposition effectively represents an Amendment to that, I did lodge it as a standalone Proposition because the technicalities of the Amendment would have been perhaps too onerous to warrant amending that Proposition, but I am very much in the hands of the Assembly. I think we can deal with this matter today, if Members desire, but it is not, I think it is in the public interest to do so, because it gives a longer lead in period and certainty for businesses to prepare.

**The Bailiff:**

Well, the Deputy asks if his debate can take place during the course of today's sitting. The test is, as he rightly asserts, the question of is it in the public interest to do so? Is that Proposition seconded? [**Seconded**] Does anyone wish to speak? Deputy Morel.

**Deputy K.F. Morel:**

I appreciate that Deputy Tadier alluded to this. I tend to try and support requests for truncation of lodging times, but I just note, in this case, that the Deputy may have wrapped himself up in his own words, because it was only a few sessions ago where he said, as a point of principle, he does not ask the Assembly to truncate lodging times and withdrew a Proposition that he had thought about doing that. So, I ask, if nothing else, will he revise the point of principle that he has stated? As it is, I probably will support this.

[12:15]

**Deputy J.A. Martin:**

I did have a brief word with Deputy Tadier and I rise to say that, to me, it is not an Amendment. It is a completely different Proposition. It is a one-off, one day next year. At C.O.M. (Council of Ministers), we were told not to discuss forthcoming business, because it had been moved and it will be coming in March. Now I do not have a position on it. I really now think we have a different Proposition. I would like a little bit more information and I would love to be able to support the Deputy when I know... and apparently Liberation Day falls on a Sunday. There are lots of things... and it is not because ... it is one thing about reducing lodging periods. I do not see it as an Amendment and I think the Deputy has literally got more chance of getting this through when people have really looked at the ... and maybe take some soundings from the businesses outside because, as I say, it will not really affect them, but we would like a reaction and I would at least have liked to discuss it at Council. It will probably be a free vote but I really would like to know more. Thank you.

**Deputy R.J. Ward:**

I was just going put a practical note in, which is we have removed a number of large debates and getting through some sort of business today might be a useful thing for us to do as an Assembly. That is all.

**The Connétable of St. Ouen:**

I have a slightly different view to Deputy Martin in that I think, in fairness to businesses who are going to have to plan their staff rotas around the bank holiday - and I do support this bank holiday - I think it is important to try and take this today, if at all possible, to give certainty to businesses who have to plan their staff rotas quite a long way ahead. Therefore, I think it is right that we debate this today.

**Deputy J.H. Young:**

I think we should debate it today. Otherwise, I think we are going to have to bring our sleeping bags on 25th February, if you look at the agenda that is already there now. So, I think just pushing it on to the 25th is not on.

**Deputy M. Tadier:**

I just emphasise the fact that this could have been brought as an Amendment. There were 2 differences to the original Proposition. The first one is that instead of it being on a Tuesday, it is going to be on a Monday and instead of it recurring every year, it is going to recur as a one-off in 2021. I would have done that as an Amendment and it would have been in order and I could have taken it today. I was advised by the Greffe, just for propriety and for the ease of issuing paperwork, it was easier to do it so we knew exactly what we were debating. I am not precious about this and does it change my principles? I think, generally, the Assembly has shown that we need to take a pragmatic approach and that my hard line approach to lodging times is not shared by the rest of the Assembly. So, I figure if you cannot beat them, join them but, again, I am not precious. If we want to debate this on the same day as the extended electoral reform with the very many Amendments, or points, that may come up in that, then I am in the hands of the Assembly. This is more or less a practical arrangement, which may or may not suit Members.

**The Bailiff:**

Do you maintain the Proposition? Those Members in favour of taking Deputy Tadier’s Proposition ... the *appel* is called for. I invite Members to return to their seat.

**Deputy J.A. Martin:**

Sir, on a practical note and not a second speech, we have had a lot of Members saying: “We will do this today, because we will not do it on the 25th, because we have already got a lot and we have got electoral reform.” We do not know when we are going to do electoral reform. Does the P.P.C. (Privileges and Procedures Committee) Chair know when we are going to do it?

**The Bailiff:**

Well, I think that is a second speech, Deputy and there is no opportunity for questions to the Chairman of P.P.C. It is a simple vote on the Proposition that Deputy Tadier’s debate on the public holiday be taken at this sitting, notwithstanding it is slightly out of time for lodging. I ask the Greffier to open the voting.

<b>POUR: 36</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Connétable of St. Lawrence		
Senator K.L. Moore		Connétable of Grouville		
Senator S.W. Pallett		Connétable of St. John		
Senator S.Y. Mézec		Connétable of St. Mary		
Connétable of St. Helier		Deputy J.A. Martin (H)		

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

**The Bailiff:**

Very well, we will deal with that when it next falls to be considered on the Order Paper.

**7. Personal Tax Reforms (P.119/2019)**

**The Bailiff:**

The first item of Public Business is the Personal Tax Reforms P.119/2019, lodged by the Minister for Treasury and Resources and I ask the Greffier to read the Proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion – (a) to agree that reforms should be made to the Income Tax (Jersey) Law 1961 with regard to the taxation of married couples and couples in civil partnerships in order to – (i) create joint and several responsibility of married couples and couples in civil partnerships to furnish a joint tax return from the 2021 tax year of assessment, while continuing to provide for the existing election for “separate assessment” under Article 121A; (ii) give those couples described in subparagraph (i) equal rights of access to tax information, except where couples have opted for “separate assessment”; and (iii) create joint and several liability for the payment of outstanding taxes, except where couples have opted for “separate assessment”; and (b)

to request the Minister for Treasury and Resources to bring forward the necessary draft legislation to give effect to the aforementioned reforms, for approval by the States Assembly during 2020.

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

Today I am presenting for debate my proposals for reform of the way we tax married people and civil partners from 2021. I want to say from the beginning - as the report attached to this Proposition outlines - that in the future, I also want to deliver a scheme of independent taxation for the 2022 year of assessment. The first tax returns under that regime would be filed in January 2023. Independent taxation resolves many of the inequities we currently see in our tax system and it ensures everyone has the strongest possible control of and privacy over their own financial affairs. But we are where we are and we know that if it were to introduce independent taxation overnight, all other things being equal, we could be creating financial hardship for many of our lower income citizens who are married, or in civil relationships. This is not acceptable to me and I am sure it is not acceptable to this Assembly, having unanimously agreed our Common Strategic Policy, which seeks to address issues of income inequality. It is highly likely that the way we will ask this Assembly to mitigate the worst impacts of moving towards independent taxation is by allowing people, who are already married, or in civil partnerships, to choose when to leave the existing scheme of married taxation. Similar approaches were adopted in the Isle of Man and in the Republic of Ireland. So, married taxation could be with us for some time. That is why I have brought this Proposition for debate today. It is right we spend some time reforming the income tax law to remove the most archaic aspects of the scheme, which date back to 1928, when income tax was first introduced. I speak, of course, on the parts of the statutes which establish, for tax purposes, that a wife's income shall be deemed to be her husband's income. From that one outdated provision arises so many of the problems in our tax system, which makes life so difficult both for our taxpayers and our tax administrators. When civil partnership and same sex marriage came along, there was, I can well understand, insufficient time to do the huge body of work now needed to reform the law. The tax law has essentially assumed that the older partner will take the place of the husband and the younger partner the place of the wife. We, in this Assembly and those who preceded us, agreed to that as a matter of expediency, but can any of us really defend it? It could be seen as discriminatory, or offensive. Reform is long overdue. After long discussion and with the close involvement with some of the key advocates for change within this Assembly, I have brought forward this Proposition to convert so-called married man's taxation into married couple's taxation. This is a stepping stone towards the staged introduction of independent taxation, where each individual will be treated and taxed in their own right. This is just the start of the most significant reform of our personal tax regime since income tax was introduced almost a century ago. I would like to acknowledge the review and comments from the Corporate Services Scrutiny Panel and the representations from the Chamber of Commerce and the Citizens' Advice Bureau over the last week, or so. My responses to the C.S.S.P. (Corporate Services Scrutiny Panel) and the Chamber have been copied to States Members. I feel there has been a degree of confusion in some of these comments between the proposal for independent taxation, which I must stress is very different from the existing provision for so-called separate assessment and what we are discussing today, which is solely about modernising the existing regime of married couples' taxation. I must stress that this Proposition, P.119, in no way changes the fundamental way that Revenue Jersey calculates the tax liability of a married couple, or civil partnership, on their joint income. A couple will still be taxed on their joint income and will still benefit from the existing tax redemption threshold for a married couple, or civil partnership, which is currently £25,550. The changes I am proposing today simply give, for the first time since 1928, both partners equal rights to lodge the couple's tax return from the 2021 year of assessment, to deal with Revenue Jersey without the husband's permission anymore from 2021 and to access information held by Revenue Jersey. It also puts women and male spouses B and civil partners B on an equal footing with their life partners in respect of responsibility for paying the tax bill for the first time in nearly 100 years. I am aware that this has raised some concerns for the Chamber of Commerce,

although it simply puts married women on an equal footing with their husbands. This is a modest, but significant, reform which makes this old scheme of taxation fairer and far less discriminatory until it finally withers on the vine if, during 2021, this Assembly supports my legislation to introduce independent taxation. From the 2021 year of assessment, these proposals will allow married people in both opposite and same sex marriages, as well as civil partners, equal rights to lodge the joint tax return, equal rights to accept the couple's tax information and equal responsibilities for paying their tax bill. With the rights come the responsibilities. If couples do not want to share these rights and responsibilities, they can, as now, opt for the existing arrangements for so-called separate taxation and if we proceed to plan, move to independent taxation from the 2022 year of assessment. Tax debts from years of assessment 2020 and earlier will remain the responsibility of the person who is currently responsible in law for them. There will be no retrospection. From 1st January 2021, spouses and civil partners, regardless of gender or age, will be able to discuss the couple's affairs with Revenue Jersey, without any need for permission from the husband, spouse A in the same sex marriage, or the usually older civil partner A. Then, in 2022, for the tax year assessment of 2021, both parties will have joint responsibility for completing and lodging the tax return. Either party will be able to sign it and they will have joint liability for the payment of any personal income tax due. As I said at the outset, this change is just a stepping stone towards our ultimate goal of independent taxation. It is not a sideshow, as one or 2 people have implied. Not making these changes will not accelerate the implementation of independent taxation where we have to join up thinking on other policy areas, not least the work of the Early Years Policy Development Board with regards to how best to support families bringing up children. When it comes to independent taxation, we do need to think about the allowances and reliefs we give for children through the tax system, remembering that income tax is not paid by the lowest earners in society. In addition, there are important connections to be made between the tax system and the social welfare benefits. My officers in the Treasury are working closely with me on options for the introduction of independent taxation for the 2022 year of assessment. Once we have a preferred option, we will draft legislation and bring it forward for consideration in this Assembly, probably in the latter half of 2021. I am happy to keep a dialogue going on this development with all States Members and with C.S.S.P. throughout the project.

[12:30]

In due course, independent taxation will be the most significant change in our personal tax regime, since income tax was introduced in 1928. It is long overdue. I am proud to be leading this work and I am determined to deliver it. However, to repeat, independent taxation is not a quick win solution that we can rush into. It is a fundamental change and it will take time to develop our approach to avoid hardship for some of our lower income citizens. It is still 2 years away and the first returns will not be lodged until 2023. If this current Proposition is approved - and it is essentially about setting the framework within which the scheme of married couple's taxation will be drafted - we can remove the most archaic aspects of the current tax law, transforming married man's taxation into married couple's taxation for the 2021 year of assessment. I will bring legislation forward later this year in time for this new regime to operate from 1st January 2021. All taxpayers will be able to approach Revenue Jersey from then and in 2022, any married taxpayer or civil partner can lodge their 2021 return. Shortly, alongside this work, the Treasury will be consulting further with Islanders on the development of a scheme of independent taxation, seeking views on how to handle some of the issues raised in the report, principally relating to the potential financial impacts of independent taxation and now better understood by Islanders. I must stress again that rejecting this proposal to reform married couple's taxation will not hasten the delivery of independent taxation. It will simply prolong the arguably most offensive and archaic aspects of our current system, which have recently even attracted attention from overseas' media. Further delay, or postponement, would open us to further criticism and perhaps increase the risk of legal challenge to the discriminatory aspects of our current system. I would, in conclusion, briefly refer to a BBC interview given by the Vice-Chair of the Health and Social Security Panel yesterday. It noted that the concern of Scrutiny is that this

Proposition would have a detrimental financial effect on many low-income couples. That is incorrect. This Proposition, when approved, will allow for legislation to be drafted and brought before this Assembly. The legislation would be to ensure fair and equal rights and responsibilities for married couples and civil partnerships. There will be no changes to the financial situations of the couples in this legislation. Do any of us, as States Members, really want to have to explain to Jersey's women and male spouses B and civil partners B, that we have consciously decided to leave them in limbo for a further 2 tax years? I, for one, do not. I commend this Proposition to the Assembly and urge all Members to support it. Thank you. **[Approbation]**

**The Bailiff:**

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

**7.1.1 Senator K.L. Moore:**

I do have to say I feel somewhat like I am Alice trying to look through the looking glass, when looking at this Proposition that is before the Assembly today. It feels as if we are trying to solve a problem, yet we are not solving it at all. We all, of course, as an Assembly, hope to achieve greater equality in our community and I must make it clear at the very outset that in opposing the Proposition, the Corporate Services Panel do so with some reluctance, because we all agree with that core aim of moving towards independent taxation and that being a good thing to do. The Scrutiny Panel, however, is not alone in find the Treasury lacking in this respect and we are joined by, of course, as the Minister has mentioned, the Chamber of Commerce and the Citizens' Advice Bureau who have also expressed their concerns about the Proposition that is before the Assembly. I must remind the Assembly to look again at the Proposition. It is not a proposal to reform, as the Minister has just claimed. This is simply a proposal to have a debate in principle about a part of the tax system. The principle is a principle, of course, that we all agree and the Minister has a mandate from the 5,000 people who responded to the consultation on this, all expressing their view that we want to move towards equality. So, what we find difficult to understand is why, as a Minister, this Minister has not sought to simply bring before the Assembly the legislation that would actually enact what she is claiming she is trying to do. In fact, what the Proposition does, if Members care to look at it again, is simply muddy the waters further by potentially making those on lower and middle incomes liable to pay more tax, but also by introducing in the Proposition the link to joint and several liability. What, in effect, we are debating in principle today is whether we wish, as an Assembly, to remove a married couple's allowance. That is essentially the principle that is here under discussion. The Minister protests that those on low, or middle, incomes will not become liable for additional tax payments, but the Treasury team do not yet have a plan as to how they will resolve this. They simply state that they will not charge them. However, the Comptroller is quick to tell us that those 8,300 people, who fall into that bracket, could provide the Treasury with an additional £10 million. So, which is it? If we are confused, perhaps the Minister should consider that some responsibility falls at her own feet for not explaining the argument clearly enough. In light of her comments, I would ask the Minister to consider withdrawing the Proposition, as it serves very little purpose, not only until 2022 when newly married couples will be able to fill in their independent taxation forms. At the moment, Members will have noted that there is an opportunity for individuals to provide a separate taxation form and perhaps it would be more appropriate if the Treasury team were to simply focus on advertising that fact and making it clearer to members of the public that that ability is already available to them. As the Chamber of Commerce have said, it would be better to encourage that than to continue down this path of joint and several liability, without taking the time to express to Members what exactly that entails and how couples who, perhaps, fall into difficulty and one partner leaves the Island, leaving behind them a large tax bill, where the lower income member of the couple is remaining in the Island and then becomes liable to that large tax bill, with no ability to pay it. There are not the answers available in this Proposition for us to be able to deliberate properly on what we are being asked to do today, unfortunately. It is unfortunate that we are placed in this position. We



are told that this has been considered by the Revenue Policy Development Board 3 times in the autumn. However, if we are to look at the Board's minutes on gov.je, there is no information. There are no minutes relating to these meetings. The minutes to only 2 meetings of that particular Policy Development Board are available, but both of those were conducted in April of last year. We are asking Members to consider voting against this Proposition today. It is a difficult thing to do but, in actual fact, when Members consider the Proposition carefully and perhaps will listen further to the debate, we should expect better of our ministerial team and we will await properly the legislation that will achieve the equality in the tax system. I think it is more appropriate to do that than to tie members of the public to something that we are not entirely sure what we are to achieve.

### **7.1.2 Senator S.Y. Mézec:**

I will be relatively brief, but I just want to start by congratulating the Minister for grappling with an issue that frankly is well overdue. **[Approbation]** 100 years almost that this has been in our tax law and I take the opportunity, in fact, to spurn her predecessors, all of whom were men, for not coming up with what I think is a perfectly reasonable and sensible step forward. It may not be the full package of independent taxation, which many of us would like to see, but moving to independent taxation is, of course, difficult. It is complicated, it has all sorts of repercussions and it creates winners and losers and we want to be sure that the right people are the winners and the right people are the losers, before we go down that road to make sure our public finances are stable and to make sure that those on low incomes are not unfairly penalised by it. This particular issue is a matter of justice. It is simply wrong, in the year 2020, that our tax law erases completely the identity of married women. It is stuff of the medieval times, not the modern age and what this Proposition does is end that injustice by creating what will be joint and several liability for the purposes of the current tax model, as it exists, that does not create winners and losers. It just puts us where we ought to have been, frankly, for decades in having a just and fair liability system within our tax system and it puts us on a decent footing to then have the next stage of the debate which will be independent taxation which I, for one, think would be the right thing to do. I think that there are other issues that we will need to discuss when that time comes. I am personally of the view that having one income tax calculation type system would be a good way of making it simpler and be a good way of making sure we do not lose that revenue, that could be lost by moving fully to independent tax. There are no negative consequences whatsoever from passing this, even if you might want to argue that we agree in principle it is the right thing to do, but are worried about the consequences. This is not the moment where the consequences are potentially worth giving greater consideration to. That is further along down the line. This does little else, apart from end an injustice that has existed for far too long in Jersey, so I congratulate the Minister on this initiative. **[Approbation]**

### **The Bailiff:**

We are very neatly then at 12.45 p.m. Is the adjournment proposed?

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Bailiff:**

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

[12:42]

## **LUNCHEON ADJOURNMENT**

[14:16]

## **The Bailiff:**

All right, we continue with the debate on P.119. Does any Member wish to speak?

### **7.1.3 Deputy J.H. Perchard:**

As the Minister has stated in her opening remarks, we are moving to a system of independent taxation, that is and will happen. From 2022, anyone who marries and any married couple who moves to Jersey will be separately assessed and there will be no option for them to be assessed in a different manner, or as a couple, as a unit. Every individual taxpayer will complete their own tax return in relation to their own earnings. The only reason, as far as I can tell, that we are not moving to independent taxation immediately is that some married couples, on low incomes, would be negatively impacted financially by a move, a sudden move, to separate assessment, unless we take steps to mitigate against this impact. Having had several briefings with the Minister and officers, it is clear to me that the Department are working to deal with this before introducing independent taxation, to ensure that those married couples are not adversely affected. P.119 is the only viable interim solution to redressing the inequality between married men and married women, or partners A and B, while we await the independent tax reforms. Furthermore, Article 121A of the Law, as it currently stands, allows for anyone to elect for separate assessment, without needing the consent of their partner. Anybody who currently wishes to be separately assessed can do so very easily and if this Proposition is adopted, that will remain the case. Just turning now to the wording of the Proposition: (a)(i) states that the Minister will create joint and several responsibility of married couples and couples in civil partnerships to furnish a joint tax return from the 2021 year of assessment, while continuing to provide for the election of separate assessment under Article 121As as I just outlined. For me, in other words, this reads that, in a heterosexual marriage, both men and women will have the right to sign a tax form, which has not been the case, to date. Part (ii) suggests that couples described above, so married couples and those in civil partnerships, will also gain equal rights to access tax information, which again has not been the case, to date. To date, married women in a heterosexual marriage have had to seek the consent of their husbands in order to access tax information pertaining to them, which is wrong. Part (iii) has, perhaps, been the more contentious part of this Proposition, because it states that the Minister will create joint and several liability for the payment of outstanding taxes. However, for me, to be in favour of part (i) and (ii), which would give equal rights to both parties, but then to be against part (iii), which gives those same parties legal responsibility to uphold their rights, is a contradiction with the term of equality. As a woman, as a citizen, I expect to be given equal rights and equal responsibilities in the Law. I do not expect, in what would be my personal case, as a potentially married woman, to be favoured by the Law, by not having the equal responsibility to uphold my rights. In the hypothetical example of me being a married woman, if part (iii) were rejected, my husband would still be completely liable for any outstanding tax payments pertaining to my own salary and that is wrong. That has been the case, to date. Husbands were and are liable for the outstanding tax payments of their wives. For me, part (iii) just puts us all on an equal footing. It has become clear to me that this is an interim measure, that has been tabled to deal with the archaic inequality that has plagued this Law for so long. This is not a way of introducing independent taxation, nor does it pretend to be. This is a solution to equalise the footing of married women with their husbands, or partners A and B in a same sex marriage and people in civil partnerships. As I said before, giving legal rights without legal responsibility, to my mind, is not an equal right at all. It is almost like saying: "Here you go, wives, you can sign a form, that is okay, yes, we will give you a tokenistic box to write your tokenistic signature, however, do not worry, dear, you are not liable." That, for me, is actually quite offensive. I think it is offensive to strip me of my legal responsibility in this context. The one point at which I agree there is a concern, which I am sure will be addressed when the legislation comes, but which I will pose to the Minister as a question, which she can deal with in her summing up, is in the outline cases, in the minority of cases, where you are in a relationship, a marriage, or a civil partnership, where one person is the earner, or a high income earner and the other is not and that person absconds, or disappears, or refuses to share their

information with you, what protection would one have under the legislation, so that they are protected from being held to account, held liable, for a sum of money that they just absolutely cannot afford to pay? In other words, will the Minister provide a principle that allows discretion to be used in such cases - which will be a tiny minority of cases - to allow, for example, the party remaining to be charged only for their personal tax contribution and not that of the absent party, who has disappeared, or been inaccessible. If the Minister can give me her assurance that that provision will come in the legislation and I think she knows, anyway, that if it does not Scrutiny will put it in there, if the Minister can say that today, I do not see any problem with supporting this in principle Proposition. I think it has become clear that I completely support this Proposition, I wholeheartedly support the idea that married couples, spouses A and B in same sex marriages and civil partners, should have equal rights and equal responsibilities under this Law, as an interim measure. I think it is also just worth pointing out that this Proposition will only apply to a small number of people in the long run, because this will only ... the fact that couples, who continue to remain taxed as a couple, the proportion of those people will shrink over time because, from 2022, there will not be option. Newlyweds from 2022 and anyone who moves here, who is married or in a civil partnership, from 2022 will be separately assessed. That will happen. This Proposition only applies to those people who are currently considered married couples, who wish to, perhaps, retain that in the long run, until such a time where they are not negatively affected financially by their situation. The Minister has made it really clear that she is looking into options, such as grandfathering and other such things, to mitigate against the financial burden that this could place ... that independent taxation would otherwise place, my apologies, on such couples in the future. This Proposition, itself, places no financial burden on anyone. It does not change anything financially for people. Independent taxation will and that is why it is taking time to mitigate against those negative consequences. I am completely confident that that is an accurate representation of what we are doing here. So, I completely support the Proposition and I urge other Members to do so.

#### **7.1.4 Deputy K.F. Morel:**

I am delighted to follow the last speaker, because I want to start by saying that while I am very pleased that the Minister for Treasury and Resources has brought this Proposition, I think we, as an Assembly, should recognise that the reason the Minister for Treasury and Resources has brought this Proposition is because of the tireless work of Deputy Perchard over the past 18 months, since she was elected, in ensuring that women are given the correct rights under taxation that have been missing for the last 92 years. I think it is only right that Deputy Perchard's contribution in that area is recognised. **[Approbation]** I would just like to say there is not a lot more I can add following Deputy Perchard's clear synopsis of the Proposition before me, other than to say that I think some of the confusion, that may have been caused by this Proposition, is the fact that we are only looking at a simple Proposition to the States, we are not looking at draft legislation. For that I am very disappointed. I believe that the Minister for Treasury and Resources should have done more to bring forward legislation before us, rather than a mere Proposition, in this way. It is because we are not looking at legislation that there have been people confused, or unsure, as to what exactly it is that we are voting on today. It is only when we see that legislation, that we will finally know what it is we are voting on, because once this is passed, nothing will change until that legislation is brought forward. In that sense, regardless of the vote today, nothing changes. For that reason, I must say, I am disappointed, while I will be absolutely supporting this Proposition in all of its elements. I do not have much more to add than that and I will leave it to the next speaker.

#### **7.1.5 Deputy S.M. Ahier:**

The tax system has remained largely untouched since 1928. Tax reform has been neglected for far too long. For years and years, tax reform has been delayed by this Assembly and by those that came before it. The Minister is trying to implement some change and she is to be commended for doing so, but this Proposition is not the solution. We need a modern tax system, Jersey deserves a modern

tax system. Part (ii) of the Proposition gives couples equal rights of access to tax information. I absolutely support gender equality and, of course, we need to bring the tax system into the 21st century. Having independent taxation for all would circumvent that problem. As for part (iii), creating joint and several liability for the payment of outstanding taxes, this may cause serious financial hardship to a second, or non-earning, spouse: if the primary earner does a moonlight flit, any tax debt would become the responsibility of the second earner. This could have dire effects on any children of that couple and, therefore, would not be putting children first. It is fundamentally unfair and will increase the powers of the Tax Department.

[14:30]

I find it unusual that the Minister has brought this Proposition and requested herself to bring forward the necessary draft legislation. Two years into a government term, I would have expected to have seen draft legislation for independent taxation to be proposed for debate. We broadly agree that independent taxation is the expected destination, but this proposal will take us on a circuitous route, which will cost us all time and money. Let us take a short cut and move directly to independent taxation, thereby abrogating the need for this Proposition.

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

If it is the intention of this proposal to give women equality within the tax system, we are going to fall a long way short of achieving the goal. I was dismayed to discover that the Government is proposing joint and several liability in relation to tax for married couples and those in civil partnerships. This move, if approved, will make the spouse, or civil partner, responsible for the debt of the other party. A retrogressive step, that could become a serious burden for a partner with limited income when the main earner defaults. In other words, fails to sign the return, or fails to pay the tax bill. The proposal takes no account of the possibility that a couple may be struggling to maintain a relationship, but insists that partners agree on the content of a return, when they probably may be unable to agree on anything within their relationship at that particular time. This suggested change would open a door for those partners to exert coercive control within their relationship, to further tighten the hold they have over their partner, by introducing the threat that non-compliance could result in a crippling financial burden, if the main breadwinner, the controller, was so inclined. If the main breadwinner were to abscond from the jurisdiction of Jersey courts, the victim, with inadequate financial recourse, would have no redress and would be left liable for debts that could result in a completely blameless individual having to declare *en désastre*. I am troubled that our Minister for Treasury and Resources would bring a Proposition in this form, given the declared wisdom of placing children first. The pitfalls apparent in this proposal would only increase risks to children, given the potential for increased friction within partner relationships, where there is a breakdown and/or toxic coercion within a relationship. A much clearer idea of how we get to the next stage of empowering individual taxpayers, without diminishing family finances, should become our objective. We have to get rid of the mechanisms that penalise families that choose to be taxed individually. Our efforts should be concentrated on this, not the distribution, unequally, of the responsibility for debt payment. It would be preferable to accept the anticipated 2-year delay, to be able to move directly to individual taxation and avoid the risk that the current proposal could be detrimental within our society.

#### **7.1.7 The Connétable of St. Ouen:**

I have to say, I was inspired by Deputy Perchard's words and, as ever, she hits the nail on the head on separate taxation. But, let us wind ourselves back a bit and start talking about the introduction of separate independent taxation, as a concept. Let us be under no illusion, it is not easy. On the face of it looks straightforward but, frankly, it is not. There are all sorts of things to think about. The reason I say that is because I worked, when the U.K. independent taxation was introduced, on a project for a bank where we drove an enormous coach and horses through the Regulations on the very simple premise that couples, who are wealthy, suddenly had 2 allowances, so by transferring

their assets to the other partner, the Inland Revenue were deprived of a substantial amount of taxation on the interest. That is just one example of how it is not as simple as it looks on the tin, sadly. There is also the question of balancing allowances, which is not easy. It looks easy on the face, but when you start scratching under the surface, it becomes much more problematical and we have also highlighted the issue of joint and several liability, but it does not get any easier, I can tell you, when you have separate taxation. So, I commend the Minister for Treasury and Resources, unusually, for delaying, because it is one of those things that if we do not get it right when we introduce legislation which leave loopholes, we, the Government, could potentially lose quite a lot of revenue for not doing the job properly. So, in my view, it is much quicker to go slowly and get it right, than it is to rush into something with half thought-out legislation, which could leave an awful lot of loopholes, which could cost us a lot of revenue and could also, as well, find some taxpayers in a much worse-off situation, which is equally undesirable. So, I urge the Minister for Treasury and Resources - I know she is listening - to act with caution, because there are a lot of pitfalls, which are not immediately obvious. As to this Proposition, my take on this is simple, aside from the moving of liability and I do accept, to some extent, what the Deputy of St. John says, but I think what I would say in counter is: people who have tax liability have earned the money and, therefore, they probably will have some assets. There will be some unfortunate circumstances, as there always are in life, where some people are caught out, but generally speaking if you have earned the tax, you have normally paid the I.T.I.S. (Income Tax Instalment System) on it, so I would think that the liability could potentially be quite small in a lot of cases. I think, however, when you think of this, this is the way forward, it is a great start, it removes a horrible anachronism in the law, where my wife is not allowed to do my tax return, which is a complete disaster for me - only joking - but it does mean that both partners are responsible and it does ... it is in complete synchronisation with our desire to have equal gender representation. So, I commend the Minister for Treasury and Resources for bringing it. I think it is an excellent bit of legislation, it does not fundamentally attack the tax base and also it restores equality, where it should be restored. I think one final point before I sit down is also, I think, if we start looking at introducing separate taxation, that will mean a lot of the work for the tax office and I do not think any of us have missed the headlines in the *J.E.P.* (*Jersey Evening Post*), because the tax office are struggling with some enormous problems at the moment and a lot of it is not their making, the current tax office making; we have underinvested substantially in our tax systems and those of us, who work with the tax office, know this. It is largely paper based, they have piles and piles of files, which they are trying to get onto the system and also, at the same time, they are trying to run a tax Department. To impose separate taxation on them as well, frankly, would be a step too far at the moment and really would lead to the sort of disasters that the *J.E.P.* are trying to predict are happening at the moment. I think we need to be patient. This is a good step forward and I commend the Minister for Treasury and Resources for bringing it and I also, once again, before I sit down, ask the Minister for Treasury and Resource to be cautious about what else we bring forward and do not bring it forward too quickly. I have seen the pitfalls in the U.K. system and it is not nice and it is expensive.

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

I do not agree with everything the last speaker said and it is not about where the paper is and where the tax is. This has been overdue for many years. I have always seen the Proposition as an in principle where do we go and absolutely agree with Deputy Perchard, that all of us have wanted independent taxation. I, for my sins, sit on this Revenue Board and when I found out what it actually meant for many married couples ... and I am not even going to concentrate on the lower incomes, who are going to lose £30 million, there were some very high earners, who were going to gain a lot by it and I, well, "No!" We do not do this quickly, we make it right. The Deputy next to me, the Deputy of St. John says: "Do not support this today, wait 2 years." Does he not realise we have thought about it? So, we have a tax allowance now, you fill in your tax form, you reach a certain amount, if you are married, you are allowed these tax allowances. There are only 2 ways to skin this, you can bring more people into the benefit system, which is not great. Who really wants to be ... they are called

tax credits in the U.K., but you actually have to fill in every single bit of income, because you then get a tax credit. Look, we are where we are. I was very disappointed and I absolutely respect the Chair of the Corporate Services Scrutiny Panel, Senator Moore, but she, in her speech, said: "I cannot support this, because there are a lot of families going to be worse off." She does know this Council of Ministers ... and it was great, the counter behind her was Senator Mézec, who is the Minister for Children and Housing, he is on Reform, he will not let the tax situation get any worse and nor will most of us sitting on this Panel, sitting in C.O.M. This today is a green light, go ahead and let us get women represented and, as Deputy Perchard said, if you are the main breadwinner, if you are the millionaire in that partnership, why should you not have the responsibility if your husband refuses to pay his tax? It has nothing to do with them absconding from the Island and affecting children. There is so much in this that if we do not take a step forward today, I am sorry, do not think, like the Deputy of St. John says, I will put it off until all the boxes are ticked and we have got all the ducks in a row for 2 years, it will be put off again, because you can bet your life a lot of people in the Department, not politicians, but other people, being at work, there is so much work to be done it will be put into a: "That is too difficult, we have had it this way for 80 years." Really? It does make me laugh that we had 5,000 people respond to a survey when we have now found out 8,000 couples will be affected and people are still going: "Just do independent." Please write to every single one of those 8,000 couples, that would be worse off and ask them if they are really that wedded today... that they are wedded to it, but not to make them worse off. Do not tell me what to do, tell me what it is going to cost me.

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

While I am minded to support this Proposition today, I feel that the Minister for Treasury and Resources owes us a little bit more detail about why this step-by-step approach is necessary. The Constable of St. Ouen said, in his speech, that the changeover to independent taxation is enormously complicated. So enormously complicated, that most of the world does it and manages quite well. So it seems to me we need a bit more detail about why it is so difficult. As far as I remember, it has been 6 years, I think, since I first asked the Treasury to start working on independent taxation and they still have not delivered. How difficult can it be? Tell me exactly what the problems are as to why we should be supporting this step-by-step approach now.

#### **7.1.10 Senator J.A.N. Le Fondré:**

Just briefly in response to Deputy Southern. If he looks, for example, at page 11 of the Report and Proposition, there is a table there which outlines the consequences and then followed on, on pages 12 and 13, which gives the kind of income splits and the tax liabilities that might arise. That gives an indication of the issue which is, I certainly think, when we - as also a member of the Board and co-Chair - were first enlightened, I think is the expression, of the 8,000 people that might be affected at the bottom end of the income profiles and, potentially, to the tune of £2,000 each, that was enough to say: "We need to get this right, rather than just get it in." I think that would be the summary.

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

I am going to support the Proposition, but I must admit I have got a nagging doubt about the ... if you look at the ... in the main, it is about the joint and several liability argument and, as a general principle, yes, I am in favour it but I agree with the Constable ... sorry, Deputy of St. John - he may be the next Constable of St. John if the other one does not stand. He has a valid point and I have spent a lot of time, while I have been in this Assembly, fighting for individuals who have been wronged. I must admit, I do not like the idea of having to fight for an awful lot more, if we get this wrong. Yes, I will agree with it. We are agreeing it in principle and it comes down to the detail, but States Members should always remember, when it comes to the detail, we very often get shot down because we agreed with the principle and the principle is this, so I think it is one that is going to have to come back on my radar and I suggest many other Members watch this one very carefully as well

and, if necessary, we may have to bring a counterproposal, perhaps to take away this part of it. I do not know.

#### **7.1.12 The Connétable of St. Martin:**

I am really torn over this Proposition and I, too, have spoken out several times against our archaic tax system. Therefore, I would encourage the Minister to take the Proposition in 3 parts. If (iii) is voted for, I would encourage all married women - and I am one of them and all those in civil partnerships - to contact the taxes office immediately and make a formal claim for separate taxation.

[14:45]

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

As this debate has been taking place, I have been trying to dredge through my memory of the times that I was in legal practice. It is difficult, sometimes, to pick up all these things from a long time ago, but I do remember advising couples, who were separating, advising spouses, yes, in some circumstances where a spouse had run off and left a spouse in Jersey in difficulties. What I was trying to recall was whether there was any liability on that remaining spouse to meet the tax debts, because there has been criticism that this liability is now being introduced, where there was none before. In fact, there is presently, in the Income Tax (Jersey) Law a liability on that remaining spouse, in those circumstances. That is what I have been looking up and I have found. So, Article 42 of the Income Tax (Jersey) Law, it is only a short provision, I can read it, it says: "Where under the provisions of this Law, income tax has been charged on spouse A in respect of the profits, or income, of spouse B, the powers of recovery, provided in this Law, in the case of non-payment of any such tax, shall extend to the property, goods and chattels of spouse B" and there follows a similar provision reflecting civil partnerships. So it is the case, already, that the Comptroller of Taxes can go against a spouse, who is not the taxpayer, should the taxpayer have disappeared without paying that tax. I think the question to ask ourselves is, how often does the Comptroller exercise that right? I believe that it would be extremely rarely, because I do not remember - lawyers have known about that provision, we have always been in a position to understand that that might happen and advise clients accordingly; but in my practice and, of course, that is not to say that is the whole story - but in my practice I have never known the Comptroller of Taxes to invoke that provision. In practice, I can assure the House that the Comptroller of Taxes, while I was in practice, of course, that has not been for some years, was always very completely understanding of the situation of a spouse, in such circumstances. Even when it is the taxpayer being chased for funds, the Comptroller, in genuine cases, has always been very reasonable and sought to agree a repayment schedule. But this is dealing with a spouse, who is not a taxpayer and I would expect the Comptroller only to try and seek what may be properly due by that spouse, what can be managed by that spouse. So, this is Government; this is Government acting. This is not a harsh, commercial, organisation earning money for shareholders, this is collecting Government revenue and my experience is always that the Comptroller of Taxes would not go and chase a spouse for liability of their taxpaying spouse under these provisions. So, I would fully expect that, notwithstanding a joint and several liability for tax, which is now being introduced under this Proposition, should the direst of circumstances arise and the non-taxpaying spouse be left with a liability, I would fully expect, on behalf of Government, the Comptroller of Taxes to be extremely sympathetic in hardship cases. So, there is already provision in the Law, we understand that that is not being abused, I have no reason to believe it will be abused.

#### **7.1.14 Deputy J.H. Young:**

I am going to speak in favour of this. It is not a perfect solution, for all the reasons that are stated in its report. It is an extremely complex business to try and unravel, but this does, I think, get in terms of what can be achieved at the moment. I think, for example, Deputy Martin has already spoken, quite correctly, about the risk in our journey towards individual taxation. Unless we get it right, there is a prospect that some couples may end up having to pay more tax and, therefore, it is important to

avoid it. In response to the Connétable of St. Martin, I would caution when she says: “Advise everybody to opt for this separate assessment” there is a potential situation where in course, in fact, one party - where there are unequal earnings between 2 parties - could end up having to have their allowances reduced, which would not otherwise be the case. So, I am afraid there is every permutation you are going to find here, there are winners and losers potentially ahead, so I think this is a practical step forward. I have to say, I find it a little bit ... I am only flagging this up to illustrate a difficulty, point (a)(i) when what we are asked to approve here is that we are going to create joint responsibilities for couples to furnish a joint tax return, while continuing to provide for separate assessment, which, of course, means that each party fills in a separate tax return. So, that seems quite contradictory to me, but I am sure it is a fudge that the Law Officers and whoever has drafted this report are going to cope with. Like the Deputy of St. Ouen, I think the tax officers do try and exercise common sense, as best they can, when they deal with these things. So, I think it is a step forward, but I do not envy the Minister for Treasury and Resources’ task in this journey ahead. But the one thing I think is imperative is that when we do get to independent taxation, it is absolutely important that we are not driven totally by the need to avoid a loss to the Exchequer in the tax yield to get that right. We may have to accept that, as the price for getting things right in the future, but this is okay for now, we should go with it.

**The Bailiff:**

Does any other Member wish to speak on the Proposition? If not, then I close the debate, and I call on the Minister to respond.

**7.1.15 Deputy S.J. Pinel:**

It was complicated before this debate. I would like to thank everybody who has contributed, because I understand the confusion that has taken place and I think I tried to explain that in my opening remarks. It is very difficult to explain the difference between what we are trying to do here, which is a primary stage in a move, an extended move, to independent taxation. It is just in principle, as people have said, the legislation has to follow. I would like to start by thanking Deputy Perchard for her very clear and concise explanation of what was going on and her example of hardship, which several people have mentioned, when the possibility, in part (iii) of this, of joint and several liability, if a higher-earning spouse, possibly the man, were to leave the relationship, leaving the wife and possibly children. I think several people, Deputy Pointon mentioned it as well and it was very clearly explained by Deputy Renouf; this will be covered in the legislation that we will bring forward to this Assembly. As I said again in my opening speech, that we will hopefully take the Assembly with us in developing that legislation. So, it will be covered by that and it is already covered by the Comptroller of Income Tax, inasmuch as anybody, who is in a very difficult situation, as was mentioned by Deputy Renouf, can go to the Comptroller to explain their circumstances and it is dealt with like that. There are also the Commissioners of Appeal, should it get to that way, but the Comptroller has been in office for 4½ years and never has there been this sort of thing brought before him. One must also recognise in this, that we are bringing rights and responsibilities together. For the last 100 years, if a wife had absconded the situation, the husband would automatically pick up the tax liability, so we are trying to address the rights with responsibilities here. So I hope I have answered that question on behalf of several Deputies who raised it. The joint and several responsibility will disappear with the introduction of independent taxation, so it is an interim move to cover the responsibility of both partners for their tax liabilities and it is not retrospective. It would only be in force from the implementation of the Law of which I have already mentioned the States have the Assembly to address that Law and to agree its introduction. I think that has answered that one, I hope. The winners and losers situation, which has been mentioned, I would rather not term it “winners and losers” but several people and especially, incorrectly, in the press, have said in this there would be people who would be negatively, or adversely, affected by this introduction, is simply not the case. This is not a financial implication on any married couples’, or civil partnerships’, or



same-sex relationships', financial returns, it is purely to bring in a fair and equal principle to the current Law, which is archaic and, as I have also said, very offensive to some. To address Senator Moore, Chairman of the C.S.S.P., a direct move to independent taxation would incur all those problems, because we have not had the time to address them all. As has been mentioned by several Members, approximately 8,300 married couples would be affected negatively by a direct move to independent taxation. We simply cannot - and I will not - allow that to happen. **[Approbation]** Therefore, we have to take the time to address these concerns. The allowances, which are also allocated to married couples, not only just the married couples' allowance, but children's allowance and single earners' allowance, take the time to address all of those, so that absolutely nobody is negatively financially affected by this. I am afraid that is going to take time, as I said in my opening remarks. I do not rush things, we need to do the work on this and I will bring further legislation - if this is approved by the States - by the end of this year to put this *en route* to the fairer and more equal treatment of married couples. Then, after that, we will bring forward legislation for independent, well-calculated, well-consulted legislation for independent taxation. I have promised I will do it and I will do my utmost to bring that forward. I would urge the Assembly to accept this Proposition and I would like to do it *en bloc*, please and ask for the *appel*.

**The Bailiff:**

Very well, the *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 40</b>	<b>CONTRE: 2</b>	<b>ABSTAIN: 2</b>
Senator I.J. Gorst	Deputy of St. John	Senator K.L. Moore
Senator L.J. Farnham	Deputy S.M. Ahier (H)	Connétable of St. Martin
Senator J.A.N. Le Fondré		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		

Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy M.R. Le Hegarat (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **8. Affordable access to Primary Care Scheme (P.125/2019) - as amended**

### **The Bailiff:**

Very well, the next item of public business is the Affordable access to Primary Care Scheme, P.125, lodged by Deputy Southern. Deputy, before I ask the Greffier to read the Proposition, there is an Amendment. Had you given any consideration to whether you are accepting the Amendment, or not?

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

I have indeed and I am pleased to say that I am prepared to accept the Amendment.

### **The Bailiff:**

So, are you content that the Proposition is read, as amended, then?

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

As amended, yes.

### **The Bailiff:**

Yes, do Members agree that we take the Proposition as amended? I ask the Greffier to read the Proposition, as amended.

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

The States are asked to decide whether they are of opinion - to request the Minister for Health and Social Services, in consultation with the Council of Ministers, as appropriate, to devise a scheme, which improves access to primary care by reducing financial barriers for patients who are financially, clinically, or socially vulnerable, by - (a) identifying and prioritising which vulnerable groups are most in need of affordable access to primary care; (b) for the groups identified in (a), reducing the patient co-payment from its current level, supporting the development of multidisciplinary services provided in general practice, which might include expanded roles for pharmacists, nurses, physiotherapists, mental health workers and community support workers; and (c) identifying the appropriate sources for the funding of such improved services; and to bring a Proposition for debate by the Assembly in the third quarter of 2020, in order that such a scheme can be implemented from 1st January 2021.

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

When I first raised the topic in the Government Plan in P.71 back in November, the Council of Ministers made the following comment: "The Council of Ministers supports the overall aim of the Amendment to reduce the costs of primary care to well-targeted groups."

[15:00]

What I believe I have got today is a clarification on what I intended back then, with the agreement of the Minister for Health and Social Services, to clarify and put into exact, good, accurate terms what is intended for primary care on this Island. So, first of all, I believe the well-targeted groups are in

this Proposition: patients who are financially, clinically, or socially vulnerable are those who are included. That means either those who cannot afford to pay to go and see the G.P., those who have long-term ailments and need to keep going back to the G.P. and those who are socially vulnerable, those either at the top end of the age range, or the under-5s, who require the most use of G.P.s. This Proposition asks the Minister to identify and prioritise which of these vulnerable groups are most in need, so it is entirely within the remit of the Minister for Health and Social Services to focus where he wants this help to go. We are talking about an essential move here, I think. We are talking about £45, or thereabouts, to see the G.P. and I think, even in the debate back on the Government Plan, it was accepted widely that that was too much. That does stop people from going to their G.P. and seeking early treatment and early diagnosis and that, in turn, is a long-term cost to the system. So, this proposes that the co-payment of the £45 is reduced again - reduced - could be down to zero, could be down to an affordable sum; again, in the hands of the Minister for Health and Social Services to decide what is appropriate. It also then, in part (c), moves on to identifying the appropriate sources of the funding for such improved services. We had an argument, way back then, as to what would come out of the H.I.F. (Health Insurance Fund) or not, whether you would transfer money from secondary care, or tertiary care, into primary care, how is that going to work? Again, that is put back in the hands of the Minister for Health and Social Services to come forward with a scheme to do just that. Then, finally - and I have always insisted that whenever I bring a Proposition, wherever possible, you put a clear, precise timeline on when things are going to happen - to bring a Proposition for debate by the Assembly in the third quarter of 2020. So, by September, bring forward a Proposition with the scheme, in order that we can debate and amend, if necessary, if we do not think it works quite right, in order that such a scheme can be implemented by 1st January 2021. Again, the Minister for Health and Social Services, I think, has agreed with me that this is doable, it is achievable and is very clear as to what we are going to do in terms of the essential work of getting more people in primary healthcare and fewer people in hospital, if we possibly can. So, I maintain the Proposition and will take questions and look forward to hearing from the Minister for Health and Social Services, in particular.

**The Bailiff:**

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

**8.1.1 The Deputy of St. Owen:**

I have been very happy to meet with Deputy Southern and pleased to work with him on this and arrive at an amended Proposition, which, I hope, the Assembly will feel able to support. The Council of Ministers fully recognises that there are people in the community, who struggle to afford the co-payment that is part of our system of primary care at the moment and accepts that we need to enlarge the help that we give, but that is work that requires some examination and planning. The reason we want to do that is because we recognise that a failure to see a G.P. in due time, due to cost pressures, or whatever reason, but a failure to go to your G.P., when you need to, does have long-term implications for people's health. It might mean that somebody is off sick for far longer and, therefore, is drawing benefits for longer than they need to. It might mean that children are affected and cannot be looked after in their family environment and, of course, it might mean that that patient would eventually end up in a hospital bed where, perhaps, if problems had been addressed earlier, that would not have been necessary. The cost of treating somebody in hospital and maintaining a large hospital provision is, of course, more expensive than offering treatment in a G.P. surgery, at an earlier stage, where problems could be addressed. So, there are benefits all around for making sure we have an effective primary care service and people are able to access it and not be deterred by the fact that there is a charge made. It is not to say that there will not still be a co-payment. Co-payments have their place; even in the Government Plan Amendment, brought by Deputy Southern, he was proposing a co-payment of £10. So, I am not saying yes or no at the moment, but they certainly have their place; it will not necessarily be a free scheme that will come forward. But we are working on a

scheme, that was the Government's commitment in the Government Plan during this year to support access to primary care for the financially vulnerable and that commitment will be reflected, later in the year, when we bring to the States the scheme for discussion. The Government Plan was adopted by the Assembly and I anticipate that this will be work that goes on throughout this electoral cycle, that in 2021 and 2022 we will need and we wish to address access to primary care, moving on to think about clinically-vulnerable, socially-vulnerable people. Already, this year, we are putting in place a scheme that allows patients suffering with diabetes, who need regular care, instead of always attending at Overdale, their care can be undertaken by G.P.s, but without that cost that normally attends a G.P. appointment. So, I have no specifics as to the scheme, this is just a Proposition brought by Deputy Southern that is sort of a belt and braces to the Government Plan commitment. I am happy that we should have that structure around us, in the form of a Proposition and I can assure Members work is ongoing. Perhaps I could just say why it was felt necessary to bring an Amendment, simply because we wanted to ensure some clarity around what work is being done and, following the meeting with Deputy Southern, he was able to accept that need for the clarity, introduced by the Amendment, so we agree on the aims and direction of travel. The Proposition also talks about the development of multidisciplinary services, so it goes a bit further than talking about reducing the financial cost. It talks about supporting the development of multidisciplinary services provided in general practice. That is the intention of a scheme such as this and the wider Jersey Care model, which we have put forward, because these multidisciplinary services are not going to be immediately in place from 1st January next year, but this will be a step towards it. The adoption of the principles, outlined in the Jersey Care model, will encourage that, so that G.P.s will be working with specialist nurses, practice nurses, pharmacists, physiotherapists, all medical expertise, to ensure that Islanders can receive the care they need, at a primary care stage, rather than receiving it after a referral into a secondary care centre. So, I am looking forward to this scheme being developed and brought for discussion before us. That work will be ongoing throughout the first half of this year and I thank Deputy Southern for his interest in it. We will continue to liaise together, but meanwhile I ask Members to give their support to this amended Proposition.

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

Yes, this obviously must happen and, as I voted for it in the Government Plan, it is absolutely essential that we look after those people who need to see a G.P. and cannot afford to. They must be motivated to go, to ensure the benefits and that their illness is not getting worse in the intervening period, I accept that entirely. I just have one minor word of caution, really, or maybe lack of understanding, is, this is all very well but if it is going to be implemented by January 2021, do we have the I.T. systems, integrated I.T. systems, to enable that to be delivered? The Health Insurance Fund is going to be paying it via Social Security to the point of service delivery, which is the carers, the G.P.s, the multidisciplinary services that have been discussed. It is quite complicated and I am not assured that we already have systems in place to do that. I just would like Deputy Southern to comment on that, because I think it might be, while it is very well intentioned, it might be slightly more challenging to deliver in practice.

### **The Bailiff:**

Does any other Member wish to speak on the Proposition? I close the debate and call on Deputy Southern to respond.

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

Given what has happened earlier in the day, it is quite difficult to comment on the difficulty of the issue of computerisation. I do not believe I can mention that, without Deputy Wickenden ... will have to sort me out. So, without giving away secrets, I think progress is being made in terms of G.P. access to information in the hospital. It is obviously something that needs to be introduced on the wider scale, including this and it may well be that it is the computerisation that comes last, but it must

happen. It must happen, because it is absolutely vital, if we are to reinforce our primary care, that we get people through the G.P.'s door and they are not going to come through if it costs them £45 to open that door. That is the essential step for the whole scheme, I think, including - and it touches on the hospital - to work well in the future and to be affordable in the future. That is the important thing, we are investing now to reap some benefits later on. I thank the Minister for his words and he points out to the diabetes system, which we have already got in place, at no cost, to see a G.P., because that is an appropriate clinical need. It sets the example of what can happen and will happen. With that, I maintain the Proposition and call for the *appel*.

### The Bailiff:

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

<b>POUR: 41</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 1</b>
Senator I.J. Gorst		Deputy S.M. Wickenden (H)
Senator L.J. Farnham		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

## **9. Public Holidays: designation of 27th September 2021 - commemoration of the Corn Riots and the Code of 1771 (P.9/2020)**

### **The Bailiff:**

The final item of public business is the Public Holidays: designation of 27th September 2021 - commemoration of the Corn Riots and the Code of 1771, P.9, lodged by Deputy Tadier. I ask the Greffier to read the Proposition.

[15:15]

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

The States are asked to decide whether they are of opinion - (a) to agree that Monday 27th September 2021 should be designated as an extra public and bank holiday; (b) with reference to its Act of 20th November 2012, in which it agreed that 28th September should be recognised annually by the States of Jersey as “Reform Day” to mark the anniversary of the events in Jersey of 28th September 1769, to agree, instead, that 28th September should henceforth be recognised annually by the States of Jersey as the anniversary of “the Corn Riots”; (c) to agree that the events of 28th September 1769 and the subsequent democratic reforms of 1771 be added to the citizenship curriculum in schools; (d) that there shall be an open day of the Royal Court and States Assembly building every year, where possible, on or around this anniversary; and (e) to request the Chief Minister to bring forward for approval the necessary Act under the Public Holidays and Bank Holidays (Jersey) Law 1951 to give effect to the decision.

### **9.1 Deputy M. Tadier:**

When I was an A-level maths student, I used to find it quite difficult some of the maths that I was being taught. I used to wait until the end, until my pure maths teacher had finished writing on the board, until I copied the notes down to make sure it was correct, because so often he would then wipe it off and say: “I have got that wrong, I am going to have to put it back on there”, so I learnt to wait until the end. So, the reason I say that is I have not prepared a speech today, because I did not know if we would end up debating this, but I am sufficiently well versed in the subject to know that I think this has been well debated in the past. The reason that I have asked for it to be taken today is because it has been on the table for quite a while. It follows on from a States’ decision a few years ago where I think the States really did this in a half-hearted manner, because they kind of wanted to do something to remember the day, but they did not really follow it through properly. At the time, they decided that it was going to be called Reform Day, that it should be commemorated every year and that the States should officially recognise this day and the important events, but, of course, that never really happened. I do not know if it helps, or not, the fact it was called Reform Day. Of course, this was many years ago before the concept of the political party was even on the table. I think, just for added clarification, although this is not the main part of the Proposition, I think it is important that we recognise the day for what it was and that is the proper title of the day was the Corn Riots. It would be good if we could remember that day every year, so that is why I have asked for it to be known as the Corn Riots. Similarly, I think it is important to recognise the really great work that was done by the Courts, and the Bailiff’s Department in particular. His Chief Executive Officer put in lots of effort, as did our own Greffe staff, to make sure that the open day that happened, which I think was the first of its kind, on 28th September, was a really successful day. It clearly shows that even though we sometimes think that there is a lot of apathy towards politics in Jersey, we know that, on the right issues, of course, that there is not apathy and that the public do like to engage. We should be proud, even though many of us have differing opinions about our system, about the way it could be honed, about what it might look like in the future. I think we all have to recognise that we have got a system and we have got institutions that we can and should be proud of, because not all countries around the

world, not all so-called democracies have these institutions, so that is why I am asking. I think I have learnt something in my time here and also, following on from the very good example between Deputy Southern and the Minister for Health and Social Services, about the art of compromise. I did read through the comments of the Council of Ministers to my initial Proposition, which was to have a recurring annual bank holiday on this day. I took on board the comments of the Chamber of Commerce, who said: "We think it is a great idea that the Corn Riots are commemorated. Local culture is really important, but do you accept the fact that this a recurring burden for businesses and that it is swings and roundabouts?" So, while a public holiday might be great - and it might even be great in some ways for hospitality and for businesses - that there is a cost there. The good thing about next year and why I am asking for a bank holiday next year is because it marks the 250th anniversary of the changes that came into effect in our system following on from the Corn Riots. So, it is not the 250th anniversary of the Corn Riots - that was last year - but it is the really important event about when our constitution took on a systemic and axiomatic shift where, in fact, the separation of powers, which we so often talk about nowadays, that is when the separation really did occur, because the Court and the Parliament, our Assembly, did become separate. You could argue, of course, that there is no need to have a bank holiday, that we can mark this occasion and we should do that anyway and it does not need a bank holiday. I would ask that we do not get fixated on the public holiday itself, it really is a way to raise the profile of the events. The Council of Ministers, in their initial comments, interestingly enough, said: "Well I do not think this deserves a public holiday, because it is not well known enough." I think the reason it is not well known enough is partly because this Assembly has not done enough to make it that way. I do not want to draw comparisons with Liberation Day, because they are completely different events, but I would argue and I think it has been shown, that before 1995, Liberation Day was not quite the thing that it is nowadays. That is partly, I think, because we have a bank holiday on that day; therefore, everyone knows there is something special going on in Jersey. Similarly, it was, I think, one of your predecessors, Sir, who took a very active role in developing the cultural identity of the Island and the importance with that day. Certainly, from a cultural perspective, the BDO report, which was commissioned by my predecessor, a consultation paper, which looked in depth into arts, it says: "One of the things that we should be doing is using anniversaries in Jersey to forge a link between cultural identity and event-led tourism." Event-led tourism, I remember that being a buzz word, I think, even back in 2005 at the Senatorial elections, certainly in 2008, when I was doing my initial rounds. I would say that anything we can do for cultural events and sporting events, when people come to the Island in the shoulder months, around September, this will be the last week of September and people will be asking us: "So what is going on today? Why have you got a bank holiday today? We do not have that in the U.K." and we can say: "Well, that is firstly because we are not the U.K. and 28th September is a really special day in the history of our constitution." The reason I have asked for it, therefore, on the Monday is so that there can be a long weekend, as a one-off. We will be sitting here on 28th September next year in the Assembly and I think that is a really good occasion for people, who have engaged outside there, both in the Royal Square for the events that I and others would like to put on - there will be money coming forward from the arts funding that we voted for as an Assembly to put into that day, so it is not going to cost anyone else's budget any money - and we can really make it an event, a one-off, to be proud of. So, I am aware that there might be slightly differing views, or some questions, that Members might have, but I have tried to engage as far as possible as I can and this is very much the compromise position, which I hope that Members can aspire to. Just lastly, I am slightly saddened that the Minister for International Development is not here, because she is otherwise indisposed today, but I have clearly spoken to her and I think this is something key, which she agrees with, in terms of the development of a Jersey cultural identity, which is distinct and which we can all be proud of. I think these kind of events, whether they are holidays, or not, are important in the annual calendar, so I do make the Proposition.

**The Bailiff:**

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

**9.1.1 Deputy J.M. Maçon:**

I rise to speak primarily to part (c) of this Proposition, which requests that this date should be taught in the citizenship curriculum in the schools. Officially, it poses us a problem for it to be structured in this way, in that it is normal for anything to the curriculum, the process is it should go to the Curriculum Council, of which the Minister for Education is part of and to discuss with professionals about how it can be put into the curriculum. Now, it specifies that it should be put into the citizenship curriculum, but, of course, it could be in the history curriculum. So, it is not to say that it cannot be done, but the way in which it has been described by the Deputy poses a problem. In addition to this, there is nothing that prevents teachers from teaching about this particular date. As it stands, we are and continue to look to Jersey for our history curriculum, in order to promote key individuals and dates within it. So, I am quite happy to give the Member the undertaking that we will take this to the Curriculum Council, to see how we can give it greater prominence, but I think to go so far as to dictate that it should be in the citizenship curriculum is a step too far and we need to give our teachers and professionals a bit more scope as to how it is best taught. Therefore, I ask Members to oppose part (c), but the Deputy has won the day, in the sense that we are looking to give greater prominence in the curriculum for this date. It is just the exact precise, where it should sit, is a matter which we do need to take before the Curriculum Council, because that is the proper process.

**9.1.2 Connétable P.B. Le Sueur of Trinity:**

I think it is appropriate that we should do something special to acknowledge the 250th anniversary of these significant events in our Island history. I recently have been discussing this with our Rector and we are proposing, subject to obtaining a licence from my good friend the Dean, to put up a plaque, in Trinity Church, acknowledging the significant contribution of Thomas Gruchy. He was, for a time, church warden at Trinity and was the leader of a large group of dissenters who marched on St. Helier in 1769. In Trinity, we are also planning to celebrate the occasion next year by a re-enactment of that original march and, as good Trinity folk, I am sure it will be a passive affair, as was reported in 1769. So, on that basis, I am minded to support the Proposition.

**9.1.3 Connétable J. Le Bailly of St. Mary:**

Passing this Proposition today will do nothing to improve the future of this Island. The future of this Island was why we were elected. An extra day's holiday sounds very nice; however, it will cost the Island dearly in lack of production, loss of valuable time and, of course, cost to any businesses who simply cannot afford this. History needs to be remembered, we can do that as part of history lessons in schools, without making specific days as holidays. I am sure we could easily find an extra 300-or-so, which would even be nicer. We are here to better the future, let us do that. I shall not vote for this Proposition.

**9.1.4 Deputy J.H. Young:**

I want to thank the Deputy, the Assistant Minister for Economic Development, Tourism, Sport and Culture, for helping us address the broader issues in life, the value of where we are and what we are about, as a society. I think it is easy for us, for me personally, for example, to get so fixed in a groove of focusing on the nuts and bolts of environmental issues of the day, one forgets about what is important in traditions in society. So, only recently, just having to thoroughly go into the Proposition, and also I was very pleased to just grab the opportunity while I was waiting to browse back as to what was discussed in this Assembly in 2012, when there is no question, right at the start and I looked at it then, we were dealing with a Proposition that the previous Council of Ministers opposed every single part of it. But yet they said, at the beginning of their comments: "There is no question that the events of 28th September 1769 were of enormous constitutional importance to Jersey." They said that. They said because it was the time, or the events of the removal of the powers of the Royal Court



to interfere with legislation, it led to the codification of statute law and, clearly, that codification now lives on to this day. So, it seems to me we had significant events there which were events in the people of the Island that led up to it. Of course, what we propose here is a complex set of proposals which are less comprehensive than what was approved in 2012, but a one-off holiday and some commitment to try and embody this important part of our history, pass it on to future generations. Now, my starting point is, I think I am a practical person, bank holidays, do we have enough? Do other societies have more than us? Yes. Do they cost money? Yes, but is everything in life, we are going to make our decisions purely on a money-value issue? For example, if you look at the other Channel Islands, having spent some time in Alderney, Alderney has a bank holiday, one of our islands has its own bank holiday on Homecoming Day, in December.

[15:30]

Also, they have a bank holiday at the start of their Alderney Week, representing the start of the summer festival. Of course, if you look to other places, up in Shetland and places you have got *Up Helly Aa*, those sort of things; fire festivals. Why? Because they celebrate their local traditions. Now, why are they called bank holidays? I was trying to think: "Why are they called bank holidays?" Well, I suppose once upon a time we had real banks with doors and you could go in and speak to people and pay money, but we do not have that anymore, banks just are the things you are not allowed to talk about anymore [Laughter] and on the computer. So, it does not really ... and I think that when you have a bank holiday, I suppose if businesses want to stay open on those bank holidays, who is going to stop them? But, nonetheless, we celebrate it as an Island. I am pleased; when I looked back, I thought: "Well I had better check out and see what I did last time." I voted against 2 of the 5 and I am slightly ashamed about that now, so I think I am going to put that right. I am going to vote for all 5. Of course, they did all get passed by decent majorities, all 5 parts of that previous Proposition. So, I think what has changed is this is now a one-off; I think it is linked strongly into our local heritage. I am not so sure whether some of the things that we voted for in the Assembly have happened like, for example, there was going to be money freed up to check out what went on with the Privy Council minutes and things like that. There was going to be a play, or an artist thing, but none of those I ... but I am hoping that these things start to come about now. So, I think it is not just about a bank holiday, it is about putting these things into action and starting to recognise that some things about our local culture are important really to keep and so I am going to preserve that. Having said that, I am going to say a big thank you for when you have got local historians - and I do not think it is offensive, because it is in the paper, to name him by name - Mr. Dun, Mr. Michael Dun, those sort of people who are prepared to spend time doing research at their own time and expense and produce this material. Okay, we have not got an external validation, but I am absolutely sure that we can confidently rely on the sort of sense of that historical material and there is a lot more that was produced before and I would like to see that work extended. So, I ask Members, please, let us come on board with it.

#### **9.1.5 Deputy J.H. Perchard:**

I apologise to the proposer for not asking this in advance of the debate, but I really just kind of thought of it and I would just like some clarification. What is the difference between a public and a bank holiday? In terms of who is able to access public and bank holidays, is there a distinction, is there a difference; can everybody access a public holiday? I know some people access a bank holiday, I am just not sure of that distinction. So, if you could clarify who this would impact from that point of view that would be really helpful to me. I also just wanted to ask - and I am sure the proposer will respond to the Assistant Minister for Education's comments anyway - but I would like to add my voice to that call which is, why was the Curriculum Council not, or even the Minister for Education, approached about this? How does he envisage it becoming ... what would it look like in the curriculum? Because, as we continually say, teachers are stretched and you cannot just add without taking away and so I would be very interested to just know how he envisages that working in the

citizenship curriculum. Are there any aspects of the citizenship curriculum that would be replaced by this particular topic? Is it a termly topic, is it for all key stages? I am just not quite clear on the details of the citizenship curriculum aspect. I guess my final question is, has any assessment been made, apart from in the financial and manpower implications where there is mention of it? Is there any further interaction that the proposer has had with, say, retail or hospitality? Because, inevitably, those are the sectors ... and which is why I have asked about it, the clarification between public and bank holiday. If only some sectors are closing on this day, then those on lower incomes are, yet again, the people who will be working, when everyone else gets a day off and I just wanted some clarity on that.

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

Sometimes, the Constables think I do not like them; I do not know why they have got that impression. **[Laughter]** No, seriously. Because when I hear something I like, I will say it and I must say that the Constable of Trinity, I welcomed what he said. I think that we do need to recognise our history because, as Churchill said: "Those who fail to learn from history are condemned to repeat it." There are certain events in our history we should remember and should be taught. I think what the Constable and the Parish of Trinity are doing I welcome, but I think that the States should go further and we should recognise this event as a public holiday and, therefore, I am happy to support the Proposition. So, the Constables, I do speak up for you on occasion.

#### **9.1.7 The Connétable of St. Ouen:**

I rise to thank Deputy Higgins for his comments. We do not hate him, I hasten to add, we await his questions with interest. Anyway, to the subject in hand; firstly, to Deputy Perchard, a bank holiday is a legal statutory term that is applied to banks and they are obliged to close on that day. It also has implications for the calculation of interest and the payment of funds. A public holiday, on the other hand, banks can open and are obliged to pay up depositors on those days. So, it is a technical term: if it is a bank holiday, banks are shut and they do not have to make payment and it has other implications for calculated interest and foreign exchange and all sorts of other things. Anyway, I also would like to commend Deputy Tadier, for what must be the most interesting States paper I have read in a long time. It was fascinating and as somebody who is not particularly well up on Jersey history, I felt a lot better informed at the end of it. There was one phrase that tickled my fancy late at night and it said: "There was an uprising of Jersey people (including many ordinary residents of Trinity) ..." **[Laughter]** It is a great shame that the Constable of Trinity has already spoken, because I am sure he would provide a logical explanation. But I do stand here to express considerable favour for this Proposition. I think we should value our heritage, it is a very important part of Island life and this is a part of Island life that I was unaware of and clearly has great significance for our democracy. I think it is only right that we celebrate it, at least once, as I have said to the Deputy and see how it goes and see how much interest we can generate. I think, on a more serious note, we should not underestimate shoulder events, tourism led events to attract people to the Island. As somebody who has spent many years organising the Jersey Rally, I can categorically say how much revenue it brings into the Island. Jersey Rally can fill a hotel and generate lot of money for businesses in the Island. Let us hope that if we vote for this, that we can do the same for this because, frankly, for historians and for people who have an interest in democracy, it will be an important event if we make it so and, if the Deputy is successful, with the funds that he intends to use on it. So, I for one will be supporting this Proposition and I commend the Deputy for bringing it.

#### **9.1.8 Senator S.Y. Mézec:**

I also commend the Assistant Minister with responsibility for Culture for bringing this Proposition forward. As the Constable of St. Mary was speaking, I could not help, in my own head, think that one of the reasons that I think it is important to mark these occasions in this way is because if you want to know where you are going, you have to know where you have come from. To understand

Jersey's history, its unique history, different to anywhere else in the world, both in terms of its culture, its heritage and its political history, that helps provide such a good background to understanding why things are the way they are today. The events that happened in 1769 and then the Codes that were passed a few years later are fundamental to understanding why Jersey's system of government is as it is and why our autonomy is so important. To ask that it be marked in such a way must surely be the right thing to do. It is not just good enough to say: "Oh, we will have it in schools" because the vast majority of the population in Jersey do not go to school. Most of us are adults, who are past education age. As the Constable of St. Ouen admitted that he did not know much about this before this has been raised in this context and there are many Islanders out there who also do not know. So, to give them that impetus to, even if it is just read a little bit in the media, or hear why it is that it is a public holiday, they will gain a greater understanding of why Jersey is the way it is and that, I think, has got to be a good thing for strengthening our cultural identity and having people feel invested in our institutions and want to take part in them. So, I support it on those grounds alone, but I think there is another argument as well and this view might not be universally shared by Members of this Assembly, but I am somebody who thinks we ought to have more public holidays in Jersey. We do fall behind many other jurisdictions. I think that there is enough going on in Jersey to justify it and to provide reason for it and bring people together and let people enjoy themselves, frankly, that come together as a community, which I think has benefits for productivity, for family life and everything that goes with that. But when we are talking about the cost of a public holiday, there is one very simple reason why I think that is an illegitimate argument and it is the fact that we are not talking about an extra public holiday next year, because next year we are due to have one fewer public holiday than we usually do, because Liberation Day falls on a Sunday next year. So, we will have 8 extra days off, because obviously it does not count when it is a weekend, one fewer than we usually do, so it is just restoring balance for this one-off event, the 250th anniversary, a significant milestone. I think it makes sense on that basis and it does mean that the costs of this, that is being spoken of as a reason to oppose this, do not really exist. What this does, on a cost basis, this maintains normality, so I think to argue costs cannot be done there especially when we are doing that this year, because of Liberation Day falling on a Saturday and it being an important milestone, we have made 8th May an extra public holiday. That is convenient, because it is V.E. (Victory in Europe) Day and helps contribute to the big scale of events we are having for Liberation Day this year. But when the Government brought forward the legislation in P.84 last year to commit to that public holiday, in the financial and manpower implications, it listed no costs whatsoever, apart from the costs that would be for putting on the events for V.E. Day on that day. So, I do not think the costs argument is real here, because of the circumstances there will be next year that would not occur had Deputy Tadier proceeded with his original Proposition. It is an important event in Jersey's history, I think it will be good for our community, help understand our history better, so that we can come together as an Island to determine how we move forward. It is essentially cost neutral, because it restores normality to the number of public holidays we would have otherwise had, so I am delighted to be supporting the Proposition on those bases.

**Deputy K.G. Pamplin:**

Can I ask a point of clarification from our Attorney General-to-be who, after coming back from America, I feel needs to have some involvement today, after coming back and joining us?

**The Bailiff:**

Yes, he looks like he is entirely ready to take whatever question you can offer to him.

**Deputy K.G. Pamplin:**

He does indeed. It is a subject I had to grapple with in some length last year, looking at bank holidays and public holidays, as the Senator before me just spoke about. I think it would be really useful for

everybody, in the legal definitions, the ramifications, the definitions of a public and bank holiday, and what that does for employees. Just some clarification, as it is coming up.

**The Bailiff:**

Would you like some time to consider your answer, Solicitor General?

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

I can have a go now, Sir.

**The Bailiff:**

All right, yes, by all means, if you would like to continue.

**The Solicitor General:**

I think it is covered in the Public Holidays and Bank Holidays (Jersey) Law 1951. There is a statute that gives the general power. There is an Act, that is made under that statute, which is 2010, which I am just looking at now and that specifies the public holidays as basically being Christmas, Good Friday and then, in addition, there are bank holidays, so there is a difference between the 2 and it is basically the difference that has already been identified by the Constable of St. Ouen, in that on a bank holiday, banks are not compellable to process banking transactions; whereas perhaps there is more ability for them to do it on a public holiday. I think that is the essential difference between the 2.

**The Bailiff:**

Thank you very much, Solicitor General.

**9.1.9 Deputy R. Labey:**

Just to say that we are not going to wait until 28th September 2021 to throw more open days in the Royal Court building and the States Chambers and P.P.C. is working with your C.E.O. (Chief Executive Officer) in your Chambers to organise this. Because it was a really good day, it was a sell-out, locals came and visitors came. Locals came with people who were visiting them and they wanted to show them around this building. There were ex-Members of the States coming to do that with their guests and it was wonderful.

[15:45]

So, we are going to plan some more open days throughout the course of the year and they should become a regular thing. After all, other Members will have been on C.P.A. trips, for instance, to Westminster. The Palace of Westminster has 1 million visitors a year; it is extraordinary. In the New South Wales Parliament, I visited in Sydney, there were tours going around all the time. It was in session, but there were still tours going around. Similar in Ottawa in Canada. So, we absolutely should do that and I definitely think there is an audience for it, both local and visitors. It is a very prominent building and it is a great thing. People see us going in and out of those doors and the cloakroom behind us but it is a really good thing to open it up and people do want to see inside it. We have got a fantastic art gallery in the Royal Court. We have a Gainsborough, an original Gainsborough of Conway, who drew up the 1771 Code, which is so important and we should celebrate it. My dear friend, the Constable of St. Mary, casts himself as Regan in King Lear saying: "What need one?" and Lear says: "O, reason not the need: our basest beggars are in the poorest thing superfluous." You can say you do not need culture, you do not need art. Of course we do, for our mental health. It might not financially make sense, but there you go, economically, sometimes, it very much does. So, we will be doing that. I am going to support Deputy Tadier.

**9.1.10 Deputy K.F. Morel:**

There is no question, we need culture and we need art and Jersey needs to learn a lot more about its own history. What we, unfortunately, I believe, do not need is to be doing so in a very piecemeal way. One thing I always find very difficult with Propositions, which come from individual States Members, they look fantastic on the outside. How could you say no to a day off? But really, what are the implications of doing that? To be honest, the debate in here today has hardly mentioned the implications of doing this. The financial and manpower implications, as written in the report, are worryingly kind of weak in the way they describe: "Oh, well, it is a notional £1.5 million." Well, no, we will be paying people triple time as the States of Jersey, because that is what the States of Jersey does. So, anyone who does work that day will be earning 3 times as much. We will lose the productivity of that day, so there is a loss in the amount of work that is not being done. But that is not the bit that worries me too much. At least the States Assembly is, in many ways, in charge - I know we delegate that to the Government - of the public service. What really concerns me is what happens outside the public service, the part of Jersey society and the part of Jersey's economy which almost nobody has mentioned during this debate. In fact, when the Constable of St. Ouen says banks are not allowed to process transactions, I sit there and think: "Well, how much money is going to be lost as a result of that?" That is an enormous amount that will not happen as a result of this day. Now, that does not mean it cannot happen. It does not mean it should not happen, but what concerns me is the way that this is just one individual Proposition, provided without consultation, without asking those who would be most affected by it. As has been mentioned by Deputy Tadier, we have the Deputy of Grouville's Island Identity Policy Review Board, which is, in fact, meant to be grappling with these issues within a framework, within a framework of consultation, within a framework of looking at the wider picture, within a framework of understanding how part (c) would affect the education system and how teachers would cope with this. That, for me, is a much better and more measured way to be bringing in items like this. It does concern me that sometimes this Assembly seems to see things which, to be honest, are quite populist. Well, who does not want a day off? Well, it is deeper than that. It is a lot deeper than that and it is a lot more meaningful when we do these sorts of things. With regard to the culture aspect of this and understanding Jersey's history, there is no question, throughout my 45 years on this planet, I have, from a formal perspective within Jersey's education system, learnt so very little about the Island's history. I have learnt the Island's history by speaking to other Islanders, by speaking to members of the Société Jersiaise, by speaking to members of the National Trust for Jersey, people who have learnt and taught themselves and that is, sadly, the way that we are having to pass on knowledge of Jersey's history. It is essentially face to face and we do need to embed this much more deeply in Jersey's education system. That is work, I am sure, that the Minister for Education and the Assistant Minister for Education are doing and, indeed, the Deputy of Grouville, I believe, is also working in that area. One aspect is how many of us know why we have a financial services industry in Jersey. I do not think many people actually know the key decisions, which were taken during the 1950s, which led to Jersey having a financial services industry. That is fundamental. We should understand that. It is the thing which shapes our Island more than anything else, but that is something which, again, should come within a framework of building that sense of culture and identity in the Island, which we do have. What we must not think is that ... we do have a sense of culture. We do have an identity. I agree - I see a shaking head across the way - it is being eroded in many ways, but there are people here who are firm about the fact that we have a culture and identity and want to grow that. Deputy Tadier is one of those people and I commend him for everything he does in that area. I just do not feel that this Assembly will be taking any sort of responsible action by moving for a public holiday and a bank holiday without having had any sense of having spoken to those most affected by it. So, I cannot support, certainly, that aspect of this Proposition. It will worry me and concern me because, too often, I hear from certain parts of this Assembly: "Oh, well, it does not matter, the cost does not matter, the economy does not matter." It is all built, everything we have here is built on the back of an economy. That is the truth. The economy should serve society, I accept that. I am not someone who believes it is the other way round, but you cannot keep eroding Jersey's business world and making it harder for them

to operate without having an effect and those effects ultimately are less in the coffers, fewer taxes paid, *et cetera*. I know one day is not going to kill all of that off, but I think it would send another signal from this Assembly that really Jersey is not very interested in maintaining a strong economy and I do not want to see that signal being sent. Whilst accepting the great intention within the Proposition, I do ask Members to not support the aspect of the public holiday and the bank holiday. I think something like that needs to be done in a much more grounded fashion and not just because somebody came up with the idea and managed to convince 25 of us to think it is a good idea. I think we need to speak to those who it affects most and this Proposition has not spoken to those who it affects most and I think you need to bear that in mind when you vote.

**Deputy R. Labey:**

Could I ask for a point of clarification from the previous speaker?

**The Bailiff:**

Yes.

**Deputy R. Labey:**

Would he agree that events in the shoulder months are good for tourism and good for the economy?

**Deputy K.F. Morel:**

I do not believe that is a point of clarification of anything in my ...

**The Bailiff:**

It is not. It is not a point of clarification, no. It is a debating point, Deputy.

**9.1.11 Senator L.J. Farnham:**

Bad timing. **[Laughter]** I can probably answer that one. My short speech is following on from Deputy Morel's and I am genuinely sorry that I cannot support my colleague Deputy Tadier on this occasion, given his passion for culture and history and heritage. Of course, Jersey does have a really rich history, which is populated with momentous occasions, from 933 when we became part of the Duchy of Normandy, to 1066 and 1204 and, of course, the English Civil War, the presentation of the Mace and, in 1664, a small parcel of land in America was given to the de Carteret family. Of course, then we have in 1902 the first Battle of Flowers, so many momentous occasions which should be recognised, should be more greatly recognised in our teaching of history for our young people. So, if I can just answer Deputy Labey's question, yes, of course, events and holidays in the shoulder months are important for Jersey and we are trying to develop those, but I am not sure that an additional bank holiday, as a one-off, would be a large economic contribution. However, I do recognise its importance and I do recognise that we should find ways to remember it, but I just cannot support a bank holiday for what I believe to be sound economic reasons and I apologise to my colleague that I cannot support him today.

**9.1.12 Deputy G.P. Southern:**

What an interesting day it has been. We are talking now about building culture and identity and I have seen something else happening, I think, in the Chamber with talking about the formation of a new party. I think it is called the Party Pooper Party **[Laughter]** and it is headed up by the Constable of St. Mary and he has been joined by Deputy Morel now and Senator Farnham and, I understand, one Ebenezer Scrooge is also joining any minute now. So, that is a new party for us.

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

I must admit, I have been a little disappointed with the Deputy of St. Lawrence, who I have a great respect for and serve on Scrutiny with. I think to put the economy ahead of something that the Island could be very proud of is a bit of a shame. It just shows how money minded we are down here. But

I would like to draw his attention to a lot of the countries who we deal with that have a different time zone. I have a son who is into finance and sometimes he is up at 2.00 a.m. and 3.00 a.m. in the morning, talking to people from America and into the Philippines, so we are really, for one day, not going to lose too much. The French have Bastille Day which they celebrate and have a fabulous time and how long ago was that? We also have the Americans' 4th of July and everything happens then. I think this is an absolutely fabulous Proposition. I am going to vote for it. I think the Island should be proud of its heritage. It should be brought in and, to be honest with you, I am very disappointed that, once again, in this Island, money raises its ugly head. I think the Island should celebrate this. It is only for one day, but it will put it on the map for other days. If my learned friend alongside me, another Constable, who will be putting a plaque up in his church to commemorate this, I think it is fantastic. So, there again, the Constables are doing something right and we are not money mad.

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

It is a shame I have to follow that excellent speech of the Constable of St. Saviour, because I do not agree with her, at all. I mean, I said this morning I wanted this lodged for at least the appropriate amount of time, because when you read Deputy Tadier ... and please be under no illusion, this is brought by Deputy Tadier, backbencher. He is not bringing this as the Assistant Minister for Economic Development, Tourism, Sport and Culture. He wears that hat, but you have just heard from his Minister. He is not supporting it, because there is more to it than just culture, as the Minister has just said. We could pick any one day and have 100 bank holidays. In fact, let us just work 100 days and have the rest as bank holidays. It would be great, would it not? Because we could commemorate loads of things that have happened in Jersey. Now, if you read the first 2 sentences, or paragraphs, of his report, it says he has now compromised, because he has spoken with Chamber and States Members. He thinks this is a compromise. Has anybody heard from the other? Chamber being one, you know ... I am sure it is not about money, but I am not even really that interested in Chamber. This means a bank holiday for every parent working, for everyone who would have to get another day of childcare. I checked, it is not in half-term, it works out a week, or 2, before half-term in 2021. Another day you have to barter with the same people employed by your company to ... I need that day off, because it is a bank holiday and my child is not going to school. I said to the Deputy: "Please do not push for this debate today" because I was minded ... of course, I want to support, want to give people more time. Now, this year we have been ultra-generous. We are having the bank holiday on the Monday and the Friday and then we have our traditional bank holiday on the Saturday, which is Liberation Day. In the U.K., they have moved their bank holiday from the Monday to the Friday and they do not have our lovely Liberation Day. It is what it is. But they moved it for the 75 years.

[16:00]

This is not just about money, it is about practicalities. It is about trying to decide ... it is £1.5 million and, as I say, that is just the estimate of loss, of cost. If I have to pay ... if all our employees, 63,000 employees and, obviously, not all of them have children, but they may need to make arrangements, add that up. Do you know? Have we really consulted? Would it have been too much to move this, had a proper, informed debate? I am not stuck between a rock and a hard place, because we can all make popular decisions in here today and say: "Yes, next year it is a one-off, it is a good cause, it is 250." Why not 300 years? Why did we not do it on the 200th year? It is going to be one of those. We had that. It is a cost. It is going to be a cost. It is not just a cost to business and, as I say, do not be running down this: "Oh, it is culture." The Deputy did not get agreement with his Minister. He is Assistant Minister for Economic Development, Tourism, Sport and Culture, in charge of culture. Deputy Tadier, to me, is bringing this as a backbencher and it is not just about culture. So, I am sorry, I think this debate is talking ... I would be called a Mrs. Scrooge, but I take that on the chin. I am thinking of everybody and just before you start saying: "Yes" just have a big think about this. It falls in between summer, the half-term. It is all about people out there making sure they have

provision and they have to pay, not the scroogy finance industry, people's own pockets, making sure their family are taken care of. I am sorry, I did ask the Deputy to delay and he probably would have had my support in 2 weeks. Not today.

**9.1.15 Deputy R.J. Ward:**

This is an interesting debate. We have gone down a pathway, which I think we should explore as an Assembly. First of all, I think the importance of culture to an Island community is absolutely vital. You need to know your past. You need to know what builds this as an Island, gives it an identity, if it is going to have an individual identity as a place. So, it is vital and Liberation Day, Corn Riots, all of these events should be recognised. In terms of bank holidays and the cost, well, let us extend that argument. Let us extend that argument beyond this. Well, we have Christmas Day. Should we be having Christmas Day? Should we be having Boxing Day? Should we be having Easter holidays? Should we be having any of the church holidays that we have, because they have a cost to the economy, to the businessperson? What are we worshipping? Are we simply worshipping the god of business in that way, or are we going to recognise that, as a community, there is something that is wider than just that hardnosed, thoughtless economics about the population as a whole? When we talk about consulting, too often in this Assembly and too often certain sections of this Assembly consult just the few very powerful and influential financially on this Island to make decisions for the majority of the community. Now, we are here to represent all of the community and I think it is important that their voice is heard. This bank holiday, as well, there is something we are forgetting. If you tally up the number of bank holidays last year, this year and next year, there will not be an extra bank holiday, because there is one short next year. So, I do not know where the extra cost is coming from. It is simple adding up. So, I do not know if there is the intention, by those who are the hardnosed economists here without the thought for our community to say: "Well, we can make a saving now and take one of these bank holidays away." I would ask that question again: what goes next? Is it Christmas Day? Is it Easter? What is it? I think, as a community, we have to think about why it is that we create any form of wealth and that is so that we can build a community and a society that has meaning. Culture gives meaning to a society and I would absolutely ask you to support this Proposition. It is a one-off for the next year, which would balance the bank holidays again and then we can look at it again. I think it would add quality to our community. We go back to something I have mentioned before. Everything has a cost and nothing seems to have a value anymore and we have to be very careful as we walk down that pathway. I ask you to support this Proposition.

**9.1.16 Senator I.J. Gorst:**

I am minded to rise, because of Deputy Southern's comment about the party of the party poopers. People speaking today have referred to culture and to important historic events and they are right to do so. It is important for any community to remember its history and remember its culture. Senator Mézec said unless we know where we have come from, we will have no sense of purpose, or direction, into the future. We even had Deputy Higgins quoting if we do not learn from history we are destined to repeat it. There is also the famous quote that the only thing we learn from history is that no one learns from history. So, Deputy Tadier seeking to ensure that we, as a community, remember and commemorate appropriately the Corn Riots ... and I am absolutely delighted that a plaque will be put in the Parish church of Trinity, showing once again the critically important place that Parishes, that Constables and that the church, plays in our community. But, for me, it is a step too far to say to Islanders that I am going to vote for a Reform Jersey Day bank holiday. I will not do it. I do not think it is appropriate. I think that there is a cost associated and, therefore, it is not a matter of being a party pooper. It is not being prepared ... for all sorts of reasons that Members in this Assembly fully understand and recognise about my persuasion, I will not be supporting the Deputy in his proposal that we have a Reform Jersey bank holiday.

**Senator S.Y. Mézec:**



Could I seek a point of clarification from the previous speaker?

**The Bailiff:**

Yes. This is in relation to paragraph (b) of the Proposition, is it?

**Senator S.Y. Mézec:**

Yes, it is. I was going to ask if he could clarify if he has read the text of paragraph (b) which, in fact, distances the day from the Reform Jersey party.

**9.1.17 Deputy L.B.E. Ash:**

I was not intending to speak. I am speaking for 2 reasons. One, I had a wonderful speech ready for the previous debate but the Treasurer told me not to use it, so I thought I would get my 2 penn'orth in here. One of the ...

**The Bailiff:**

It is not the same speech, is it, Deputy? [Laughter]

**Deputy L.B.E. Ash:**

No, it is far less amusing. One of the things I feel that does need addressing here ... and we have had: "Other jurisdictions get more bank holidays." They do. Many of them do. Japan does. America certainly does. One of the reasons people do in America, is the standard allocation for holidays - and I know because I worked for an American bank - is 15 days. The standard allocation over here is 25. So, you are not comparing like for like with our legislations, generally. The other problem of designating this to the Corn Riots - which I think if people are fair, many people, it is not high on their agenda - is where do you stop on what you commemorate? It is one of the reasons football clubs are always very careful of nominating a stand in the name of someone, because a couple of years later another guy comes along and he scores loads of goals: "Oh, we do not have any stands to name, because they have all been taken up." What about when Wesley first came to Jersey? Some of you may not be particularly fond of John Wesley and what he preached, but it had a huge impact on this Island. Are we going to commemorate the day Wesley came to Jersey? Are we going to commemorate the day that just over the road there we had the Battle of Jersey and Major Peirson was slain fighting for Jersey to remain British against the French? Are we going to commemorate that? Are we going to commemorate the day where the fellow just before Christmas came along here and smashed all the windows here and made his point that he does not like that court? [Laughter]. The list could go on and on and that is why I do not think we make one special occasion for this and that is why I have to vote against it.

**9.1.18 Deputy I. Gardiner:**

I also did not plan to speak at this debate and I will try to make it quick and swift. Because I felt during the debate that I am wearing different hats and I will share with the Members. So, first hat, it was a mother hat for my 4 year-old daughter and I was surprised because if she is off school, I am off work and I can spend the day together with her, basically celebrating our heritage and to have an extra day with my child, which I will be really happy to do this. Now, hat of tourism and, as you know, I have small boutique travel agency and I do think we do need extra days that will attract tourists to the Island. Maybe we need to combine it with the air show that anyway we have a half day off and it will be an air parade, an air show and Corn Riot. I would like really to use Corn Riot Day and not Reform Day; it is important for me, if we are talking about the name. Now, economy hat, that is the third one and again it is lots of money. At the same time, we are missing one of the bank holidays and it is kind of the same for that particular day. But I think the most important, it is my international hat. All of you know that I lived for a long time in 2 countries. Both of the countries, regardless what everybody thinks about this or that country, had specific days that as a child and young adult I still feel very strong about these days. When I hear the music and when I see on the

television, regardless what I think about it, it is a conscious connection and pride for whatever reason with this thing. I am not sure which day ... I think it is important that you would have, we would have, in Jersey this pride, national celebration day as a whole. We have Liberation Day, but it is more international. It is liberation around the world. Also Soviet Union is 9th May. It is international. It is Jersey liberation, but it is celebrating. I would like to see another day, maybe not 4 or 5, but something that will be pure Jersey. Maybe I do not understand Liberation Day until you turn me round, but it is important, the Jersey liberation, but it is liberation of the world from Germans anyway. So, for me, yes, it is a value. Yes, it is important and it is 250. Maybe we need to celebrate 300, or maybe we need to discuss what we are bringing in to increase our Island identity in our national place.

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

I would like to clarify that we do, actually, celebrate the Battle of Jersey Day. It is not a public holiday but it is celebrated in the Royal Square. The second thing is just an observation, really. I find it fascinating that as we discuss this that, steeped around this day of Corn Riots, was vested economic interest and starvation and we are starved of culture. That is just an observation, really. The last point I want to make is I look forward to giving permission for the plaque, proper paperwork pending. **[Laughter]** I look forward to an invitation to the riotous walk to St. Helier, should we pass this Proposition. **[Approbation]**

**9.1.20 Deputy G.C. Guida of St. Lawrence:**

One last word. I started this probably thinking that I would not vote for it. I must say a couple of things changed my mind. The first one is that I do find it very gracious of Deputy Tadier to not insist on calling it Reform Day and calling it Corn Riots Day, which is as accurate, but also eliminates any problem, any political problem. The other thing is that I knew vaguely about the Corn Riots, but having read the whole history I must say I am now becoming quite fond of it. A revolution that started 2 decades before the French one and that resulted in absolutely no deaths whatsoever is actually quite commendable. Also, if I read all this correctly, we are talking about the rebirth of Jersey's democracy, about restarting again on better grounds and a couple of years later about the start of its legislation, of the book of laws of Jersey. If anything is important in a society, especially for us, for this Assembly, if anything is important, I think that should be. So, Senator Mézec mentioned that we were losing a day, anyway, of public holidays in 2021. I do not think that economically it is going to make any difference and, in pure terms, we know that if you create a completely new bank holiday, or completely new public holiday for ever, that has a cost. It will have some benefits, but it does definitely cost. For a single year it does not, because it averages over the year. There will not be a pound missed for that particular purpose. Having said that, let us have the experience in 2021 and we might want to keep on with it. I think it is a very good idea, so I changed my mind completely. I will definitely be voting for this and I urge you to do the same.

**Senator L.J. Farnham:**

May I ask a point of clarification from the previous speaker?

**The Bailiff:**

Yes.

**Senator L.J. Farnham:**

A number of speakers have mentioned that with this there will be no additional bank holiday, unless I heard incorrectly. Is that because Liberation Day falls on a Sunday? But that is still a bank holiday.

[16:15]

**The Bailiff:**

Are you able to clarify that, Deputy? It will only be a point of clarification, obviously. Are you able to clarify as you ... it is a point of clarification asking you?

**Deputy G.C. Guida:**

Well, as far as I understand, a Sunday for banks has exactly the same value as a bank holiday. They are not counting interest and they are not working. So, if one of our normal standard bank holidays fall on a Sunday, it does not count. Nothing happens. In France you would have the tendency of using ... for example, if it falls on a Sunday, you would take off the Monday. It is not a practice that I understand we have here, so a bank holiday falling on a Sunday is lost.

**9.1.21 Deputy K.G. Pamplin:**

As having had a little look at Liberation Day for the last year, I can confirm that Liberation Day, when it falls on Sunday, is not a public holiday, unless it is a landmark event, as it was in previous times where a Proposition was brought to the Assembly to make the following Monday a public holiday to enhance the landmark, like that has been done previously. So, that is how that stands. I hope that helps Members. I wanted to start to say that today was not the day I expected to walk into this Assembly to be debating. I raise that observation, because I think it is quite ironic as the theme did mention the point of Deputy Tadier's historical relevance to his Proposition. It is frustrating for a lot of members of the public when we are spending a lot of time today. What have we achieved that is changing the lives of people from today? We have had an interesting question time, where we did not even get to finish all the questions this morning. We had the curious moment where Propositions we were all prepared to engage with suddenly evaporated in front of our eyes. We had a Proposition from our Minister for Treasury and Resources that, thank goodness, is finally agreed by Assembly unanimously coming, but it does not change the law as of tomorrow. I raise all these points, because the public are frustrated. We still do not know where the hospital is being built. We still do not have a migration policy. We need to get quicker at debating the issues that really matter to the lives of people, every day folk. I do not want to undermine Deputy Tadier's Proposition, because I think it is well-intentioned. We do not have enough public holidays. On the scale, when we researched the public holidays, Liberation Day, if you look around the world the U.K. and Western Europe falls in the lowest categories of having public holidays and it is interesting, curiously looking at work satisfaction and mental health we are equally also at the lowest. As we evolve society, there is a balance to be had, as Deputy Morel has quite rightly also pointed out. We have to make the economic balances check, but at the end of the day we are a changing world that needs to embrace its identity. I say that, because when we did the consultation for Liberation Day, we invited young people to join elder people and members of society who have a passion for Liberation Day. They bravely stood up, these young people and they are not just everyday kids. There were head girls from some of our most esteemed schools and they said: "We have spoken to our friends. We thought Liberation Day was in April." That is what they said. That is in all the work we have been doing over the last year of the work we need to do to get the point across of why we have a day off on 9th Jan ... 9th May. **[Laughter]** It has been a long day. But the point is and I do not want it to be lost in that slight humorous slip up of mine, which I am prone to do... but the point is, we have had a public holiday to mark one of the most important days of our history, our Liberation Day, our national day. However, in the eyes of some people that do not understand it, where some young people did not even realise there was a public holiday on 9th May. That is why we are working so hard on this milestone to bring together the generations, because those people will no longer be with us in the 100th celebration. If we lose this opportunity to connect this Island together, it could be lost for ever. Just by having a public holiday does not mean Liberation Day is remembered, so we have to do something to embrace our culture. This is a brave step. There is nothing stopping any one of us from bringing a Proposition for any day. There are many. I think of America and Martin Luther King Day and there are many others across the world. We have to vote with our conscience,

but I just wanted to raise all those points of the day we had. I will be interested to hear what the Deputy makes of the summing up before I make my decision.

**The Bailiff:**

Does any other Member wish to speak on the Proposition? I will close the debate and call on Deputy Tadier to respond.

**9.1.22 Deputy M. Tadier:**

I am particularly pleased to follow the last speaker, because Deputy Pamplin has put a lot of time and effort and he has put all his energy and his heart into this year's Liberation Day festivities, which incidentally are not just about what happens on Liberation Day itself. It is all about the build-up and it goes on right to the end of the year with some really exciting events that have been planned throughout the year, not just celebrating that one day, but celebrating Jersey in the wider sense and, very much, this is exactly what I am trying to do with this Proposition. Yes, I have brought it as an individual, as a backbencher in a sense and yes, I am an Assistant Minister for Culture. The Assembly will know that, sometimes, you cannot always get the buy-in necessarily from colleagues, but once you have a vision and you know exactly what direction you want to pursue and take something in, it is right that you come to the Assembly and say this is a decision for us to make, this is an important day in our history that I have identified, but it is not the work I have done primarily. This builds on people who have gone before me, people who are not States Members, historians, academics, people who have studied Jersey culture and value it, who have worked closely with other States Members to come to a point where previous States Assemblies have said this is an important day. That does not mean that if another States Member, a Minister or backbencher wants to come forward and say: "I think the time when Debussy came to Jersey in 1904 and composed." I did not know that until a couple of weeks ago. Is Jersey not a remarkable place for things that happened here, that Debussy composed one of his pieces of music in that hotel over there? If you want to make that a bank holiday, do so by all means. You would be forgiven for thinking, by the way some people have spoken, that I want to commemorate the visits of Marx and Engels to the Trafalgar in St. Aubin's, which I suspect does need at least a plaque. Although their philosophy and ideas may not be in keeping with the vast majority in Jersey, they were definitely big players on the world stage and there are people, for example, who would come to Jersey to see the likes of that history in the same way they would like to do a tour about Debussy, or in the same way they would like to come to Jersey and learn about Claude Cahun and Marcel Moore, 2 very influential and very *avant-garde* women, who were here during the war, whose history was not just tied into their love of arts and culture and the fact that they were radical feminists and lesbians at the time, but they were being persecuted and fleeing from Germany. All those things should, of course, be supported and if somebody wants to bring a Proposition to commemorate those, possibly even with a one-off bank holiday, I would certainly give them my support. The truth is, I do not think we can put this day on the map and make it an important day, which I think is what the previous speaker, Deputy Pamplin, was saying, because you need some momentum. I think there is some momentum being created but still, if we get it with Liberation Day, people say: "I have never heard of that day", we say: "Of course you have not heard of this day. There is nothing special about the day". I would like to point out we are very quick to talk about money - and I was always taught from a young age, whether it was by my parents, at school, or in church - that money is a good servant, but a bad master. I was also taught the well-known adage from Oscar Wilde, that a cynic is somebody who knows the cost of everything, but the value of nothing. I would ask, who creates the economy? The economy is a very abstract thing, but the economy is very real and it is built on the back of people working, people giving up their time, often working for an employer, or possibly for themselves and they create wealth and that wealth is then distributed. What I am trying to do with this day is say there is enough division in our Island, there is enough division in the world generally and some of that is unavoidable and inescapable. There are very real differences economically and socially, which we have to engage on and that is all part of

the political process. But we do not need to manufacture other divisions that should not be there. Deputy Labey (sic) [Deputy of Grouville] and myself have a big piece of work here that should be shared by the likes of Senator Gorst in his External Relations portfolio. It should be shared by all of us, with what we are trying to do: Economic Development, Sport, Tourism and Culture at the very end. It used to be Education and I will come to that in a moment. There is a global vision here and yes, it does mean there will be a bank holiday, a day off, when people will not have to work, which is what we do normally most years. The way some were speaking, it is as if the bank holiday would be an inconvenience for people. We do not want to give people a bank holiday, because they might have to arrange child care. But the schools would be off as well and I would anticipate and my vision is there will be something out there, in the Royal Square. There will be something in Trinity and I am glad the Constable of Trinity spoke, because this was an uprising of people from the countryside, who had had enough. There was that religious link there as well. Did I recall that Tom Gruchy and the Rector of Trinity marched down to the Royal Square? How bad must things have been for people in Trinity, in 1768, to take their pitchforks and come down to the Royal Square, storm the Royal Court Chamber, which then would have been us – except, of course, it was not us - and say we want change. It was not a bloody revolution. It could quite easily have been a bloody revolution. Those pitchforks could have ended up somewhere more sinister. **[Laughter]** The contents and the people, who were then proven to be corrupt and not acting in the best interests of Islanders, the hard-working Islanders, could have been dragged out into the Royal Square. They could have been disposed of, in one way, or another, but the historians tell us it was very much a peaceful uprising. The court was probably a bit stunned and they let the protesters take over and effectively have their first citizens' assembly and they did not need to have all these quotas either. They were mostly men from Trinity and other people joined, on the way down. The point I wanted to make is when we did the first celebration last year, on Saturday, people gave up their time freely. We had to ask musicians and speakers to come down to the Royal Square and play for free on a Saturday, which is traditionally their day off or, in fact, it is probably the day they are gigging later on in the evening for some of them. They were not paid and they did not say: "Time is money. Are you going to harm the economy by asking us to play for little?" The good thing about this ... the Constables and I will sometimes have our disagreements, but they see the value of their communities and the people around them and I would sincerely ask for buy-in from all Members of this Assembly, even those who have spoken against, because there is no shame in getting up to make a speech on a point of principle being swayed by the debate. I have done that many times myself. Lastly, I am grateful to Senator Gorst for at least being honest in what he sees as being true, but he is way off the mark. This is not to create a Reform Jersey Day bank holiday. What the Proposition expressly does, is say that it used to be called Reform Day and I addressed this in my opening speech. It used to be called Reform Day in 2013 - or even before that - at a time before Reform Jersey, as a party, already existed. We have no control over who else might want to use the word "reform" for a day, or for their own parties and the 2 might have nothing to do with each other. What this Proposition does is to say... I want to be absolutely sure that nobody can say this is being used for political capital - so in the future, when this is taught in schools and that will be my last point, is to say this day is very much the corn riots, because it is exactly what it says on the tin. There was a riot, the corn prices had been fixed, corn was being exported, there was basically a big fiddle going on and people said enough is enough and they took democracy into their own hands. I would ask Deputy Maçon why is this not already on the citizenship programme? It should already be in there. It seems *incontournable*, as they would say in French, unavoidable, but if you are going to teach about Jersey's culture and history, you would have to teach about 1066, you have to teach about 1204, you have to teach about the Battle of Jersey and you have to teach about the progression and separation between the Royal Court and the events that led to that. That should already be on the citizenship programme and, what I am asking here, is for us as an Assembly to agree that it should be part of the citizenship programme. If the teachers do not want to agree that, then I think that might be a bit strange. I am not asking for the teachers to agree that. I am asking that we, as the States, agree that it should be on the citizenship programme. The Royal

Court could take offence and say: “You are telling the Royal Court that it has to have an open day”. But I think we understand that we can decide things as an Assembly and usually people have a sensible and pragmatic way forward. I make the Proposition. I ask Members to genuinely consider supporting this and perhaps I should address the cost issue, even though I said that was going to be my last point.

[16:30]

Let me refer Members to the bank holiday that was decided only a few months ago. Deputy Morel is quite at liberty to make the very forceful points that he does. He did not do that on V.E. Day. It is exactly the same principle. There is a bank holiday being asked for as a one-off, except V.E. Day is an additional holiday, because Liberation Day is to make up for Liberation Day. What do the comments of that Proposition say in the financial and manpower implications? It says: “In order to incorporate Victory in Europe celebrations into the Liberation Day, as part of a weekend of commemorations, additional costs will arise.” Pretty vague; additional costs will arise. “These initially are estimated at £50,000 to £100,000 and this would depend on the decisions of the overall approach of the weekend.” But there is no talk about the general costs to the public purse about the usual £1.5 million, so it seems that when the Council of Ministers want to lodge a Proposition, the Chief Minister, in fact, did it in his own name. When the Chief Minister wants to lodge a Proposition to give an extra bank holiday, at relatively short notice, he does not have to give a figure and he can say the events we might put on additionally are going to cost £50,000 to £100,000. When a backbencher does it, he or she is expected to give the official figure and I am still waiting on the Treasury figures, because the notional cost is very much that. Bank transactions will not stop happening. They will just happen the next day. If you pay a cheque into the bank for £200, it does not mean your £200 vanishes from the economy. You just wait an extra day for it to be cashed in. It is similar with international transfers and all those things. I can understand that certain Members feel duty bound to make comments about financial loss, *et cetera*, but this is not rocket science. Bank holidays have existed for a very long time. We know how they work and this will very much create the momentum and keep the momentum for what I want to do and what I think we all want to do is to put a new event on the calendar. I ask for the *appel* and I ask for it to be taken *en bloc*.

**Deputy J.M. Maçon:**

Am I able to clarify what I said in my speech from what Deputy Tadier has commented?

**Deputy M. Tadier:**

I do not think anyone has asked the Deputy for clarification.

**The Bailiff:**

You can clarify a point if it has been referred to by Deputy Tadier that you made in your speech.

**Deputy J.M. Maçon:**

I spoke about where this is taught in the curriculum. Deputy Tadier asked why it was not in the citizenship curriculum and I said during my speech it was in other places in the curriculum, for example, the history curriculum. When Deputy Tadier asked me why is it not taught here, it is because it is taught in other places.

**The Bailiff:**

The Deputy calls for the *appel* and the vote is *en bloc*, so I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 25</b>		<b>CONTRE: 17</b>		<b>ABSTAIN: 0</b>
Senator J.A.N. Le Fondré		Senator I.J. Gorst		
Senator S.W. Pallett		Senator L.J. Farnham		

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

**The Bailiff:**

That concludes Public Business. I invite the Chairman of—

**Deputy K.C. Lewis:**

May I clarify some questions from this morning?

**The Bailiff:**

No. [Laughter]

**Deputy K.C. Lewis:**

I got the answer, Sir.

**The Bailiff:**

That would be entirely adding a section to the Order Paper that we do not have. Public Business is concluded and I invite the Chairman of P.P.C. to propose the arrangements for public business for the future.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

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

Senator Gorst and I would like to take the 2 electoral reform Propositions on the 10th March sitting. Other than that, there are no changes to the arrangement for public business on the Order Paper and I propose it.

**The Bailiff:**

Do Members agree to take the business as proposed by the Chairman?

**10.1 Connétable L. Norman of St. Clement:**

I am sure Members will not have any problem with the Chairman's proposal, but we do realise we have the Sustainable Transport Policy that sitting and also priorities for the next Island Plan. I wonder how many weeks the Chairman thinks we need to sit that week.

**10.2 Deputy J.H. Young:**

I was not aware of this. I can understand the move of the electoral reform to 10th March, but dealing with the Island Plan on the same sitting does seem to be pretty ambitious. I am not sure Members will be in the right mood after that, so I think I would like to move the Island Plan to the 24th.

**The Bailiff:**

The proposal appears to be moving the Island Plan debate to the 24th, moving the electoral reform to 10th March and otherwise taking the Order Paper as set out. Is that correct, Deputy?

**10.3 Deputy R. Labey:**

I am very happy with that. The point about the in-Committee debate is that it can be time limited, so we can set a time for it. It does not have to last all day. But if that is the preference of the Minister, it is absolutely fine with me.

**The Bailiff:**

Do Members agree that we take the States business as now proposed? Very well, thank you very much. The Assembly stands adjourned until Tuesday, 25th February.

**ADJOURNMENT**

[16:35]