

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 1st MARCH 2022

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Bailiff:**

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

The first thing I do of course this morning is, with enormous pleasure, to welcome His Excellency the Lieutenant Governor to the Chamber. **[Approbation]** Not virtually but virtuously I am sure. And express the view that it is a great pleasure to see so many Members now back physically and participating in the way that this Chamber was designed to facilitate. That is good news indeed. **[Approbation]**

#### **1.2 Liberation Day**

One or 2 very brief announcements. We are issuing a formal notice today but we are anticipating a Liberation Day this year in accordance with the usual traditional way, as attained in 2019, with the usual celebrations taking place in Liberation Square. More details will be provided later on. **[Approbation]**

#### **1.3 Vigil for Ukraine**

There will be a vigil at 6.00 p.m. on Friday evening to enable Islanders to show their solidarity and support for the people in the Ukraine in these circumstances and, if Members wish to attend, of course that would be my way of bringing this to Members' attention.

#### **1.4 Tribute to former Connétable of St. Mary, Edwin Le Gresley Godel**

I must advise Members of the news that the former Connétable of St. Mary, Edwin Le Gresley Godel, has passed away. Edwin Godel was elected Connétable of that Parish in 1984, having previously served as a Constable's officer, Vingtenier and Centenier in the same Parish. He was returned unopposed at each of the elections that he faced and he retired from the States in August 2000, having served his Parish tirelessly for a number of decades. He served on a substantial number of committees in the Assembly during his time including the Overseas Aid Committee, the Tourism Committee, the Public Services Committee, the Education Committee and, for one term apiece, the Housing and Resources Recoveries Committees. For both the 1993 and 1996 terms he was appointed president of the Etat Civil Committee in which capacity he oversaw the arrangements for the census in the Island. He also served on working parties to progress legislation through the Assembly and in February 2000 he was appointed as chairman of Comité des Connétables. Prepared always to offer his views in an open and forthright way he made submissions to the Clothier Review panel in 2000 and in 2017, following the Assembly's adoption of the Jèrriais plan, it is notable perhaps that he took part in a community project aimed at recording native Jèrriais speakers an opportunity to talk in the Island's native language and provide testament not only about his time in public office but also about his life in Jersey. Our thoughts at this time are with his family and I ask Members to stand for a minute's silence in his memory. **[Silence]** May he rest in peace.

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

I wonder if you could just give guidance on whether we need to remain seated and have our cameras on for a broadcast or whether we should revert to normal standing? That was the initial question. The secondary question is that I am due to be making a statement after questions without notice. I realise I have a question from Deputy Higgins, I will take that in the normal order but I wonder whether it would be to Members' interests for me to take the statement directly after lodged oral questions, so that Members can follow up relevant issues with the Minister for International



Development and the Deputy Chief Minister standing in for the Chief Minister, should they wish? Alternatively I can just stick with the timetable.

### **The Bailiff:**

On the first point, thank you, Senator, we are back in the Assembly, with some exceptions, and therefore we should function as always as if we are in a physical meeting of the Assembly and therefore Members should stand for the purposes of speaking and all of the normal Standing Orders apply. In terms of the second question, that is of course a matter for the Assembly. I can, with the ability to look at everybody, test the mood of the Assembly as to whether we move the Senator's statement to immediately before questions without notice, immediately after questions with notice. There does not appear to be any material concern about that therefore we will make that adjustment, thank you very much, Senator.

[9:45]

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 Connétable of St. Ouen of the Minister for the Environment regarding the Coastal National Park (WQ.47/2022)**

##### **Question**

“In light of the references in the [Jersey Coastal National Park Boundary Review January 2021](#) to the adverse impact of developments on, or near, the coastline on the Coastal National Park, will the Minister provide a list of the developments, if any, which (pursuant to planning decisions made under the 2011 Island Plan policies) are considered to have had an adverse effect on the character of the existing Coastal National Park in terms of location, design and/or scale?”

##### **Answer**

The draft bridging Island Plan makes it clear that the primary purpose of the proposed extension of the Coastal National Park is to afford the highest level of protection from development to the landscape and seascape character of this area. This is based on the outstanding value of that character – as assessed by the Integrated Landscape and Seascape Character Assessment – and the fact that it is sensitive to the impact of development.

It is interesting to note that the proposed extension of the CNP, as a planning policy tool to protect the island's best landscapes and seascapes, has been supported by independent planning inspectors, who consider *‘the new boundaries to be based on sound evidence and to be appropriately drawn... backed up by a very considerable amount of field evidence’*.

In responding to the Connétable's question, I have sought to provide some examples of development proposals, considered under the Island Plan since 2011, to demonstrate some of the development pressures and challenges, that have implications for the island's landscape and seascape character.

The development proposals cited are drawn from a range of contexts, including built-up area; green zone; and existing Coastal National Park; and include examples of development proposals that have been both approved and refused planning permission. Their purpose is to demonstrate the type of change proposed throughout the island which has the potential to harm the landscape and seascape character of the island's most intact and valuable coast and countryside, as identified by the Coastal National Park Boundary Review.

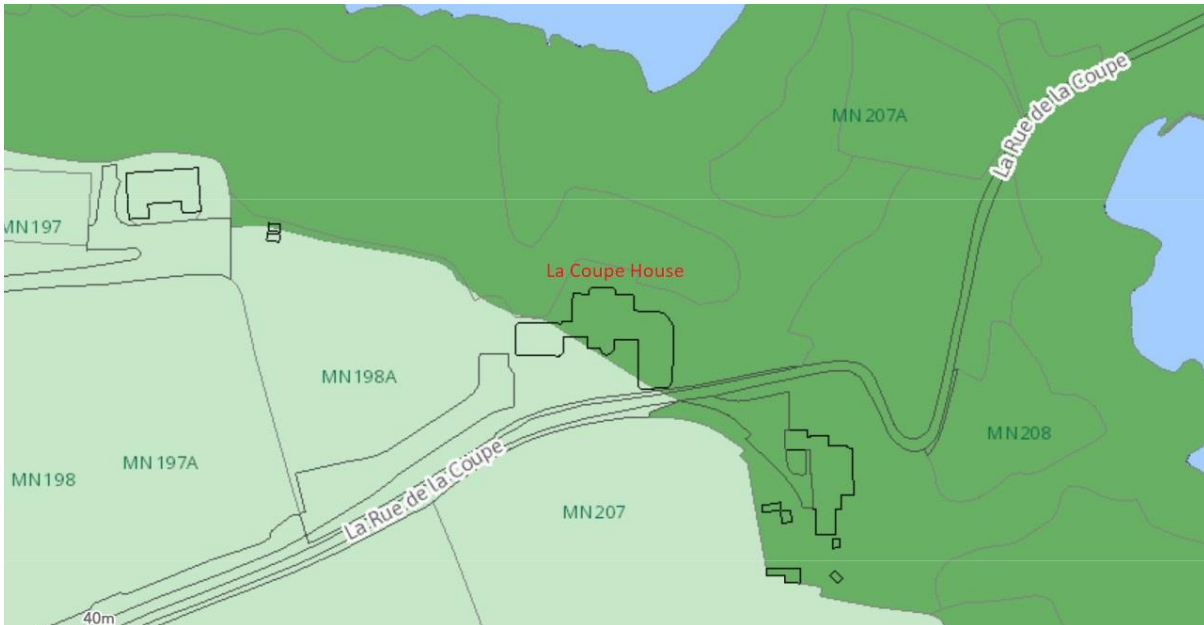
Details of these examples are set out at appendix 1.

## Appendix 1

### La Coupe House, Rue de la Coupe, St Martin

#### Planning zone

- **2011 Island Plan:** part of the site is within the CNP; part of the site is in the green zone
- **Draft bridging Island Plan:** proposed Coastal National Park



Extract from current Island Plan proposals map

#### Planning history

Part of this site currently sits in the Coastal National Park, and part sits in the green zone, representing the issue of the current narrow definition of the coastal landscape based on topographical definitions.

The redevelopment of this site dates back to 1995 with planning permission granted in 2004, to demolish the existing dwelling and construct a new significantly larger dwelling, of some 1,650 sq.m., in a very prominent and sensitive coastal location. The original redevelopment of the dwelling, to permit a much larger house; and the subsequent proliferation of other development proposals in association with the original dwelling, serves to erode landscape and seascape character.

The site, and adjacent, has continued to be subject to development proposals, of both a major and minor nature, under the 2011 Island Plan, as follows:

- P/2021/1228: Construct stable block to contain 2 no. stables and 2 no. store rooms to South-West corner of Field No. MN198.

#### **Pending**

- P/2021/1061: Construct single storey enclosable rooftop pergola to centre of site.

#### **Refused**

- P/2021/0736: Remove 1 no. first floor window and install 2 no. first floor windows.  
AMENDED DESCRIPTION: Install 2 no. first floor windows and enlarge 1 no. windows.

#### **Approved**

- P/2020/1669: Construct ground floor extension to south elevation. Various alterations to ground floor fenestration.

#### **Approved**

- P/2016/0796: Create new vehicular access onto La Rue de la Coupe. Construct wall to South of driveway.

**Approved**

- P/2015/0762: Construct single storey extension to West elevation. Demolition of stables, removal of sand school, new landscaping including creation of a natural pond. Application re-advertised so as to include driveway parallel to approved ramped access.

**Approved**

- P/2014/1061: Convert stables to staff and guest accommodation.

**Refused**

- P/2013/1856: Retain existing driveway on a permanent basis and create separate section of driveway parallel to existing approved ramp.

**Withdrawn**

- RP/2012/1616: La Coupe House & Field No. 198A - Create drive and service access to property with associated landscaping. Install underground LPG tank. REVISED PLANS: Relocate approved entrance to new proposed location, to include parking and turning areas.

**Approved**

- P/2012/0490: Fields 197A, 198 & 198A, La Coupe House: Retain and extend temporary driveway on Southern side of fields 197A, 198 and 198A to form driveway and parking area for La Coupe House. Close approved access to South of house and landscape. REQUEST FOR RECONSIDERATION of refusal of planning permission.

Refused

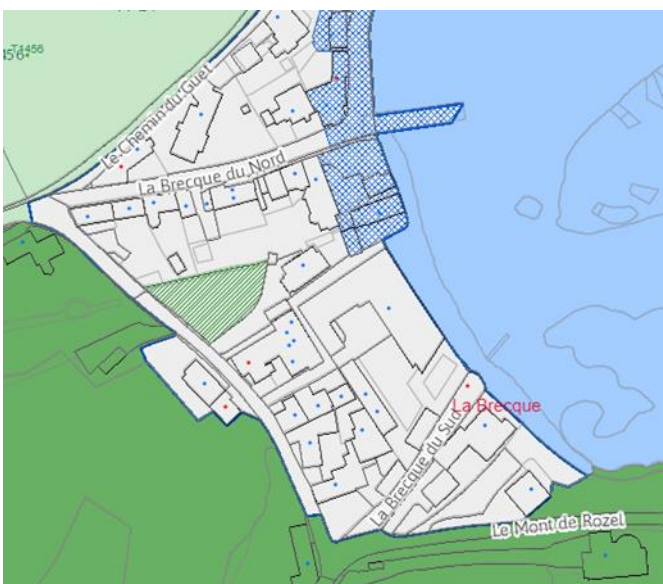
- RC/2011/1224: Vary condition 2 to allow private sewage treatment works instead of approved tight tank from permit P/2004/0877.

**Approved**

**La Brecque, Le Mont de Rozel, St. Martin**

**Planning zone**

- **2011 Island Plan:** built-up area
- **Draft bridging Island Plan:** proposed Coastal National Park



Extract from current Island Plan proposals map

## Planning history

This case involves the remodelling of a bungalow in the historic harbour of Rozel. The site lies within the built-up area, as defined in the current Island Plan, but the proposed redevelopment was considered, by the Minister for the Environment, to adversely affect the landscape context of the harbour, and planning permission was refused on appeal, contrary to the recommendations of the planning inspector.

P/2019/1138: Demolish extension and construct new extension with terrace above to North-East elevation and to South-West elevation. Raise roof to extend first floor. Convert part of existing garage to form additional habitable accommodation and construct extension to North-West elevation. REVIEW REQUEST of the refusal of planning permission.

### **First party appeal dismissed against inspector recommendation. Refused.**

The Minister disagreed strongly with the inspector's assessment and believed the wider context of Rozel Harbour as part of the distinctive coastal landscape should have been considered. In the absence of tighter zoning, GD1 /GD7 were used primarily as the reasons for refusal.

The Minister allowed the appeal in part in respect of the potential impact of the proposals on the reasonable amenity of neighbouring residents but dismissed the appeal, in the main, and refused to grant planning permission, reference P/2019/1138, for the following reasons: -

*1. The submitted plans fail to demonstrate the degree to which the design, materials and finishes reflect or complement the style and traditions of local buildings. Accordingly, the proposals do not attain the high standard of design required and are, therefore, contrary to policies SP7, GD1 and GD7 of the Adopted Island Plan 2011 (Revised 2014).*

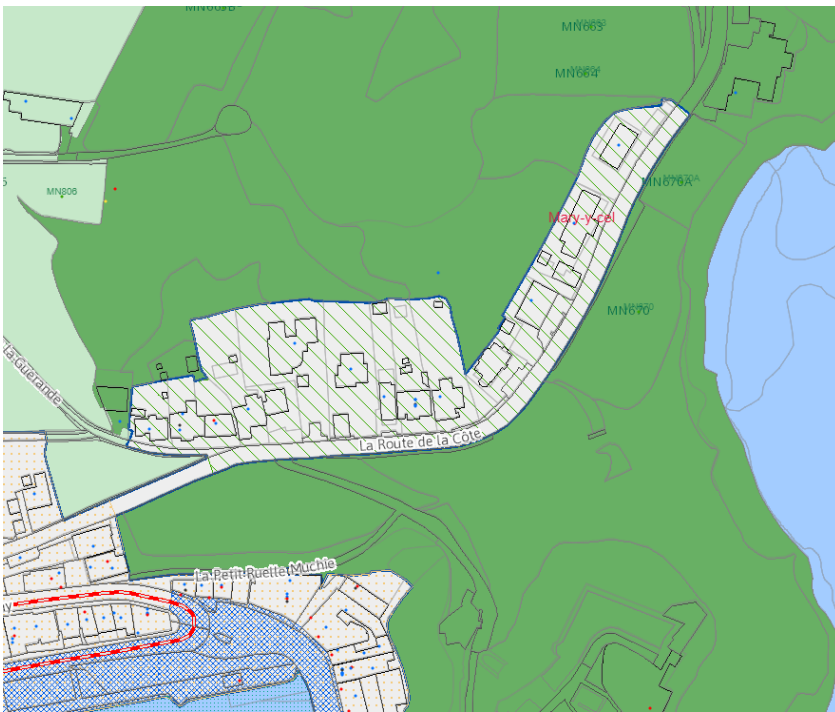
*2. The bulk and massing of the remodelled dwelling creates a flat fronted two storey dwelling, incorporating a large flat roofed expanse, which fails to respond to the strong vernacular context of this settlement and neither preserves nor enhances the setting of the Grade 1 Listed Rozel Harbour, Grade 3 Apple Cottage or Grade 3 Listed Rozel Barracks.*

*The development is thereby contrary to policies SP4, HE1, GD7 and BE6 of the Adopted Island Plan 2011 (Revised 2014).*

**Mar-y-cel, La Route de la Cote, St. Martin**

## Planning zone

- **2011 Island Plan:** built-up area
- **Draft bridging Island Plan:** proposed Coastal National Park



Extract from current Island Plan proposals map

### Planning history

P/2016/1040 - Demolish existing dwelling and construct 1 No. four bed dwelling. Alter vehicular access onto La Route de la Cote. **Approved.**

This site, and a number of others along this section of La Route de la Cote that is currently defined as part of the built-up area, have been redeveloped (permission having been granted during the current plan period) to provide a series of larger, and more visually prominent, homes in what is a sensitive landscape and seascape context; and also within the setting of the grade 1 listed Mont Orgueil Castle.

It is proposed to redefine this area as part of the proposed CNP extension, to provide greater policy protection to the whole of the escarpment (Mont St Nicolas), opposite the castle

**Seymour Farm, Le Mont Mallet, St. Martin**

### Planning zone

- **2011 Island Plan:** green zone
- **Draft bridging Island Plan:** proposed Coastal National Park



Extract from current Island Plan proposals map

### Planning history

This site sits in a group of buildings in a very prominent position in the landscape, currently located in the green zone.

The planning history of this site demonstrates the evolution of what was a proposal for conversion, into one involving demolition and replacement, with subsequent proposals for other external development proposals, all of which represents a form of ‘development creep’ which cumulatively has the potential to adversely affect landscape character in a sensitive location.

It is proposed to redefine this area as part of the proposed CNP extension, to provide greater policy protection to such sensitive locations sitting atop escarpments where they form part of the skyline, where inappropriate development has the potential to introduce damaging elements, including lighting, as identified in the ILSCA, which has helped to inform the review of the CNP boundary.

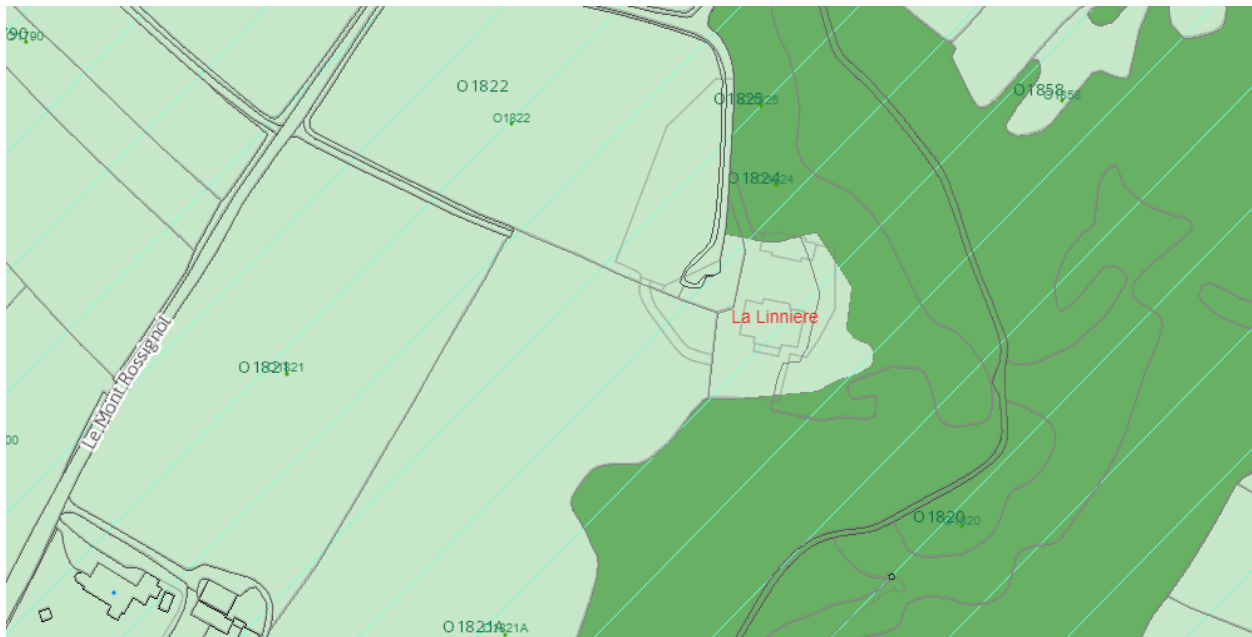
- RP/2020/1359: REVISED PLANS to P/2018/1225 (Demolish existing buildings. Construct 1 No. five bed dwelling, swimming pool, garage, workshop and associated landscaping. Change of use from agricultural land to residential use in connection with Seymour Farm. 3D Model available): Revision to include new portico: **Approved**
- P/2019/1595: Install 1 No. electrical cupboard to South-West of site. **Approved**
- RP/2019/0173: Construct 1 No. five bed dwelling, garage, workshop and associated landscaping. Change of use from agricultural land to residential use in connection with Seymour Farm): Omit basement store. Enlarge ground floor area to North-West elevation: **Approved**
- P/2018/1225 - Demolish existing buildings. Construct 1 No. five bed dwelling, swimming pool, garage, workshop and associated landscaping. Change of use from agricultural land to residential use in connection with Seymour Farm. **Approved.**
- PA/2018/0802 - Demolish existing buildings and construct 1 No. dwelling.
- P/2018/0376 - Convert naval barrack cottages, demolish extension and construct extension to East elevation to form 1 No. three bed residential dwelling. Convert gate house to form 1 No. one bed residential dwelling. Various external alterations to both properties to include replace windows and roof. **Approved.**

- PA/2016/1916 - Redevelop the buildings into domestic accommodation.

**La Linière, Le Mont Rossignol, St. Ouen**

### Planning zone

- **2011 Island Plan:** green zone



- **Draft bridging Island Plan:** proposed Coastal National Park

Extract from current Island Plan proposals map

### Planning history

This site sits atop the escarpment in a prominent position in the landscape, located in the green zone overlooking Val de la Mare Reservoir and the wooded valley below. The planning history slightly pre-dates the current 2011 Island Plan but there have been further planning applications within the life of the current plan which demonstrates an incremental approach toward development. The prominent location of the site and visual sensitivity within the surrounding landscape is part of the reason that the CNP needs to extend further into the GZ to provide greater protection.

- RP/2020/0248 - REVISED PLANS to P/2009/1710, RP/2010/1298 and RP/2019/1245 (Demolish existing dwelling and outbuilding. Construct new dwelling): Construct extension to East elevation. Create store in approved basement lightwell to East elevation. Revise landscaping to suit  
**Approved**
- RP/2017/0701 - REVISED PLANS to RP/2016/1384 (Construct detached garage and store. Construct extension to West of and basement below garage. Construct underground service tunnel to main house): Install 3no rooflights to North elevation, insert 2no windows at ground floor level to North elevation and install plant and timber enclosure to eastern wing of garage  
**Approved**
- P/2015/1483 - Extend basement to South elevation. Various external alterations including 2 No. dormers to West and East elevations  
**Approved**

- P/2014/0796 - Construct detached garage and store  
**Approved**
- P/2013/0657 - Construct garage and store. REQUEST FOR RECONSIDERATION of refusal of planning permission.  
**Refused**
- RP/2010/1298 - Demolish existing dwelling and outbuilding. Construct new dwelling.  
REVISED PLANS: Create basement  
**Approved**
- P/2009/1710 - Demolish existing dwelling and outbuilding. Construct new dwelling.  
**Approved**

**Zeelandia, Le Mont a la Brune, St. Peter**

### Planning zone

- **2011 Island Plan:** green zone
- **Draft bridging Island Plan:** green zone (proposed Coastal National Park to extend to the western edge of Le Mont Fondan, which adjoins the site, and may be construed to be within the setting of the CNP)



Extract from current Island Plan proposals map

### Planning history

This site sits atop the escarpment in a prominent position in the landscape, located in the green zone. Its planning history gives evidence of ‘development creep’ and the suburbanisation of the countryside.

- P/2020/1300 - RETROSPECTIVE: Construct shed and install fence to South of site.  
**Approved**
- P/2020/0897 -:RETROSPECTIVE: Install fence to southern boundary wall.  
**Refused**
- P/2019/0507 - Demolish existing stores and construct 2 No. garages to West of site. **Approved**



- RM/2015/0866 - Reserved Matter (Landscaping) for PP/2014/1794: Demolish existing dwelling. Construct 2 No. apartments and 2 No. dwellings  
**Approved**
- PP/2014/1794 - Demolish existing dwelling. Construct 2 No. apartments and 2 No. dwellings.  
**Approved**

**Gorselands, La Route de la Villaise, St. Ouen**

### Planning zone

- **2011 Island Plan:** green zone
- **Draft bridging Island Plan:** green zone (proposed Coastal National Park to extend to the southern edge of La Route de la Villaise, which adjoins the site, and may be construed to be within the setting of the CNP for future planning applications).



Extract from current Island Plan proposals map

### Planning history

This site sits atop the escarpment in a prominent position in the landscape, located in the green zone. Its planning history gives evidence of ‘development creep’ and the suburbanisation of the countryside, where the impact of such development on the character of the countryside may warrant greater consideration.

- P/2021/0882 - Construct double garage and bin store to North-West of site. Alter vehicular access onto La Route de la Villaise.  
**Approved.**
- P/2019/1291 - Demolish existing dwelling and construct new 1 No. five bed dwelling with associated parking, landscaping, alterations to field landscaping and roadside wall. **Approved**
- PA/2019/0479 - Redevelopment of site for residential purpose.
- PA/2018/1640 - Demolish existing dwelling and replace with new dwelling.

## Chateaubriand, La Rue de Guillaume et D'Anneville, St. Martin

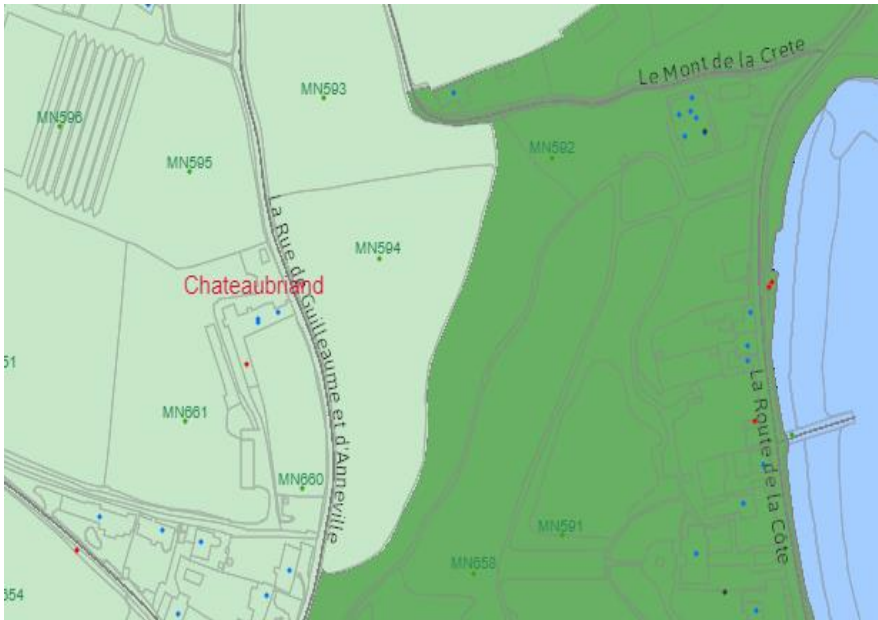
### Planning zone

- **2011 Island Plan:** green zone
- **Draft bridging Island Plan:** proposed Coastal National Park

Extract from current Island Plan proposals map

### Planning history

P/2019/1256: Install tennis court and associated fence.



This case involves a minor form of development with the potential to harm landscape character and represents the type of minor development which can, cumulatively, serve to erode the character of the countryside. It was not found to cause 'serious harm' to landscape character under current policy tests; and was primarily refused on siting and design grounds under the current policy regime in the green zone. It is proposed that this area is embraced by the extended Coastal National Park.

### First party appeal dismissed. Refused

#### Comments from inspector's report:

*Criterion b) requires the proposal to be 'well sited and designed, relative to other buildings, the context, size, material, colour and form'. Whilst the design of the development is, in isolation, inoffensive and neat, the siting and context raise tensions with the policy approach to development in the Green Zone. This part of Policy NE 7 does not use the word 'curtilage', but it is reasonable to assume that a development within a curtilage is more likely to be deemed 'well sited' than one that sits outside. In my view, the development would not be well sited in relation to the 'other buildings' or to its 'context'.*

*The house and farm buildings form a very distinct and defined zone and Field MN661 to the west and north-west is quite different in character, being open and undeveloped. Irrespective of its lack of use for agricultural purposes, the field nonetheless forms part of the open countryside and contributes to its landscape character. The development of the court, being notably separated and distant from the residential building, would appear as an intrusion into the openness and undeveloped character of the field.*

*Whilst in time the beech hedging would ameliorate some of its visual presence, it would nonetheless introduce a man-made development of a large artificial surface and fencing that would denude, and*

have a suburbanising effect on, a currently undeveloped part of the Green Zone. I assess that criterion b) is not satisfied.

Criterion c) requires that the development does not 'seriously harm landscape character'. The proposal would cause some harm to the landscape character, but this would be localised and limited in scale. In essence, a rectangle of open field would be replaced with a synthetic surface enclosed by fencing, thereby lessening the contribution it makes to the surrounding rural landscape. I assess that, whilst there would be some harm to the landscape character, it would be limited and would not pass the 'serious' threshold. I consider that criterion c) is therefore satisfied.



The refusal reason also objects to the proposal under Policy ERE 1, which presumes against the permanent loss of good agricultural land. Although Policy ERE 1 has some overlap with Policy NE 7, given the circumstances in this case, I regard the primary objective of Policy ERE 1 to be of limited relevance in this case. This is because the land is not currently in agricultural use and there is no obligation on the owners to use it for that purpose. The greater policy tension in this case is the conflict with the Green Zone Policy NE 7, which has a much wider objective than simply protecting agricultural land and extends to supporting the spatial strategy and protecting the quality and distinctiveness of the countryside and its landscape character.

**Longueville Hall** (former Trident Nursery site), La Rue de la Retraite, St. Saviour

### Planning zone

- **2011 Island Plan:** green zone
- **Draft bridging Island Plan:** green zone

Extract from current Island Plan proposals map

### Planning history

PP/2010/0411: Demolish glasshouses, staff accommodation and associated sheds. Construct 1 No. dwelling. Restore part of site for agricultural use. **Approved**

RM/2013/1269: RESERVED MATTERS for PP/2010/0144 for the demolition of glasshouses, staff accommodation and associated sheds. Construct new dwelling. Restore part of site for agricultural use.

**Approved**

This example is cited, not to discuss the principle of the proposal, which involved the replacement of former glasshouses with new development in order to clear the glass and associated structures – albeit

that the proposals does result in the provision of a significantly large ten-bedroom dwelling in the middle of the countryside - but rather to highlight the impact of the introduction of formalised boundaries and formal large gated entrances which serve to urbanise the countryside and incongruous relative to its rural character.

Whilst this example sits within the green zone and is proposed to remain so in the draft bridging Island Plan, the principle of seeking to better manage the impact of the development of boundary treatments and entrances is an issue that is highlighted as a challenge that needs to be addressed in the Integrated Landscape and Seascape Character Assessment (ILSCA), if the island's distinctive landscape character types are to be maintained.

La Hougue House, Fields G836 & G838, La Hougue, Grouville (RP/2018/0976) also provide another example of this form of development and similar inappropriate impact, relative to countryside character.

### **La Fontaine, La Route de la Pulente, St. Brelade**

#### **Planning zone**

- **2011 Island Plan:** Coastal National Park
- **Draft bridging Island Plan:** proposed Coastal National Park



Extract from current Island Plan proposals map

#### **Planning history**

This case involves the redevelopment of existing relatively modest structures within the existing Coastal National Park. The proposal was resisted, on appeal, but serves to demonstrate the nature of development proposals around the coast; their potential impact on landscape character; and the need for and effectiveness of CNP policy as a material consideration in areas of high landscape sensitivity.

P/2018/1569: Demolish existing site structures. Construct 2 No. three bed units of tourist accommodation and 1 No. four bed dwelling with associated parking and landscaping. Alter vehicular access onto La Route de la Pulente. 3D model available. AMENDEE PLANS: Reduce scale of both new buildings. Alter vehicular access.

**First party appeal dismissed. Refused**

#### **Comments from inspector's report**

*In this specific regard, there is no doubt in my mind that the proposed development is in direct conflict with land use planning policy requirements in respect of the Coastal National Park.*

*The proposal would not only result in a new dwelling that would be larger in respect of gross floorspace, thus failing to comply with Policy NE6, but in addition, the proposed dwelling would have a larger building footprint and due to being considerably taller than the building it is proposed to replace, it would also have a greater visual impact.*

*I am also of the view that the presence of very large-glazed windows and doors connecting to a balcony at first floor level would add to the visual impact of the proposed dwelling, not least during the evening when it would be expected for these windows – which would serve the main living area of the dwelling – may be lit up.*

*I note earlier in this Report that the existing buildings, whilst not attractive, are modest in scale and do not draw attention to themselves. The proposed dwelling would have a significantly greater visual impact than the building it would replace.*

*Island Plan Policy NE6 sets an extremely high hurdle for new development. This is entirely purposeful – simply, the Coastal National Park is afforded the highest level of protection from development.*

*Taking all of the above into account, I find that the proposal would fail to comprise a form of sustainable development, having regard to the provisions of the Island Plan, including those set out in Policy NE6 (Coastal National Park).*

## **2.2 Connetable of St. Martin of the Minister for the Environment regarding the proposed extension of the Coastal National Park (WQ.48/2022)**

### **Question**

“In relation to the proposed extension of the Coastal National Park, will the Minister advise –

- (a) how many additional businesses will be included in the area; and
- (b) what consideration, if any, has been given to the impact on those existing businesses which will find themselves now part of the Park?”

### **Answer**

- (a) no data is held about the number of businesses that may be included and which currently operate within the existing Coastal National Park, or the area to be embraced by the proposed extension of it.
- (b) the draft bridging Island Plan seeks to support sustainable economic growth and productivity, where it involves development, throughout the island and provides a planning policy framework to enable this to happen.

It explicitly acknowledges that the coast and countryside – including the area proposed to be embraced by the extension of the CNP - are working environments and the development of agriculture and other employment uses that support the rural and island economy will be enabled here, where a countryside or coastal location is justified and appropriate.

The plan acknowledges that, in the rural economy, there is a need to allow for positive and sustainable diversification or change that will support the agricultural industry in achieving

greater productivity through new and evolving practices, which may require some limited forms of new development in the countryside. The plan also supports, where appropriate, the conversion of redundant traditional farm buildings, the re-use of modern agricultural buildings, the clearance of derelict glass house sites and restoration of land, equine-related uses and activities, and facilities required by the fishing and aquaculture sector.

As in the case under the current planning policy regime for both the green zone and the Coastal National Park in the Revised 2011 Island Plan, all development proposals, including those for business, around the coast and in the countryside will need to demonstrate that particular care has been taken to ensure that they can be sympathetically integrated into the locality and that they do not harm landscape character or biodiversity. The Integrated Landscape and Seascape Character Assessment provides key evidence and guidance that will be used to consider future development proposals throughout the countryside under the auspices of the new island Plan, subject to its approval.

Businesses, and their representative organisations, have been engaged as part of the development of the draft bridging Island Plan, and the Minister has given due regard to representations made, which have also been considered and reviewed by independent planning inspectors.

### **2.3 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding families on Income Support accessing food banks (WQ.49/2022)**

#### **Question**

“Will the Minister advise what action, if any, is taken to track how many families with children, who are in receipt of Income Support, are accessing food banks; and are actions undertaken to assess, or track, whether those having repayments deducted from their Income Support are at greater risk of accessing food banks?”

#### **Answer**

Food bank providers in Jersey are independent charities run by small teams of volunteers. This is different to the UK, where the largest network of food banks is run by the Trussell Trust, and a household will in most cases be referred by a third party (such as a GP or social worker) or interviewed before being given a voucher to exchange for a food parcel. In Jersey, there is no centralised voucher system or common criteria for eligibility and food parcels are available to people who request them.

The food banks operating in Jersey today are all motivated by religious beliefs and the support they provide is non-judgemental. I fully endorse the open and welcoming stance currently taken and am grateful that Jersey benefits from such a strong tradition of voluntary service.

Given the small size of the local food banks, tracking families through their use of food banks could create a barrier to their use as well as requiring significant administration from the food bank volunteers themselves. A tracking system would also require careful consideration of data protection principles.

Officers have a good working relationship with the food bank providers in Jersey. The food bank providers support the Government in gaining an understanding of the reasons for food bank use in general terms but no specific action is being considered to track individual families through their use of local food banks.

In the event that an Income Support household receives a payment in excess of its legal entitlement, a repayment schedule will be set up. Each case of overpayment is considered individually by an

officer who will set a repayment level that recognises the household's ability to repay. This process will take into account a range of factors including the household's total income and any additional costs they face.

Food bank volunteers understand the Income Support rules but do not automatically have access to individual benefit details. If a volunteer has any specific concerns about any aspect of a household's benefit entitlement, they can ask permission from the household to speak directly with officers at Customer & Local Services.

## **2.4 Connétable of St. John of the Assistant Chief Minister regarding changes to the specification of the rehabilitation ward (WQ.50/2022)**

### **Question**

“Further to his answer to [Written Question 14/2022](#), will the Minister advise –

- (a) the date of the change to the specification of the new Hospital to include a 30-bed rehabilitation Ward on the 3rd floor;
- (b) the attendees at the Clinical User Group meeting that agreed the change in approach from no dedicated resource to having such a dedicated 30-bed rehabilitation Ward;
- (c) the attendees from Health and Community Services at, and the date of, the meeting at which the change in approach from no dedicated resource to having a 30-bed rehabilitation Ward was agreed; and

will he also provide copies of any log recording such a change in approach, from no dedicated resource to having a 30-bed rehabilitation Ward?”

### **Answer**

- (a) The specification for the new hospital has not changed, in that there are 4 inpatient public wards, one of which is designated for rehabilitation with up to 30 beds available with a gym adjacent to the ward. There will be a flexible, patient and needs-centred approach to bed designation and, in addition, over the course of the hospital build it is envisaged that there will be changes in service delivery and medical practice so allocations will be finalised closer to the completion of the new hospital.
- (b) The attendees at the Ward Clinical User group did not change any approach. However, it was suggested that the patient day room be converted into a dining room / day room to help facilitate rehabilitation by enabling patients to walk out of bedrooms to a central space. These areas were therefore increased in size. This suggestion was made by an attendee at a user group and they also stated there was a requirement for a gym, which had already been provided for. There are two gyms on the same floor as the 4 public wards, accessible directly from each ward.
- (c) It is not appropriate to share the names of attendees of such groups. It is important not to stifle participation by staff, who are taking part on the understanding that their names are not publicly available. A wide range of staff are invited as representatives including doctors, nurses, physiotherapists, occupational therapists and pharmacists.

The latest Ward User Group was held on 1<sup>st</sup> November 2021. Further sessions are scheduled for February and in the spring of 2022. Ongoing staff engagement and consultation will continue until the new hospital is commissioned and fully operational.

## 2.5 Senator S.W. Pallett of the Minister for Health and Social Services regarding junior doctors at the General Hospital (WQ.51/2022)

### Question

“Will the Minister provide details of –

- (a) the process for appointing junior doctors at the Jersey General Hospital (J.G.H.);
- (b) the governance and oversight required of all junior doctors at the J.G.H.;
- (c) the training and educational requirements for junior doctors working at the J.G.H.;
- (d) the number of junior doctors working at the J.G.H., broken down by month, from 1st June 2018 to 1st February 2022;
- (e) the number of complaints made by junior doctors about any issue including training, since May 2018;
- (f) the number of current vacancies for junior doctors at the J.G.H. and when each vacancy became available;
- (g) the number of junior doctors that have left the J.G.H. during training each year since 2014; and
- (h) whether any concerns have been raised by any individual or body regarding the junior doctors training programme at the J.G.H.?”

### Answer

- (a) the process for appointing junior doctors at the Jersey General Hospital (JGH);

Foundation doctors and GP trainees are placed with JGH by the Wessex Deanery under the terms of the NHS Education Contract. The Wessex Deanery places 14 foundation year 1 doctors, 13 foundation year 2 doctors, and 8 GP trainees with JGH for each rotation. JGH’s medical staffing department is responsible for completing all pre-employment checks and issuing employment contracts for the junior doctors. At any one point, HCS will have some doctors working in mental health wards and GP practices as well as in the hospital as part of their speciality rotation.

- (b) the governance and oversight required of all junior doctors at the J.G.H.;

Foundation Year 1 doctors are provisionally registered with the General Medical Council (GMC); Foundation Year 2 and GP Trainees are fully registered with the GMC and Jersey Care Commission. They are all subject to GMC requirements. Each junior doctor has a supervising Consultant for their day-to-day work and an Educational Supervisor. A Foundation Programme Director and Director of Medical Education provide oversight of training programmes.

All trainees are subject to an Annual Review of Competency Progression by an external panel to ensure that they are offering safe, quality patient care, and to assess their progression against standards set down in the curriculum for their training programme.

- (c) the training and educational requirements for junior doctors working at the J.G.H.;

Training and educational requirements are set at a national level. UK foundation doctors have the same training and educational requirements as Jersey foundation doctors. A link to the Foundation Programme curriculum is below:

<https://foundationprogramme.nhs.uk/curriculum/new-uk-foundation-programme-curriculum-2021/>



F1s and F2s must attend 60 hours of teaching each training year, 30 of which must be from their core teaching provided by the education department. GP Trainees must attend 70% of their monthly day release days.

- (d) the number of junior doctors working at the J.G.H., broken down by month, from 1st June 2018 to 1st February 2022;

There are two intakes of doctors throughout the year, so the figures below represent the total for each year and from 2020 this is split into the number in each intake:

<b>F1 (1<sup>st</sup> Year Foundation doctors)</b>	
2018	14
2019	14
2020	14
2021 (Jan-July)	14
2021 (Aug-Sept)	16
2022	14

<b>F2 (2<sup>nd</sup> Year Foundation doctors)</b>	
2018	13
2019	13 (14 for 2.5 weeks in Sept)
2020 (Jan-July)	13
2020 (Aug-Oct)	15
2020 (Nov-Dec)	14
2021 (Aug-mid-Sept)	16
2021 (mid-Sept-Dec)	15
2022	15

<b>GP Trainees</b>	
2018 (June-Aug)	3
2018 (Aug-Dec)	7
2019 (Jan-Aug)	7
2019 (Aug-Dec)	10
2020 (Jan-Aug)	8
2020 (Aug-Dec)	10
2021 (Jan-Aug)	10

2021 (Aug-mid-Nov)	8
2021 (mid-Nov-Dec)	9
2022	8

- (e) the number of complaints made by junior doctors about any issue including training, since May 2018;

No formal complaints have been received. We obtain feedback throughout the year from our trainee doctors via junior doctor forums, 1-2-1 sessions with each doctor and HCS also conducts its own survey (also see part h) below).

- (f) the number of current vacancies for junior doctors at the J.G.H. and when each vacancy became available;

We have no junior doctor vacancies.

- (g) the number of junior doctors that have left the J.G.H. during training each year since 2014; and

F1 leavers

2014-1

2020-1

F2 leavers

2015-1

2016-2

2018-1

GP Trainees

0

- (h) whether any concerns have been raised by any individual or body regarding the junior doctors training programme at the J.G.H.?"

There are many informal channels through which HCS receives feedback – usually via the Medical Education Manager, the Foundation Training Programme Director (FTPD) or the Director of Medical Education (DME). Regular junior doctors’ forum and postgraduate committee meetings are held which all junior doctors can attend in person or be represented by elected colleagues and where issues relating to training and the working environment are discussed.

Whilst no formal complaints have been received, concerns have been raised recently by trainees about clinical supervision, the amount of day-to-day learning received in some areas, management of medically ill patients in orthopaedics, rotas, and junior doctor contract implementation.

All trainees are invited and encouraged to complete the annual General Medical Council surveys. The results are then collated and then sent to the respective Deanery and Hospital Education/Training departments. Any concerns raised in these surveys require a written response from the DME/FTPD.

The Wessex Foundation School recently undertook a routine monitoring visit of the learning environment for junior doctors in JGH. The visit took place remotely and the visiting team were able to speak with our foundation doctors. Their report highlighted improvements required in junior doctor rota management and supervision and escalation in one department, with some further recommendations made. HCS was already aware of these issues from feedback received from the doctors and was open with the Wessex Foundation School about these matters prior to the visit, advising them of the plans HCS had to address them. The plan to address these concerns has identified the actions required and, in the immediate term, arrangements are in place to remedy and support trainees, sanctioned by the Medical Director. The visiting team also highlighted several areas of good practice across JGH.

## **2.6 Deputy M.R. Higgins of St. Helier of the Minister for Children and Education regarding research on child poverty (WQ.52/2022)**

### **Question**

“Further to his answer to [Written Question 10/2022](#), will the Minister explain why he and his department (in light of their responsibilities for the wellbeing of children) have not specifically researched child poverty and why they do not lead the Government’s response in this area and coordinate the work of other Government departments and agencies; and furthermore in light of that answer, will the Minister explain how he and his department ensure that the commitment to ‘Putting Children First’ represents more than a strapline and is implemented in practice?”

### **Answer**

As explained previously in my answer to [Written Question 10/2022](#) child poverty is a socioeconomic issue that crosses the boundaries of all Government Departments and work has started on an overarching poverty strategy. Child poverty will never be an issue where it is one Minister’s responsibility, as any child poverty will be linked to a family in poverty.

The UK based Child Poverty Action Group refers to what it sees as the factors driving recent trends in child poverty. It says that child income poverty is rarely the product of any single cause and that “rising living costs, low pay, lack of work, and inadequate social security benefits” combine to leave some families in poverty. I suspect there will be similar causes in Jersey, some of which may be more acute, and while I am committed to improving the lives and education of all children, I do not have the answers and remit to solve any issues of high living costs, low pay, lack of work or inadequate benefits.

The commitment to “Put Children First” as laid out in the Common Strategic Policy is a shared priority across government and many departments have delivered on this priority. Reviewing what the CSP said against what we have delivered, clearly demonstrates that ‘Putting Children First’ has been implemented in practice.

We said we will bring “forward plans to incorporate the United Nations Convention on the Rights of the Child (UNCRC).” I have just signed the Ministerial decision to lodge the draft law for debate at the end of March.

We said this would include training and guidance. UNCRC training was launched across Government last year.

We said we would bring in legislative developments. The Assembly passed the draft Children and Young People law in the Assembly last week and will soon debate the UNCRC law too.

We said we would extend the legal powers and functions of the Children’s Commissioner and the Care Commission, we are doing this too.

We said we would build capacity for foster carers. We launched the intensive fostering service to achieve this aim.

We said we would develop and work to a common approach to early help across government. The Children and Families Hub and expanded Early Help offer were launched in 2020 during the early days of the pandemic.

We said we would focus on Mental Health and Wellbeing. We have launched the new strategy last week and made numerous other improvements before that such as Kooth online counselling, reduction in waiting times for CAMHS and neuro developmental assessment.

We said we would have an Early Years Policy Development Board. We did, and one outcome already delivered is a 50% increase in the funded hours offered to children.

We said we would work to narrow education attainment gaps. The Independent School Funding Review was the basis of the £11.9 million additional funding per year going into the education system with targeted funds for low prior attainment, English as an additional language and Jersey Premium.

We have also recently published the Inclusion Review which gives more insight in to the challenges and sets out a road map to deliver further improvements for learning, educational outcomes and future prospects for children.

It is quite clear from the above evidenced delivery, much of it during a pandemic, that to 'Put Children First' is much more than a strapline.

**2.7 Deputy J.M. Macon of St. Saviour of the Chair of the Privileges and Procedures Committee regarding advice from the Children's Commissioner in regard to "Amendment (No.54) to Standing Orders – Amendments to the Code of Conduct for Elected Members and related matter" (P.1/2022) (WQ.53/2022)**

**Question**

“Further to the response to Written Question 12/2022, will the Chair explain –

- (a) why the Committee did not request advice from the Children's Commissioner regarding 'Amendment (No.54) to Standing Orders – Amendments to the Code of Conduct for elected members and related matters' (P.1/2022); and
- (b) why this explanation was not provided in the response to Written Question 12/2022?”

**Answer**

- (a) The Standing Orders of the States of Jersey regulate proceedings of the States and the conduct of States Members in various respects. The Standing Orders do not have a direct effect on children, which is why the Committee did not request advice from the Children's Commissioner in drawing up changes to the Code of Conduct and related matters. The Deputy has requested that a Child Rights Impact Assessment be conducted in relation to P.1. This has been done by staff in the States Greffe and the conclusion of the exercise was that the proposals do not affect children to the extent required to reach the threshold for a full Child Rights Impact Assessment. The Committee has published this analysis alongside its amendment to P.1/2022.
- (b) The Committee is of the view that it gave a full answer to the Deputy's previous question. However, if the Committee misjudged the Deputy's question, the matter has now been rectified by the tabling of this further question.

**2.8 Deputy J.M. Macon of St. Saviour of the Chair of the Privileges and Procedures Committee regarding election hustings (WQ.54/2022)**

**Question**

“Will the Chair advise –

- (a) whether the Jersey Electoral Authority has decided how many hustings for each electoral district will be recorded and paid for centrally, in particular how many will be provided for St. Saviour in comparison with the 3 hustings that were provided in the Parish previously;
- (b) if no such decision has been taken, why not and when the decision will be made; and
- (c) whether the organisation of hustings will remain the responsibility of election candidates?”

**Answer**

- (a) The plans for the recording of hustings are subject to final approval by the Jersey Electoral Authority. It is expected that one filmed hustings event will be arranged for each of the 9 constituencies and also one for each of the 12 Parish districts. Historically these have been filmed physical events, usually at a Parish Hall. This year, however, the intention is to use the States Chamber to host an online hustings for each of the 9 constituencies for Deputies and each of the 12 Parishes for Constable. It is anticipated that candidates might still be keen to hold 'in person' hustings at the Parish Halls or other locations. If candidates in St Saviour or indeed any other constituency or Parish wish to run additional events, they are very welcome to do so, and the Jersey Electoral Authority will publicise when they are taking place via [vote.je](http://vote.je), but it will be a matter for candidates to plan and manage those events themselves and to meet the costs between them of any sound equipment or filming which may be required.
- (b) The decision has not yet been made as the Jersey Electoral Authority has only recently been formed.
- (c) Hustings are the responsibility of the candidates and participation is always optional

**2.9 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding Customary law in relation to Conventions (WQ.55/2022)**

**Question**

“Following the answers given by H.M. Solicitor General on 10th February 2022 to questions in the Assembly during the debate on the Draft Connétable (Amendment No. 3) (Jersey) Law 201-(P.122/2021), will H.M. Attorney General provide a summary of –

- a. the Customary Law supervisory powers of the Royal Court in relation to Connétables to which reference was made;
- b. the legal position regarding third-party appeals to the Court (as referenced in a question from Deputy M. Tadier of St. Brelade); and
- c. any other powers in either Customary Law or statute which the Royal Court has over the States Assembly and States members?”

**Answer**

- a. the Customary Law supervisory powers of the Royal Court in relation to Connétables to which reference was made;

The Royal Court has, since time immemorial, exercised a customary law supervisory jurisdiction over Connétables, who are not elected members of the States as Deputies and Senators are, but are States members by virtue of their office of head of the parish. The

supervisory power commences at the point at which a Connétable-elect appears before the Royal Court to be sworn in – which includes a judicial discretion as to whether the Connétable-elect should be sworn in or not – and continues until the Connétable leaves office. The Court’s supervisory jurisdiction may encompass a range of actions including offering words of advice, issuing public reprimands, giving directions on conduct and, where appropriate, requiring a Connétable to resign. It is an aspect of the same supervisory jurisdiction which the Royal Court exercises in the Visite Royale which the Court makes to each parish every six years. The jurisdiction was expressly recognised and preserved by the States in 2018 when, by the Connétables (Amendment No. 2) (Jersey) Law 2018, it enacted Article 4D of the Connétables (Jersey) Law 2008. A fuller summary of the jurisdiction can be found in the Royal Court’s judgment: In the matter of the Connétable and Procureurs du Bien Public of the Parish of St John [2021]JRC091, at paragraphs 32-46, ([In the matter of the Connétable and the Procureurs du Bien Public of the Parish of St John 15-Mar-2021 \(jerseylaw.je\)](#))

- b. the legal position regarding third-party appeals to the Court (as referenced in a question from Deputy M. Tadier of St. Brelade);

The principle in law is that only the parties to legal proceedings may appeal against a decision of the Court in those proceedings. There is no right for third parties to appeal a court’s ruling unless, by exception, such a right is expressly created by law. In relation to the removal of Connétables from office, the law creates no third-party right of appeal.

- c. any other powers in either Customary Law or statute which the Royal Court has over the States Assembly and States members?”

The Royal Court does not have supervisory powers over other States Members in the same way as it does for Connétables. The abovementioned judgment draws a clear distinction between Connétables and other types of States Member, noting that the supervisory jurisdiction of the Royal Court arises due to the Connétables being head of their Parish, not by virtue of them being States Members.

The States of Jersey Law 2005 at Article 48 specifically states that “*The jurisdiction of the Royal Court or Magistrate’s Court does not extend to any proceedings, business or other matter arising under standing orders except as otherwise provided under this Law.*”

## **2.10 Senator S.Y. Mézec of the Minister for Housing and Communities regarding a new residential Tenancy Law (WQ.56/2022)**

### **Question**

“Will the Minister advise whether the law-drafting instructions he has signed off to introduce a new Residential Tenancy Law contain proposals to move to European-style ‘open-ended’ tenancies and rent stabilisation, as per recommendations R1 and R2 in the final report of the Housing Policy Development Board?”

## **Answer**

The law-drafting instructions propose changes to the existing types of tenancies and notice periods, to offer flexibility and additional protection to both tenants and landlords. The proposals do include open-ended tenancies as part of a package of changes in this area.

The instructions will include provisions to provide certainty for tenants on charges and rent increases. Dependant on the type of tenancy agreement, increases will be in line with the Retail Price Index (RPI), the agreement will be explicit on the date that any increase may apply and limiting the types of charges that can be levied.

Law-drafting instructions also include proposals to offer greater protection to tenants from excessive rent increases, using subordinate legislation to implement new policy in this area. With respect to policy development, the re-appointment of the Rent Control Tribunal is intended as an intermediate step that can be implemented relatively quickly. The Tribunal will then be tasked with bringing forward proposals to reform the role and function of the Tribunal. As part of a final stage, it is planned to bring a re-formed Tribunal under the new Residential Tenancy Law, through use of the subordinate legislation referred to above.

## **2.11 Deputy G.P. Southern of St. Helier of the Chief Minister regarding the Household Income Distribution Survey (WQ.57/2022)**

### **Question**

“Following the response of the Deputy Chief Minister to Oral Question 25/2022, stating that the Government is committed to publishing the results of the Household Income Distribution Survey and that *“the aim is to publish them within the first quarter”*, will the Chief Minister confirm that the results will be so published and if not, will he explain why not?”

### **Answer**

Having consulted with the Chief Statistician, I can confirm that Statistics Jersey aim to publish the results from the curtailed 2019-20 Living Costs and Household Income Survey by the end of March.

Further to the answer provided to WQ.184/2021, Statistics Jersey have dedicated an experienced analyst to complete the quality assurance, coding and analysis of the data obtained prior to the fieldwork being suspended in March 2020.

The Council of Ministers are keen to ensure that this important data is published as soon as possible and before the June 2022 election. Notwithstanding this, it is important to note that, further to WQ.145/2021, Statistics Jersey is an apolitical body formally constituted under the Statistics and Census (Jersey) Law 2018. Under Article 7(2) of this Law “The (Chief) Minister must not influence any decision of the Chief Statistician in the exercise of his or her responsibilities under Article 3(1)”. This includes “(g) the form, timing and methods of dissemination of statistics compiled by Statistics Jersey”.

## **2.12 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding vacant posts in his department (WQ.58//2022)**

### **Question**

“Further to his answer to [Written Question 15/2022](#), in which it was stated that 353 vacant posts in his department are mainly filled by locum workers, will the Minister provide the additional employment costs of using such locum staff on a monthly and annual basis?”

## Answer

### Health & Community Services- Agency/Locom Expenditure for the Financial Year Ending 2021

	Sum of Jan '21	Sum of Feb '21	Sum of Mar '21	Sum of Apr '21	Sum of May '21	Sum of Jun '21	Sum of Jul '21	Sum of Aug '21	Sum of Sep '21	Sum of Oct '21	Sum of Nov '21	Sum of Dec '21	Sum of Full Year '21	Average 2021 monthly costs
	£	£	£	£	£	£	£	£	£	£	£	£	£	£
<b>Total Agency Expenditure</b>	436,589	896,360	1,451,756	844,923	982,279	472,923	883,663	979,725	918,978	883,091	846,255	1,497,345	<b>11,093,887</b>	<b>924,491</b>
<b>Of which an average 35% premium above substantive employment expenditure</b>	152,806	313,726	508,114	295,723	343,798	165,523	309,282	342,904	321,642	309,082	296,189	524,071	<b>3,882,860</b>	<b>323,572</b>

- An average agency premium of 35% has been assumed above substantive employment expenditure. Agency premiums range between 25% to 40%, dependent upon the candidate's speciality, experience, knowledge, grade and agreed salary
- The above table of agency costs includes all agency/locum staffing, including agency medical staff, agency nurses, agency allied health professionals, as well as civil servant roles including administrative roles
- Monthly fluctuations primarily in respect of timing of expenditure incurred
- Excludes Covid-19 response expenditure

### 2.13 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding primary care delivery (WQ.59/2022)

#### Question

“In light of the Island’s reliance on G.P.s for the delivery of primary care in the community, the fact that some major practices are closing their lists to new patients and the retirements within the sector are in the pipeline, will the Minister –

- (a) state what conversations, if any, she has had with G.P. representatives regarding improvements for the delivery of primary care in 2023 and 2024, including improving access to affordable primary care, and the maintenance of the high standards that have been reached in the past;
- (b) if such discussions have taken place, advise what progress has been made; and
- (c) if there have been no such discussions, commit to engaging with G.P. representatives in the near future on this subject and to report progress to the States?”

#### Answer

a. I last met with GPs jointly with the Minister for Health and Social Services and the Chief Minister on 20 December 2021. My officers continue to meet regularly with GP representatives and a series of meetings has already been programmed for the rest of the year. Recent discussions have included the renewal of the Health Access Scheme which provides affordable access to General Practice Services. Under this scheme the cost of a surgery visit is reduced to £12 for adults and surgery consultations are free for children who are scheme members. Discussions have also included the renewal of the Jersey Quality Indicator Framework (JQIF) which supports the development of high clinical standards in a range of key areas, which are mutually agreed between Government and General Practice representatives.

b. These discussions have progressed well and on 7<sup>th</sup> February we agreed the renewal of the Health Access Scheme through 2022 and into 2023. The fees charged to patients will not be increased during this renewal period. Progress has also been made regarding the JQIF service, with agreement reached on the clinical indicators



c As provided above, progress in each of these areas has been made. I offer my thanks to General Practice for their assistance and commitment in developing these services to improve quality and access.

#### **2.14 Deputy R.J. Ward of St. Helier of the Minister for Children and Education regarding legal parent status and responsibility for same-sex couples (WQ.60/2022)**

##### **Question**

“Further to the [decision](#) made by the Minister on 8th April 2021, will he state the timescale for completion of amendments to the [Children \(Jersey\) Law 2002](#) and the [Marriage and Civil Status \(Jersey\) Law 2001](#), to allow, among the changes, both members of a same-sex couple to be listed on their child’s birth certificate and to be conferred legal parent status and parental responsibility in the same way as a heterosexual couple?”

##### **Answer**

It is anticipated that the proposed amendments will be lodged for debate by October 2022.

Significant progress has been made on the proposed amendment; however, a number of complex issues still need to be resolved. These arise from the interface between the proposed new provisions and customary law, plus the fact that Jersey, unlike the UK, does not have a Human Fertilisation and Embryology Act on which to hang provisions requiring us to create new concepts and processes in Jersey law.

In addition to resolution of those issues, key checks and balances need to be undertaken, including:

- consultation with the Court as it is proposed that the draft Law will provide new Court Order making powers which have far reaching and significant consequences
- consultation with the Commissioner for Children and Young People
- Human Rights compatibility reviews
- consultation with the Superintendent Registrar on the operational implications of the draft provisions. This includes, but is not limited to, planning for new Birth Registers, Parental Order Registers and associated certificates

The provisions of the draft law will, in some circumstances, determine who a child’s parents are. It is essential we undertake all the necessary checks to ensure there are no unintended consequences for children and their parents, hence the anticipated lodging date.

#### **2.15 Deputy R.J. Ward of the Chief Minister regarding meetings between Jersey Alliance and Government officials (WQ.61/2022)**

##### **Question**

“Will the Chief Minister advise what meetings, if any, have taken place between the newly-elected leader of the Jersey Alliance and Government officials in the last year; whether any such meetings have taken place in Broad Street and, if so, what the reasons were for the meetings and on what dates they took place?”

##### **Answer**

Sir Mark Boleat has not undertaken any meetings with Government officials in his capacity as leader of the Jersey Alliance Party.

Sir Mark Boleat was employed at the discretion of Assistant Chief Minister, Deputy Carolyn Labey, to serve as a consultant for the Island Identity Project between 31 March 2021 – 30 September 2021.

As part of this work, he undertook multiple meetings with Government officials which are detailed in Table A.

A breakdown of meetings held with Government officials following Sir Mark Boleat’s admission to the Jersey Alliance Party in November 2021, is detailed in Table B.

Table A – Island Identity meetings

<b>Date</b>	<b>In Broadstreet?</b>
31 March 2021	No
16 April 2021	No
23 April 2021	No
28 April 2021	No
7 May 2021	No
24 May 2021	No
25 May 2021	No
25 May 2021	Yes
3 June 2021	Yes
3 June 2021	Yes
4 June 2021	Yes
4 June 2021	No
14 June 2021	No
28 June 2021	No
4 July 2021	No
6 July 2021	No
14 July 2021	Yes
14 July 2021	Yes
14 July 2021	Yes
30 July 2021	No
23 September 2021	Yes

Table B – subsequent meetings

<b>Date</b>	<b>Reason</b>	<b>In Broadstreet?</b>
19 November	To provide an overview of the High Value Residency scheme.	No

24 November	To provide an overview of the structure of the Office of the Chief Executive department.	Yes
8 February	To provide a range of educational documentation, all of which is in the public domain.	No

## **2.16 Deputy M.R. Higgins of H.M. Attorney General regarding rights of way over private land (WQ.62/2022)**

### **Question**

“Will H.M. Attorney General advise whether, under Jersey Law, the public can gain a right of way over land or a pathway that is in private ownership through continued use of that land or pathway and, if so, for what period of time (if any) the use must be continuous for that right of way to be gained; and will he further advise whether such a right of way would prevent any owner of the private land or pathway from subsequently sealing it off from the public?”

### **Answer**

Under Jersey Law, a right of way cannot be acquired by continuous user/prescription. The Code of 1771 provides:

“Les personnes qui ont possédé un immeuble paisiblement, et sans interruption, quarante ans, ou au-delà, ne pourront être inquiétés, ni molestés à l’égard de la propriété dans la chose possédée, la possession quadraginaire donnant un droit parfait, et incontrovertible, selon l’ancienne Coûtume de l’Isle, excepté en matière de servitude, laquelle ne peut s’acquérir par la prescription, fût-elle Centenaire: mais dont on peut se libérer, ou acquérir la liberté par la prescription, c’est-à-dire, lorsque la servitude n’a point été exercée par quarante ans continuels.”

In translation:

“Persons who have been in peaceful possession of an immovable, without interruption, for 40 years or more shall not be challenged, or disturbed as regards title to that which they possess, forty years’ possession conferring a perfected and unchallengeable right, in accordance with the ancient Custom of the Island, except in relation to servitudes, title to which cannot be acquired by prescription, be it of 100 years: from which it is possible to be released, or to acquire release by prescription, that is to say, where the servitude has not been exercised for a continuous period of 40 years.”

Furthermore, there is also in Jersey customary law a basic presumption that all land is free from servitudes. The onus for proving the existence of a servitude rests upon the party asserting it. In the absence of a title, however, there can be no servitude: *nulle servitude sans titre* [no servitude without title].

## **2.17 Deputy M.R. Higgins of the Minister for Economic Development, Tourism, Sport and Culture regarding price rises in Jersey (WQ.63/2022)**

### **Question**

“Notwithstanding that inflation is acknowledged to have many causes, will the Minister explain what steps he is taking to make sure that any price rises in Jersey are genuinely justified by increased costs and that consumers will not be exploited; and will he use his influence on States-owned, partly-owned and subsidised firms to keep prices down to the necessary minimum; and if not, will he explain why not and state what alternative actions, if any, he proposes to take?”

## Answer

The conclusions of the most recent Inflation Strategy Group report remain relevant and contain key actions for the Government. I have asked the Director General Economy to raise this issue with the Executive Leadership Team and have reconvened the Inflation Strategy Group to closely monitor inflation data and trends with a view to assessing options for additional measures.

The factors that affect inflation are largely outside of Jersey's control and energy costs and supply issues have been the main drivers of the recent global increase in the rate. It is recognised that inflation may rise further in 2022 and that measures taken in Jersey to reduce inflation are likely to have a limited effect.

The six actions of the Inflation Strategy Group report are as follows:

1. The Government will consider the impact on inflation of any changes to indirect taxes, including the production of an assessment of the impact on inflation of changes to duties. This will inform broader policy objectives, for example to achieve a reduction in the use of carbon-based fuels, tobacco or alcohol.
2. The Government will seek to keep its own price increases low, while ensuring sufficient revenue to make the investment necessary to maintain services. Increases in government charges and fees will aim to average less than 2.5% per year in the long run (ie. over a ten-year period).
3. The Government will develop and publish a fees and charges policy. This will facilitate each department to consider the overall impact on inflation of the aggregate changes to fees and charges within their control each year.
4. Should any significant new charges be planned, the Government will consider the impact of this on inflation and living costs and include this analysis to support decision-making. The Minister will bring a change to Standing Orders so that all relevant Propositions presented to the Assembly will include a brief 'inflation impact assessment'.
5. The Government will consider the impact on inflation from any price rises over which they have influence or control (including States wholly-owned entities, social housing providers and fee-paying schools) and be mindful that any price increases above 2.5% will put upward pressure on the trend rate of inflation. However, any price changes should be set with regard to the specific circumstances of the sector concerned, in order to protect consumers while ensuring sufficient revenues to support continuation of vital services and to enable the necessary investment.

As with Government charges, wholly or majority States-owned entities should consider the impact any change to their prices might have on the trend rate of inflation, whether the price increase is above 2.5% or not. Where the potential impact on the overall inflation rate is significant, States-wholly-owned entities should consult, subject to regulatory best practice, with the Government before implementing price increases. States-majority-owned entities are encouraged to consider the impact on inflation of price increases and are encouraged to seek an inflationary impact assessment from Statistics Jersey as part of their consideration.

6. The Government will ensure continued support for the JCRA and will review and assess the competition framework to ensure that it remains fit-for-purpose. The Government will work with the JCRA to ensure competition policy is directed at those sectors with potentially significant impacts on the living standards of households and the competitiveness of businesses.

The Government will improve consumer knowledge by providing enhanced support to the Jersey Consumer Council to invest in existing price comparison resources and developing new comparisons across a range of different markets, starting with Grocery Watch

## 2.18 Connétable of St. John of the Minister for Health and Social Services regarding Speech and Language therapists (WQ.64/2022)

### Question

“Further to the response to [Written Question 482/2021](#), will the Minister advise –

- (a) how many children are currently on the waiting list for Speech and Language therapies;
- (b) what the waiting times are from referral to first appointment;
- (c) what the target waiting time is from referral to first appointment;
- (d) how many staff are employed in this area; and
- (e) how many of such staff are permanent and how many are locums?”

### Answer

- a) As of 18 February 2022, 166 children are currently on the waitlist for an initial communication assessment appointment.
- b) The wait time from referral to first appointment for an initial communication assessment appointment is 34+ weeks. Children are assessed and then seen for ongoing therapeutic input immediately post-assessment.

<b>Triage Priority Rating</b>	<b>Average wait time- Communication assessments</b>	<b>Swallowing assessments</b>
Red/ High Priority	34+ weeks	2 days- target maintained
Amber/ Medium Priority	36+ weeks	2 weeks- target maintained
Green/ Low Priority	40+ weeks	4 weeks- target maintained

- c) Current wait time targets are based on historical Royal College of Speech and Language Therapists guidance. This is to be reviewed as part of the service review.

<b>Triage Priority Rating</b>	<b>Communication</b>	<b>Swallowing</b>
Red/ High Priority	13 weeks	2 days
Amber/ Medium Priority	17 weeks	2 weeks
Green/ Low Priority	20 weeks	4 weeks

- d) 16 staff members are employed within the paediatric speech and language therapy department with an additional 2 staff members due to work full-time for 6 months starting end of February 2022 to support COVID recovery waitlist initiatives within the team.
- e) 15 staff members are permanent and 2 temporary contract COVID recovery staff members are due to start end of February 2022. There is only one locum staff member, the current Interim Head of Service for Speech and Language Therapy.

## **2.19 Deputy L.M.C. Doublet of St. Saviour of the Chair of the States Employment Board regarding the calculation of hourly rates and salaries in the public sector (WQ.65/2022)**

### **Question**

“Will the Chair advise how hourly rates and salaries are calculated across the public sector in terms of the required skills and also Government priorities, such as ‘Putting Children First’, with particular reference (though not limited) to two currently advertised posts as an example; namely a [Sessional Youth Worker](#) at £12.73 per hour and a [Jersey Youth Service Caretaker](#) at £15.34 per hour?”

### **Answer**

Rates and salaries are calculated across the public sector by job evaluation, a systematic process used to determine the value of different roles across the public sector. The overall aim of job evaluation is to assess and evaluate the nature of the work to be done in a particular role. The process used is to accurately measure the relative weighting of different jobs so that they can be accurately compared. The evaluation process clarifies structure, defining job independencies and accountabilities, identifying capability requirement needed for talent development, and setting competitive pay. Putting Children first is a key priority and forms part of the role profile when evaluating roles, ensuring a pay structure that is fair and equitable, and consistent for everyone.

The roles identified above require different skill sets, these are highlighted below:

### **Sessional Youth Workers**

- Sessional Youth Workers don’t need to have any formal qualifications, but do complete the JYS Essential Programme which covers items such as Safeguarding, Health & Safety, Youth Work role etc. This training is provided by the Youth Service Training & Development Officer for them to fulfil their role in a safe and confident way

### **Caretaker**

- Proven carpenter and joiner skills.
- Experience in working with security and working with different systems.
- Proven supervisory skills and the ability to work towards a first line Management Certificate.
- Excellent organisational skills and ability to prioritise.
- Understanding of the Health and Safety at Work Law and be willing to take on further training in Health and Safety.
- Competent in dealing with the general public
- A good team member and able to work on own initiative.
- Ability to maintain a good working relationship with everyone and work with youth workers, parents, young people, outside tradesmen and community users of JYS sites.
- Willingness to undertake First Aid at Work training.

The Caretaking role would require a level of qualification and experience that a Sessional Youth Worker role would not require.

### **3. Oral Questions**

#### **3.1 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding ...**

It is nice to ask the first question back in a more normal Assembly as well. Given his reported concerns over the speed at which green transport policies are being brought forward, will the Minister take urgent action to promote the use of biofuels as a transition step to allow time for infrastructure improvements enabling the implementation of those policies; and if not, why not?

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

For the avoidance of doubt, I fully support the use of second generation renewable biodiesel to reduce our dependence on fossil fuels during the transition to a low carbon transport network. In terms of taking action to promote the use of biofuels the draft carbon neutral roadmap makes several references to importance of biofuels as a transition fuel for the transport and heating over the next 10 years. In terms of action the Government is taking now, I am pleased to confirm that Government is supporting the use of second generation renewable diesel by LibertyBus; further details will be announced later this week.

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

Given the significant rise in fossil fuels and diesel in the Island, is this not an opportunity because the differential between the 2 fuels is now down to about 30 pence a litre, where it was around 50 or 60 pence a litre, to take small action on the duty on those fuels, make them comparable and introduce this fuel as the day-to-day use for diesel vehicles on the Island? This is an opportunity and I would ask the Minister: would he take this opportunity now?

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

Absolutely. That is what we are aiming to achieve but we need to ensure - my team are working on this as we speak - to make sure there is an adequate supply of second generation renewable diesel. But, as I say, an announcement later this week and we are moving forward with this.

#### **3.1.2 Senator S.Y. Mézec:**

Is it not the case that actually if the Minister's move towards green transport policies went any slower they would be going backwards? Why can he not take urgent action now, as has been proposed by Deputy Ward on several occasions previously, to look at the duty which is charged on biofuels to make it more affordable and incentivise people now to start using it and not simply refer to some sort of intangible policy in the future?

**Deputy K.C. Lewis:**

We are taking action; we have been taking action for some time. We have run tests with our own fleet down at Bellozanne; a selection of 9 vehicles we ran with second generation renewable biodiesel. No problems were reported so we are very happy with the product. As I say, we need to ensure we have adequate supplies of this product and that more announcements will be made later this week.

**3.1.3 Senator S.Y. Mézec:**

If it is the case, as the Minister says it is, that they have been taking action, can he tell us how many vehicles are now on the road using more environmentally friendly forms of fuel or energy than there were before and what action did they take to lead to those vehicles? I am not talking about intangible policies. What have they actually done and what are the numbers of cars that are now on the road in a more environmentally friendly way than before?

**Deputy K.C. Lewis:**

I do not have that information because 90 per cent of these vehicles are private vehicles. I know that several garages on the Island are second generation renewable biodiesel and people are using this product. I have not had any adverse reports regarding the use of this fuel. We are very happy to roll it out. There is more work to be done regarding equalising the cost of second generation renewable biodiesel and regular diesel but that is something that is happening. There are ways.

**3.1.4 Connétable A. Jehan of St. John:**

Would the Minister agree with me that charging environmental duty on a biofuel is not a way of encouraging motorists to use that fuel?

**Deputy K.C. Lewis:**

Absolutely. It is a way forward. We must promote wherever possible second generation renewable biodiesel so I would support removing the environmental taxes from that fuel.

**3.1.5 The Connétable of St. John:**

Can the Minister explain what he has done to remove the environmental duty from a more environmentally friendly fuel?

**Deputy K.C. Lewis:**

That is not in my gift to do that. That is not my department but, as I say, we are talking with other departments regarding taxation and environmental measures.

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

In the light of the answer or non-answer we have just received, will the Minister consider taking action by discussing with the Minister for Treasury and Resources a reduction or a complete elimination of duty on this particular fuel?

**Deputy K.C. Lewis:**

My team are on that as we speak. I am very keen on promoting second generation renewable biodiesel. I cannot add more to it than that. Anything I can do to promote it I will do.

**3.1.7 Deputy R.J. Ward:**

Where do I go? Can I ask the Minister, he mentioned heating fuel? Is he promoting the bio-heating fuel that is available on-Island and only requires a change to boilers of about £100 apiece of the burner in the boiler? What work is his department undertaking to try and promote that across the Island and thus address one of our main contributors to greenhouse gases on this Island, which is heating of homes?



**Deputy K.C. Lewis:**

Not too much regarding the home heating, I must admit. But that is not really part of my remit. But it is something I would encourage. The fuel supply firms are very much encouraged to use this and they are very keen to bring it in, so it is something we would encourage.

**3.2. Senator S.Y. Mézec of the Chief Minister regarding tax contributions (OQ.45/2022)**

Will the Deputy Chief Minister consider a significant rise in the minimum tax contribution which must be paid by those who apply for residency status under regulation 2(1)(e) of the Control of Housing and Work (Jersey) Regulations 2013; and, if not, why not?

**Senator L.J. Farnham (Deputy Chief Minister - rapporteur):**

The short answer to that is yes, reviews have already been commissioned into the scheme to further enhance the benefits to Islanders, including the financial benefits from tax receipts and this, of course, will consider the tax contribution by 2(1)(e)s, so that is work that is currently underway.

**3.2.1 Senator S.Y. Mézec:**

Given that the governing party and at least one of the opposition parties is in support of this policy, and their appears to be a growing political consensus that it is the right thing to do, will the Deputy Chief Minister undertake to do this as soon as possible, i.e. as close to now as possible, given that these reviews have been undertaken and it seems to be that that is the direction we are going in anyway?

**Senator L.J. Farnham:**

Yes, we will do it as soon as practicable. The work is underway. We want to make sure we understand all of the facts and the implications of tax increases to this small part of our community. We will endeavour to make the change to policy prior to the election in this Government but I cannot give that guarantee at this stage, but it is certainly our ambition to do that.

**3.2.2 Deputy G.P. Southern:**

Would the Assistant Minister inform me when it was that I first suggested to him and his colleagues they should examine and increase the contribution for 2(1)(e) applicants to the Island? Was it 5 years, 6 years or 10 years?

**Senator L.J. Farnham:**

The Deputy is always making so many good suggestions to me I have sort of lost track. It could have been all of the above.

**The Bailiff:**

Supplemental, Deputy. Although you are supposed to elicit information you do not know the answer to.

**Senator L.J. Farnham:**

I am afraid I do not know the answer to it either.

**3.2.3 Deputy G.P. Southern:**

I genuinely cannot remember whether it has been 10 years. I hope so because that would make it double figures to get through to this regime, which has steadfastly refused to examine a possibility of taxing those who are best off in our society at a proper rate.

**Senator L.J. Farnham:**

Not a question but an allegation I will respond to. This Government has not steadfastly refused to examine it. We have been keeping, as Members of the Government and the Housing and Work

Advisory Group will know, and Senator Mézec was a member of that group for 3 years when he was Minister for Housing, we keep policy under constant review. As I said in the answer to the original question, it is a work in progress. It is something we are keen to act upon sooner rather than later.

[10:00]

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

Can the Minister also commit to reviewing the somewhat varied deals that have developed over the years for our 2(1)(e) residents because it has been clear from previous questions that not all 2(1)(e) residents are on the same tax regime. That equalisation or fairness of a regime surely is something that the Minister would promote.

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

That is a straightforward question but not a straightforward answer. We have been granting entitled status to Islanders for many decades previously under the 1(1)(k) scheme and before that I am afraid I cannot remember how it was done. But of course when we do bring in new policy it is very difficult to make that retrospective. So when we do bring in new policy it is likely to apply from that day to new entrants to our Island rather than making it retrospective.

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

I would like to ask the Minister how he would respond to nurses, care workers, teachers, civil servants, those working in services who might say to him: “Actually you are changing my tax regime, I think I will stay on the old one”? Is that going to be an option for those majority of working people paying tax on this Island or is it one deal for one and one deal for the rest?

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

I do not think this Assembly, that I can remember, partakes in introducing new legislation and makes it retrospective tax rates - in fact I am trying to think of an example - but our 20 per cent tax rate has stayed the same for as far as I can remember. If we were to change the 20 per cent tax rate I am sure that would apply to all sections of the community and 2(1)(e)s, but the rules around 2(1)(e)s are based upon that 20 per cent rate.

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

When the Minister considers the review into a possible increase in the contribution will he also extend that review into exploring the present mechanisms by which 1(1)(e)s are able to buy other properties and develop them, which it is alleged, to skew the market?

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

Yes, I can confirm that is all part of the review we are carrying out. As well as tax increases or changes to the tax contribution, it is also looking at how we could perhaps formalise a little more how 2(1)(e)s invest in the local community, philanthropic efforts, and get a far better understanding given the current circumstances of how this is impacting upon the housing market.

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

Is the tax arrangement for 2(1)(e)s not in the nature of a contract and therefore under different rules to normal taxation for the general public?

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

I would probably have to seek advice on that. My understanding is that it would not be a contract as such. Again, I would have to take advice, and I will do that and respond to the Senator.

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

It is my understanding that the 2(1)(e)s do regard it in the light of being a contract arranged with them at the time of them coming to the Island so perhaps he ought to look at it rather more closely than this casual: "Oh well, they are the usual tax arrangements." Does the Minister not agree with me?

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

I think one might use the description of a contract but nevertheless tax arrangements for individuals are exactly that. They are arrangements. I would require the Attorney General or the Solicitor General to perhaps comment whether they would be a contract or an arrangement. I am afraid I could not say.

### **The Bailiff:**

I am afraid there is no facility for law officers to intervene in question time.

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

Just following up on something that the Senator said. He mentioned that the 2(1)(e)s are expected to make contributions to the Island in other ways other than tax through charitable donations and so on. Will he tell us how that is actually measured because I believe some are very generous and some are very ... I am not sure of the term is parsimonious, but very reluctant to part with their money.

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

We do not keep an official register or measurement of the very generous contributions from members of the community. Not just the high-net-worth community but we know we live in a generous community and we are starting to see that spirit now emerge with the current crisis. The short answer is no but we all do know, and the Deputy knows as well from his work with the air display, that we all benefit from the generosity of 2(1)(e)s but we do not keep an official measurement of who gives what and when.

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

In that case, would the Minister not accept then that to use the argument that they are very generous to charities should not be used as an argument in their favour because we just do not know whether they are nor not?

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

We do know that they are because there is anecdotal evidence that they give considerable amounts. I am aware of a number of significant philanthropic donations to the Island, which it would not be right to give details in public because many of them would like their privacy and make these donations anonymously. We do know the community receives significant benefits but we are not able to publish the full detail of that. Quite rightly, I think at this stage.

### **3.2.11 Senator S.Y. Mézec:**

The Deputy Chief Minister in one of his answers referenced my role on the Housing and Work Advisory Group for a few years. Could the Deputy Chief Minister, who is chair of that group, confirm whether or not the minutes from the meetings of that group confirm that I opposed every single application for 2(1)(e) status during my time on that committee on the basis that their minimum tax contribution was not enough, and would he further indicate when the minutes from that committee indicate that its members concluded that I was right all along and what dates they want to see this policy change?

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

I remember well the Senator, more on a point of principle, objected to every single 2(1)(e) application without consideration whatsoever. But I respect his decisions. He made that on a point of principle.

I am afraid I cannot recall all the minutes to hand. I am sure they reflect accurately the actions and words of our meetings. I am afraid I forgot the last part of the question.

**Senator S.Y. Mézec:**

By what date the Housing and Work Advisory group, or whichever body is responsible for this, would want to see this policy enacted. He said that he hopes it is before the election but why can he not be clearer about that time commitment and put a date on it?

**Senator L.J. Farnham:**

I cannot be clear about the exact time because of the nature of the reviews that are currently undertaken but I can confirm every current member of the Housing and Work Advisory Group are keen to see this progressed.

**The Bailiff:**

We come now to question 4 that Deputy Southern will ask ...

**Deputy J.A. Martin of St. Helier:**

Sir, can I have a ruling on this question before he asks it?

**The Bailiff:**

The question is finished, Deputy Martin.

**Deputy J.A. Martin:**

No, not that question. The question that is coming up.

**The Bailiff:**

The question that is coming up; is it a point of order?

**Deputy J.A. Martin:**

I think it is, Sir. So last Monday Deputy Southern put in a written question to all my officers asking to gather some evidence and figures over 10 years. On Thursday he put in an oral question saying: "In light of the figures revealed in the response to the Written Question 75", blah blah. I only signed that question off yesterday after all those figures were gathered together. Either the Deputy has got a crystal ball or he knew the answer and is wasting my officers' time. Can I have a ruling please?

**The Bailiff:**

I do not think that is a matter from which the Chair can properly rule. I understand the point that you are making of course but it is perfectly reasonable I think for a Member to put an oral question in on the assumption that figures will be provided and ask for a comment from the relevant Minister on those figures, even if they do not know what the figures are when they come through. It does not seem to me that the Deputy's question is necessarily any more significant other than asking for a comment on whether those figures have delivered the strategic aim.

### **3.3 Deputy G.P. Southern of the Chief Minister regarding impact of inflation measures (OQ.35/2022)**

In light of the figures revealed in response to Written Question 75/2022 regarding the impact of inflation measures on both the level of minimum wage rates and income support components, will the Chief Minister provide his assessment of the extent to which they reveal success, or otherwise, in delivering the strategic aim of reducing income inequality over his term in office?

**Senator L.J. Farnham (Deputy Chief Minister - rapporteur):**

The statistics in Written Question 75 show that the minimum wage rate has increased twice as fast as average wages over the last decade, directly addressing the issue of income inequality. When the Council of Ministers took office the main minimum wage was £7.18 an hour. Today it stands at £9.22 an hour, an increase of 28 per cent over 4 years compared to an 11 per cent rise in average earnings. The assessment is that the improvement in minimum wage rates has supported the aim of producing income inequality. There have also been a number of changes to the income support scheme over the period covered in the written question. The disregard applied to earned income has increased from 16.5 per cent to 26 per cent over the last 10 years, with the most recent increase from 25 to 26 per cent implemented in 2019. It is believed that the improvement in income support disregard rates has also supported the aim of reducing income inequality. In terms of income support components, I think it is positive news that the increase in support for families with the component allocated to the first child in an income support family rising from £65.87 to £83.02 today. This is an increase of 26 per cent over the last 4 years. It is the overall assessment that, in the answer to Written Question 75, indicated that the Government has made progress in delivering the strategic aim of reducing income inequality.

**3.3.1 Deputy G.P. Southern:**

Given that version of the figures, does the Minister not accept though that the worst-off in our society, those who cannot or do not work for a living, and reliant on income support, that the basic rates have hovered around less than 10 per cent rather than 20 per cent demanded by R.P.I. (retail price index) or inflation. Further, that while the overall bill for looking after these people has gone up, most of that has gone to landlords and not into people's pockets to be spent in our society; is it not the case?

**Senator L.J. Farnham:**

While we might all have a feeling, and understandably so, that given the very unique circumstances of the last 2 to 3 years, which has led to extraordinary changes to the cost of living and community in general, that that is the case. But we are not really going to know for sure until we get the information we need to work with, for example, the household income survey, which will give us the detail we need to assess that. I suspect we are going to find that there are some in our society that have become worse off, given those unique circumstances and if that is the case we must act swiftly to improve that for them.

**3.3.2 Senator S.Y. Mézec:**

The Minister has just given contradictory answers to both of those questions from Deputy Southern. In his first answer he said they believed they had reduced income inequality and in his second he said he fears that the household income survey will show that we have greater levels of poverty now. How does he think he can have it both ways?

**Senator L.J. Farnham:**

I am sorry, I did not say that and I did not say I believe we have greater levels of poverty. I said the feeling is generally from those of us who know our community and look closely at what has been going on within that community, I suggested there could be some members of our community that have suffered because of this. But we do not know and we are not going to know until we get the detailed information that we need to make those assessments.

[10:15]

But I stand by the original answer, which shows that we have made some inroads into this and we have made some progress there. It might not be the full answer, it might not be the solution that we are looking for to increase income inequality for all Islanders but we are certainly moving in the right direction.

### **3.3.3 Senator S.Y. Mézec:**

Do the figures show that though? Because we know that within the headline R.P.I. figure are different inflation rates for different aspects of cost of living and there are higher rates for some of those aspects that disproportionately affect those on lower incomes, such as the cost of housing where there has been rampant inflation in recent years. Does the Minister think that the increases in the minimum wage rates and the income support components, along with the increase in R.P.I. for those specific cost of living elements that disproportionately affect those on low incomes, will show that the poorest in our society are better off than they were 4 years ago?

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

Again it is difficult to tell. I suspect that some will be better off and some might not be; very difficult to tell and unless we break down the figures I gave earlier on, a high sort of level figure, if we wanted to go in and break down the figures into all the different sectors of R.P.I. we could do that and I am sure we would find some very interesting results. But we need the results of the housing income survey to finish that equation. I am sure every Member of the Government and this Assembly would fully support whatever the findings are of that if more help is needed to certain aspects of our community, then this Assembly should provide it as soon as possible. But in the meantime, again, I stand by the original answer. It might not be the solution for everyone but I believe we are making strong progress, more progress than previous Governments and previous Assemblies have made.

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

One of the key things is evidence for this and how does the Minister view the evidence of increasing use of food banks? How does this fit in with the current Government-funded propaganda campaign of how the Government has introduced income inequality but at the same time we have seen an increase in use of food banks? Can we please ask the Minister to square that round circle?

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

I think looking at the western world where food banks have become commonplace over the recent decades, and I think every town and every city and every country in the world has seen a significant ... maybe not in the world but certainly I am referring to examples I have seen in other countries, we are seeing a significant increase in the use of food banks. That is undoubtedly the result of a number of factors, not least because of the rising cost of living. We know that if you make commodities free to the public, which is extremely helpful in this period of time, that the likely use is going to go one way, especially when we are seeing unique and challenging economic circumstances. That is something we have to address very, very quickly and, like I say, we will do that as soon as we get the results. I cannot square the equation of why the significant additional use of food banks is maintaining its momentum because I do not have that information in front of me. But I do share the commitment of the Assembly, the Reform Party who has made this one of their key focuses, to try and do everything we can to alleviate the need for food banks in a modern society.

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

But not that I am speechless, I have asked the Minister are we, therefore, saying that food banks are Government policy now, which I find massively disappointing on a rich island? Is the Minister saying that there is an inevitable growth in food banks because we cannot really control it and, if so, how does that go with the Common Strategic Policy of reducing income inequality? Will the Minister admit that that simply does not fit?

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

No, it is certainly not Government policy to operate food banks. It is because of charitable organisations in the community that we have food banks that are assisting Islanders who need to utilise them. Certainly not Government policy but it is Government policy to do everything we can

to alleviate the necessity for food banks in our community. Again, and I have mentioned it in questions last week speaking to the head of the Statistics Unit, we are urgently awaiting the results of the household income survey, which we know was delayed because of the logistical challenges to collating the information during COVID. But in the meantime we remain committed to doing everything we can to help the less well-off in our society but it is not Government policy to have food banks. We would all prefer that Islanders did not need to utilise them.

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

Does the Assistant Minister anticipate that what he sees when he receives the income distribution survey in 2010 and 2011 he will see a double hit, one pre-2009 when the economy panned out and then the COVID double impact since then? Is that not the case and does he not expect to see that the economy has serious blows and income inequality has increased in the years since 2004, 2005 when the last income distribution was completed?

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

I am not going to speculate on the results of the household income survey. I think it would be unwise to do so and I think we must await that as a matter of urgency. We need to maintain an open mind and be prepared to act accordingly as soon as we get the results and as soon as we can put together the policies that will address them. While not speculating, I expect to see a number of different results, some showing that we face challenges, some showing that we have made progress in certain areas. But overall notwithstanding the very challenging 2 years we have I think Jersey's economy has stood up remarkably well. It is a remarkably robust economy we have and a very fortunate financial situation that we find ourselves in.

### **3.4 Deputy M.R. Higgins of the Minister for External Relations and Financial Services regarding sanctions on Russia and its oligarchs (OQ.36/2022)**

Will the Minister advise what steps the Council of Ministers has taken to support the sanctions on Russia and its oligarchs for Russia's invasion of the sovereign state of Ukraine and how the Council will ensure or verify that such sanctions are effective?

### **Senator I.J. Gorst (The Minister for External Relations and Financial Services):**

Firstly, let me say that what is taking place is deeply disturbing and the Government strongly condemns the illegal invasion of Ukraine by Russia. [Approbation] Our thoughts and prayers go out to all of those brave people in Ukraine who are showing such courage and to their families, wherever in the world they may be. On Thursday the U.K. (United Kingdom) Prime Minister and Foreign Secretary announced a significant increase in sanctions measures against Russia. Jersey will maintain a position of full alignment with the U.K. and other international partners in supporting measures against Russia. Any new asset-freezing designations have immediate effect in Jersey and any funds or economic resources connected directly or indirectly with those persons or entities must be frozen without delay. Financial institutions and other relevant persons have a legal obligation to report to me any frozen funds connections with designated persons or other sanctions restrictions and it is a criminal offence not to do so.

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

Can the Minister tell us whether any of the people on the list so far have residency in the Island and whether they have companies in the Island, so that we are aware of that fact?

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

These sanctions and asset-freezing designations work in the same way that others do. Other asset-freezing designations rise to notification to the Minister. We expect these sanctions to work in exactly

the same way but we do not give a running commentary on the quantum institutions or individuals. If there are designated individuals or companies or structures in Jersey, they will be sanctioned.

#### **3.4.2 Senator S.Y. Mézec:**

Notwithstanding the Minister's previous answer, is he able to tell the Assembly whether he is and has been receiving notifications of those sanctions being applied to assets in Jersey so far? What we are trying to get at in asking that question is that is there a problem with Russian assets being held in Jersey and are firms in Jersey having to proactively take this action because of the presence of those assets in Jersey or is it something that Jersey does not have much of going on here?

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

There are assets held by Russians right across Europe. Jersey is an international finance centre and financial services industry in Jersey ever since the sanctions listing were made firstly last week and then again on Thursday have been reviewing all of their book of work to ascertain whether those individuals are individuals that require that they have instruments that require freezing. One would then expect them to notify me accordingly, simply because those asset-freezes are working does not correlate that we have problems. We would have problems if asset-freezing and designations were not working. We are aligned with the international community in ensuring that if there are connected individuals, as I say, companies who are rightly being sanctioned by the international community, we are giving effect to them in Jersey. Let us be clear, they started with a small number of designations, then on Thursday we had a small number more of designations, but the United Kingdom are working through roughly, as of the weekend, 110 designations. The circle of designated asset-freezing is growing. As it grows, that circle, we would probably expect notifications to come in to me.

#### **3.4.3 Senator S.Y. Mézec:**

Hopefully a very simple one. The Minister has made reference to the requirement to notify him when those sanctions are applied; can he confirm to this Assembly that he has begun receiving such notifications?

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

It is not my policy to notify in that regard. We do not normally notify when I am notified. For example, we have had all sorts of sanctions where there are troubles around the globe where I am notified. Sometimes those notifications are legitimate, financial services companies take largely a precautionary approach, notify freeze and then take further legal advice to see if that connection is correct. It is not my policy to notify publicly when I receive those notifications.

#### **3.4.4 Connétable M.K. Jackson of St. Brelade:**

Given that there will be a number of Russian-owned vessels flying the Jersey flag throughout the world, what is the Minister prepared to do to manage that situation?

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

I am not quite sure what the Constable is referring to when he says Jersey-owned vessels flying the Jersey flag. There are, unfortunately, as the Senator to my right will say, no, there are rather too few aircrafts and vessels carrying the Jersey flag. I wonder if he could just clarify what he means.

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

Yes. Non-resident vessel owners are obliged to appoint a representative person in the Island. There are several Russian-owned vessels in that situation with local appointees. I wonder what he might be doing to follow up that situation, which I think needs managing.

[10:30]



**Senator I.J. Gorst:**

If they are currently designated, then I would be receiving notification and those assets, if it is a freeze designation, would be frozen. Perhaps the Constable might wait until I make my statement when I talk about the wider piece of work that I have instructed officials to do, which would be very much not just dealing with the sanctions and the asset-freezing, which the Deputy's question is rightly directed at but a wider piece of work is being undertaken as well.

**3.4.5 The Connétable of St. Brelade:**

Just a brief supplementary, may I ask the Minister to liaise with the Registration Department for the Ports of Jersey to ensure that it is dealt with?

**Senator I.J. Gorst:**

I can confirm and satisfy the Constable, hopefully, that all appropriate authorities are already being liaised with.

**3.4.6 Deputy R.J. Ward:**

Can I ask the Minister, as part of the implementation of sanctions and assets-freezing, the U.K. looks like it will produce a register of Russian-owned property? Will the Minister be extending that register of Russian-owned property to Jersey in order to have a clear oversight of what those assets truly are?

**Senator I.J. Gorst:**

At the last sitting I was rather reprimanded by a fellow Member for suggesting that the question might not have been within order. That question is not directly a sanctions question, it is about the new Economic Crime Bill, which will be having its First Reading. The Deputy shakes his head, I wonder if he is not referring to the register within the Economic Crime Bill if he could ...

**The Bailiff:**

I think on the surface of the question that is being asked it is simply: is the Government going to take steps to identify what Russian assets are so that the Government can be satisfied that the sanctions are being policed? That was my understanding of the thrust of the question. Is that correct, Deputy?

**Deputy R.J. Ward:**

Absolutely, Sir, thank you.

**Senator I.J. Gorst:**

Not about the Economic Crime Bill, which we will come on to because that is connected with the Economic Crime Bill and the obligation and the confirmation that I have given to the United Kingdom Government that Jersey service providers, as they do with the Jersey register of beneficial ownership, will play a full part and play their part appropriately in complying with that new legislation, which will be having its First Reading in the U.K. Parliament this afternoon. As I said in response to the Connétable of St. Brelade, I have asked for another piece of work to be undertaken, liaising with the global taskforce that has been announced by the U.K. and the international community, I think perhaps doing the very work that the Deputy might have been alluding to. I am sorry if I misunderstood the thrust of his question.

**3.4.7 Deputy R.J. Ward:**

I think rather than invoking Standing Order 63 part (b) about not answering of a question, I will ask the question in another form. Does the Minister know of the property assets owned by Russian owners on this Island who may be identified on the sanctions list? Is he aware of who they are in order that we may impose those sanctions and asset-freezes in Jersey in a way to justify the U.K.?

**Senator I.J. Gorst:**

There are 2 questions there because they are 2 different scenarios. The first scenario is: does Government know what is owned, I think, here in Jersey? Is that correct? The service providers, if it is within a financial services structure, they do know and we are doing work to collate that and to work with those service providers to ensure that sanctions are given appropriate effect and not just the direct sanction but also the spirit in which the sanction has been issued. The other bit of that first part of the question is probably connected with a property register, and it is something that Deputy Higgins brought before the Assembly in recent months. I have got to say my understanding is that while it is not being undertaken in my department, that work has not moved forward as rapidly as one would have liked. My officials are speaking with the relevant officials to make sure that that is brought forward rapidly because that will help solve that part of the equation. Then when it comes to the second question that the Deputy asked about U.K. properties owned by Jersey structures, I think I have already answered that. Service providers do know who they are and they will play their full part in populating the new register that the U.K. is setting up, which comes through the Economic Crime Bill.

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

I would like to thank the Minister for the fact that they are finally making movement on the official property register, even though the Minister voted against all 3 parts of it when he was in the States. However, I would also like to say that the Minister's answers do not give me great comfort and I have got to say the reason why ...

#### **The Bailiff:**

Deputy, this has to be a supplemental question.

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

Okay, it is, Sir, and I am coming to it now.

#### **The Bailiff:**

Statements about how you feel about answers is not a ...

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

It will become obvious with my question then, Sir.

#### **The Bailiff:**

Hopefully, it will become obvious moderately quickly.

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

Okay. Can the Minister say categorically that Jersey does not have dirty money coming from Russia going through the Island's finance industry or is here and that Island businesses are absolutely squeaky clean? Because we have had instances in the past where people have been found to be dealing fraudulently and have not been pursued. What will he say to that?

#### **The Bailiff:**

I think the first part of the question is legitimately within the terms of the main question, Minister.

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

I realise that the Deputy is trying to trap me into misleading the Assembly. Let us be absolutely clear, to all international standards we have the very highest regulation. We have a register of beneficial ownership administered by the J.F.S.C. (Jersey Financial Services Commission), which others around the globe follow. It is a register whereby those who submit information are regulated, which is unlike registers elsewhere across the globe. I believe that Jersey service providers work to the very highest standard. He will be aware that service providers who are providing services to either Russian

clients or Russian-connected structures already have to follow, arising out of the national risk assessment, enhanced due diligent processes. Let us not muddy the waters as it were. Can I give him a copper-bottomed guarantee that all of the processes, the regulation and the supervision, means that there is never at any point an individual in Jersey doing something that I would deplore and believe should not take place? Of course I cannot because no one in the world can and if they do then I would suggest that they were misleading one. The thing that we can do is meet the very highest standards and we make it clear to the industry that there is no avoiding those higher standards. I will say in my statement shortly that we are aligned with the international community, we are aligned with the U.K., not just in the letter of the law and the letter of the sanctions but in the spirit of it as well. We must play our part in this war, in this fight against the invasion in Ukraine, and when it comes to financial services I am ready, the Government is ready, and I know that the industry is ready to play its part. **[Approbation]**

**The Bailiff:**

I almost hesitate to say because I am not making an observation on the last answer given in any way at all but could I remind Members that, generally speaking, when answering questions they should limit themselves to one minute 30 seconds in providing an answer? May I also ask Members who are asking questions they should ask them in a succinct a form as possible? Obviously from time to time a preamble statement is necessary to make the question intelligible but that is the only legitimate basis for a preamble statement. It is not a statement of opinion or a political observation or anything of that nature, it is simply to make the follow-up question intelligible. Could I just remind Members of that? I am conscious we are back in the Assembly physically in a real sense for the first time and I think it is important that I remind Members from time to time of the pertinent parts of Standing Order.

**3.5 Deputy S.M. Ahier of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding repayment of monies from Co-funded Payroll Scheme (OQ.41/2022)**

Will the Minister advise whether there is any evidence to indicate that pursuing small businesses for the repayment of monies from the co-funded payroll scheme is adversely affecting economic development in Jersey?

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

Can I start by saying that the payroll scheme has had a most positive effect on the economy, economic development and the safeguarding of livelihoods and jobs throughout the pandemic? The economic impact of repayments is not yet clear. But we do have a duty to ensure taxpayers' money is used appropriately and that is why there are audits being carried out to ensure that that is the case. What I would say is that where mistakes have been made and money is asked to be repaid it has to be done in a way that enables the business or the individual, who might be finding themselves in a position where they have to repay, ample time - and I mean ample time - to repay without putting their business or livelihood at risk if that is at all possible.

**3.5.1 Deputy S.M. Ahier:**

Did the Minister for Economic Development, Tourism, Sport and Culture give enough support to small businesses who were forced to close due to the pandemic lockdowns?

**Senator L.J. Farnham:**

It was not a sole effort, I have to say, it was the Government of Jersey, the Council of Ministers, that ultimately made the decisions on this and of course those decisions were made possible by the fact that the Assembly supported significant sums of money to allow the Government to do just that. One could say that we could have given more, some critics say we gave too much in certain areas. But I think with the benefit of hindsight we got it about right. Looking back at what we have learnt, if the

same thing were to happen again - and I hope it will not and I am touching everything wooden - lessons will have been learnt and we would be able to refine what we have done in the past. But overall I think that the answer to the question is broadly, yes, we gave appropriate support.

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

Notwithstanding the Senator's comments that of course it is right to ensure that public money has been used wisely, would the Senator accept that when consistent errors are discovered in the workings out of officials who are reviewing these requests for repayment, then it would be more sensible to not waste the time of officials in going after hundreds of people for what is in the scheme of it a small amount of money and instead to spend that time in reviewing the internal process and, therefore, correcting the wrong requests that are being sent out to members of our community?

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

I think I can agree with certain aspects of the Senator's question, it would certainly be appropriate that if officials have made mistakes that needs to be addressed. If businesses have been incorrectly asked to repay monies then that needs to be addressed and resolved. Out of approximately 4,000 businesses that received support, 579 have been asked to make repayments and that total is approximately £6 million and approximately 420, if I remember right, of those businesses have already made or started to make repayments and £4.5 million has been returned. But, in essence, if there have been mistakes by the Government or officials they need to be addressed quickly.

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

I thank the Senator for his answer, which is most welcome. If we could refer back to one of his previous answers, the Senator referred to ample time being given for people to repay their debts. Sir, as a judge, you will be aware of the necessity to offer appropriate timing and repayment plans to those people.

[10:45]

No matter the extension by the Minister for Treasury and Resources of an additional year for these repayment plans, would the Minister commit to reviewing that time period once again to ensure that an adequate timeframe and appropriate limits for repayments are being set by the department in those cases where it is appropriate for a repayment to be made?

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

I would certainly commit to asking the Minister for Treasury and Resources and relevant Ministers to reconsider that. I think every business, every case is, potentially, different. Some businesses might be able to afford to repay it sooner. I think many businesses, given the shock to their business that they have suffered, will need a lot longer than one or 2 years. I am sure the Minister for Treasury and Resources and the Assistant Minister are alive to that fact, and I very much hope the Treasury will provide the leeway that is required to ensure that after working so hard and providing so much taxpayer support to get these businesses through the challenges, we are not going to let any fall at the final hurdle.

### **3.5.4 The Connétable of St. Brelade:**

Would the Minister acknowledge that some businesses have fallen through the net when it comes to support from Governments, and I mention particularly language schools where business fell away completely virtually overnight due to the inability for foreign students to come to the Island?

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

I am trying to recall the circumstances surrounding language schools and I did think we had found solutions to most of those businesses and individuals that had fallen through the net or being subject or excluded from the scheme for one reason or another. But I would have to admit that possibly, yes,

some have been but I am not aware. I am trying to recall the actual reasons why it happened with language schools but, yes, as I have said, we did not quite get everything perfect. I believe we helped the vast, vast majority of those businesses and individuals that needed help.

### **3.5.5 The Connétable of St. Brelade:**

Given that the response from the department in these cases has been extremely dilatory, could the Minister confirm that he will try and speed up reactions, should responses be required?

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

I will need to understand, I think, the circumstances around the cases that have received dilatory responses but, yes, of course we undertake to be as responsive as possible, to reply as quickly as possible, and to find solutions as quickly as possible for all these businesses. But if the Constable has had any particular cases in mind perhaps that he could forward them to me and we can chase them up accordingly.

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

Can I ask the Minister if he can explain briefly, obviously within one minute and 30 seconds, his understanding of the mechanism that led to these overpayments?

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

When the schemes were being put together, and if Members will remember the scheme went through a number of iterations earlier on as the situation developed and we realised very quickly that the economic impact was going to be far greater than originally anticipated; the schemes kept changing. I am not sure what the answer to the ... could the Deputy just repeat the essence of the question?

#### **The Bailiff:**

I do not think we have time for lots of repetitions, Senator Farnham, we are running up a little bit against the clock.

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

Okay, Sir. We do get to the final iteration of the payroll scheme, there was a lot of detail and a lot of qualification criteria to the scheme, there was something like 30 pages. With hindsight I wish we could have simplified that and made that simpler. It is not at all surprising that some businesses did inadvertently make claims that might not have been entitled to. But, again, that is the one of the lessons we have to learn.

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

Can the Minister confirm it was really a Government procedural issue that led to this, rather than individuals themselves creating this problem, in a way analogous so the way that Social Security makes errors and puts people in debt for years and years and years?

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

I am not going to readily accept the fault of the Government because the Government acted, I think, extremely quickly, given the circumstances. The schemes were put together quickly and they provided support and payment very, very quickly. The public sector has a duty, has a legal responsibility, to look after public funds. It is audited by the Comptroller and Auditor General and that is always in the mind of officials when they are putting schemes together and that could, arguably, lead to perhaps red tape where we do not need a lot more detail where perhaps we do not need it. I think the very best endeavours were made by the Government to get this right. But most importantly when payments were needed they were made very quickly at the time of need.

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

I must commend the Government for bringing forward the scheme and for saying, as the Deputy has asked, that they will be very sensitive in dealing with the repayments if there has been inadvertent overpayment. However, there are some allegations that some people have fraudulently tried to obtain funds through this way and can the Minister assure us that they will be prosecuted if found out?

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

I can assure the Assembly that audits will be thorough and that any cases of fraud will be investigated. What I cannot do is guarantee there will be a prosecution. That is not up to me or any Member, it is up to the relevant department and the relevant authorities to take that forward. But I can reassure Members that the process for checking this is very thorough, perhaps is - we have heard - too thorough but we are trying to find the right balance.

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

Is the Minister having conversations with the Minister for Treasury and Resources and the Minister for Social Security to ensure that business owners who are no longer trading are not being pursued for monies claimed from the co-funded payroll scheme?

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

I have to say I have not had conversations with the Minister for Treasury and Resources on that issue and I am sure the Minister for Treasury and Resources is aware of that. But I am certainly happy to touch base with her or the Assistant Minister to find out exactly what the situation is.

### **3.6 Deputy K.G. Pamplin of St. Saviour of the Minister for Treasury and Resources regarding tenants' rents at Spencer Lodge and Spencer Close (OQ.31/2022)**

Following the recent purchase and, hopefully, soon completion by Andium Homes of Spencer Lodge and Spencer Close in St. Saviour, will the Minister, as shareholder representative, advise what, if anything, will change in both the short and medium term in respect of the tenants' rents?

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

The Assistant Minister will take this question. Thank you.

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

Firstly, I should be clear to Members that the formal purchase of these properties by Andium Homes has not yet been completed. I have signed a Ministerial Decision to provide Andium with authority to complete the transaction, which is scheduled for 11th March at the earliest, subject to the remaining due diligence processes. The Andium board is, however, committed to acquiring the properties, subject to these final standard procedures. I am delighted that a solution has been found to what was indeed a very awkward problem. I would like to thank one or 2 Members, thank you for the question because it gives me a chance to do it. I would like to thank Andium for the speed they moved on resolving this, I was told Christmas Eve ...

### **The Bailiff:**

Assistant Minister, you did hear what the Chair just said about succinct answers.

### **Deputy L.B.E. Ash:**

Can you repeat, Sir? [Laughter]

**The Bailiff:**

There should be an answer to the question and ...

**Deputy L.B.E. Ash:**

I shall forego thanking anybody, it is not in my nature anyway. I shall move straight to answer the question. Andium have confirmed that on assuming ownership rents will not be increased. Furthermore, in the medium term Andium has committed to not increasing rents at all in 2022.

**3.6.1 Deputy K.G. Pamplin:**

On behalf of my fellow neighbours and residents in the district, we would like to thank, but also to seek reassurance for the date when things are completed that the much-needed maintenance on the 2 properties will not affect the rents, as the Assistant Minister has outlined, thank you?

**Deputy L.B.E. Ash:**

I can confirm that Andium will be refurbishing properties that need refurbishment, as they do with all their properties, and that will not result in an increase in rent.

**3.6.2 Senator S.Y. Mézec:**

I am obviously delighted with this outcome and very pleased that this has been the result, and I am pleased with the Assistant Minister's answers on the short and medium-term situation with rents. I hope it is not stretching it to ask about the long-term implications for rents because Andium does have a policy of setting rents at 80 per cent of the market rate and they do have a formula for helping tenants get to that position, which involves either freezing rents until they are at 80 per cent or slowly raising them. Can he confirm if the long-term intention is to apply that formula to those rents?

**The Bailiff:**

I will just allow that, because it is specifically outside, it is sufficiently linked, but it is a matter for the Minister how he answers.

**Deputy L.B.E. Ash:**

I understand that Andium will use their standard processes with the rents. It will not be a special case in any way.

**3.6.3 Deputy K.G. Pamplin:**

To be brief, when the completion is made, will the Minister ensure that everybody is informed timely and to arrange a meeting with everybody concerned on the next steps?

**Deputy L.B.E. Ash:**

Yes, Andium have always kept the residents in close contact and they will continue to do so. Should they require a meeting for the next steps they will do.

**3.7 Deputy L.M.C. Doublet of St. Saviour of the Minister for Children and Education regarding Parenting Support Services (OQ.37/2022)**

Will the Minister advise what changes, if any, have been made to parenting support services since the onset of the pandemic; and what are the future plans for these services?

**Deputy S.M. Wickenden of St. Helier (The Minister for Children and Education):**

Pandemic restrictions prevented the delivery of face-to-face group sessions, although one-to-one work with families continued throughout and some of the group programmes delivered using a virtual model. The parenting support service based at the Bridge Child and Family Centre has now been

integrated into the new family and community support services. In addition to delivery of the Triple-P parenting programme, the team alongside colleagues from partner agencies have been trained in additional targeted parenting programmes. In 2022, in collaboration with partners, the team are offering the Who's in Charge programme to support parents whose children are being violent or abusive towards them; Early Bed programmes for families with children with autism, Relief Foster Parenting programmes for families of children with A.D.H.D. (Attention Deficit Hyperactivity Disorder), and Time to Pause, a well-being programme for parents in partnership with MIND Jersey.

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

Could the Minister advise, in terms of the virtual sessions, are these ongoing? How many of those virtual sessions took place and how were they accessed? He also mentioned one-to-one sessions. How is this accessed and what is the waiting time for a one-to-one session?

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

I am not sure on the operational side of how they are accessed. I know the programmes are taking place. I am not aware of waiting lists on them. I can say that the uptake for 2021 of the programmes was 143 families. For Triple-P, 52 of the programmes that they target were enacted over this time.

### **3.8 Senator K.L. Moore of the Minister for Treasury and Resources regarding modification of ITIS rates (OQ.30/2022)**

Will the Minister inform the Assembly how many times, in the past 4 years, Revenue Jersey has received requests to modify I.T.I.S. (Income Tax Instalment Scheme) rates and on how many occasions those requests have been agreed?

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

The Comptroller of Revenue advises me that this information is not available. The Income Tax Instalment Scheme, I.T.I.S., enables over 50,000 employees to build up the money to pay towards their annual tax bill. An I.T.I.S. effective rate dictates monthly deductions from salary and it is sensitive to changes in employee circumstances, which need to be reported to Revenue Jersey in a timely fashion. Employees' effective rates are reviewed at least twice annually, even where employees do not report a change of circumstances. Firstly when employees file their tax returns and receive their annual tax assessments, and secondly in November each year to help update employers' payroll systems for the coming year. Many employees seek to reduce their I.T.I.S. effective rate for a number of reasons. During 2020 and 2021, to alleviate financial distress during the pandemic, Revenue Jersey significantly relaxed the rules around agreeing temporary reductions in effective rates. This will have allowed employees to build up tax debts, which normally will be built into future years' effective rates.

[11:00]

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

The Corporate Services Scrutiny Panel has on a number of occasions raised concerns on behalf of members of the public with the Minister and the Comptroller of Revenue Jersey. Does the Minister accept now that there are significant issues with regards to accuracy and satisfaction with the work of Revenue Jersey and it is a matter that must be addressed immediately?

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

The matter is being addressed. The chair of the Scrutiny Panel is quite right, it has been raised and there have been several briefings with the Scrutiny Panel with myself and the Comptroller and members of Revenue Jersey in order to address the concerns of the Scrutiny Panel. So it is being addressed but it is not a perfect system. We are working towards improving it.



**The Bailiff:**

That brings us now to question 10 that Deputy Gardiner will ask the Minister for Infrastructure. Deputy Gardiner is absent, yes. Very well, then question 10 falls away. Question 11 falls away because Deputy Morel is also absent.

**3.9 Deputy G.P. Southern of the Chair of the States Employment Board regarding political activities of public sector consultants (OQ.42/2022)**

Will the chair state what consideration, if any, has been given to the use of paid consultants by the Government of Jersey who might subsequently decide to stand as candidates in the election, in particular the applicability of Part 5 of the Employment of States of Jersey Employees (Jersey) Law 2005 concerning the political activities of public employees?

**Connétable R.A. Buchanan of St. Ouen (Vice-Chair, States Employment Board - rapporteur):**

The law mentioned by the Deputy is not applicable to those who are not employed by the States Employment Board and therefore it will not surprise the Deputy that we have not considered that in relation to paid consultants. There is no bar for suppliers, including consultants, who are not employees of the States Employment Board, and indeed politically eligible employers, standing for election.

**3.9.1 Deputy G.P. Southern:**

By what mechanism then and by which body was this person, who was responsible for advice and consultation on Island identity, appointed and what timescale this person to advise the Government on Island identity?

**The Bailiff:**

Is that something within your knowledge as chair of the S.E.B. (States Employment Board)?

**The Connétable of St. Ouen:**

It is probably better directed at the Minister for International Development. That person was employed by the Minister for International Development on a contract to her team.

**3.9.2 Senator S.Y. Mézec:**

If part 5 of the Employment of States of Jersey Employees Law does not count in this instance, does the States Employment Board have a view on the appropriateness or otherwise of other routes for employment for people by the Government of Jersey in instances where there may at least be a perception of that enhancing their candidacy for politics?

**The Connétable of St. Ouen:**

The States Employment Board does not have a view on that in that the law applies to employees and does not apply to consultants. So if a consultant is employed by a Minister then the suitability of that consultant in some respects is the direct responsibility of the Minister. It would not be something that the States Employment Board would consider routinely.

**3.9.3 Senator S.Y. Mézec:**

Given that Jersey is now inevitably heading down the route to having party politics, but we do not have the infrastructure in place to ensure that Government funding is used appropriately and that the civil service remains impartial, would he in his role with the States Employment Board undertake to take some form of exercise to ensure that the routes for employment for potential political candidates is examined within the wider framework on the rules of employing people by the Government to ensure that there can be no concerns about the partiality of this in future?

**The Connétable of St. Ouen:**

I am not sure I understand the Senator's point. Employees who are employed by the States of Jersey are bound by certain rules and they are allowed to carry on working until such time as they are elected. Indeed, as the Senator will know, 2 of his members are bound by those rules at the moment. Anyone who is employed as a consultant signs a statement of works, which makes it explicitly clear that any information that comes into his or her possession is not to be used other than for the purpose it was given to him. I really do not see personally that there is an issue.

**Senator S.Y. Mézec:**

Might I raise a point of order? I can cite the points. Standing Order 63, part 4(b) allows us to invoke that Order if we feel that a question without notice is not answered. I asked quite specifically in that question whether he would be prepared to undertake some form of exercise in his role as the States Employment Board to determine whether this sort of thing is appropriate in future. I guess that could be answered with a yes or no and he has not provided either of those.

**The Bailiff:**

I understood the answer to simply be it is not a matter for the States Employment Board. That is of course the only basis on which the Constable answers questions in connection with this matter and not in any other capacity. But if the Constable wants to elaborate in any way on his answer I think he reasonably may.

**The Connétable of St. Ouen:**

Yes, I am happy to elaborate. The Senator well knows that he and I have been exchanging a number of emails over the last few days on this particular point and I understand his concern and the States Employment Board will put it on the agenda to discuss. But what I cannot do is guarantee any outcome from it. But we will certainly talk about it.

**3.9.4 Deputy R.J. Ward:**

I am going to change my question given the answer. Can I ask the Minister, the chair of the S.E.B., whether he understands he may have inadvertently misled the Assembly in his answer when he said that Members can work up until the point when they are elected? Can I inform him that when a number of Members of this Assembly were elected they had to stop working and took 6 weeks' unpaid leave before they were sworn in. So that is not the case and can he confirm that is the case?

**The Connétable of St. Ouen:**

Given the concern expressed by the Deputy, I would prefer to get back to him with a written answer once I have consulted with my officers. Clearly I do not know every single piece of legislation but I understand his concern and I am more than happy to get back with a response.

**Deputy R.J. Ward:**

It is very clear that it is from nomination day and the discussion we have just had is simply incorrect in this Assembly and we cannot be misleading the Assembly in this way. Because it does impact on the answer to the question.

**The Bailiff:**

It is not a matter on which the Presiding Officer can rule. Therefore it is a matter on which the Connétable has said he understood the position to be A, you have said that you understand the position very clearly to be B, and the Connétable has said in effect: "I am not completely certain and I will have to check." That is really where the exchange ends. There is no misleading or anything of that nature going on, or at least not in any sense that is clear from any of the answers given.

**3.9.5 Deputy R.J. Ward:**

Can I just confirm with the chair of the S.E.B. then that any employment of consultants directly advising Government, be they members of a similar party, be they members who will be candidates, are entirely up to the will of the Minister themselves and it is their decision to make that choice?

**The Connétable of St. Ouen:**

That is indeed my understanding of the situation.

**3.9.6 Deputy G.P. Southern:**

Turning to Article 40 of the relevant law, where politically ineligible States employee tends to stand for election, a politically ineligible States employee who intends to stand for election as a Senator, Deputy or Constable, shall, as soon as reasonably practicable, notify the chief officer of the department or unit of administration in which the employee is employed. My question to the chair is what timescale was employed and what notification was given that this person was choosing to stand for election?

**The Connétable of St. Ouen:**

I am not sure I am entirely clear on what the Deputy is asking because the person was not an employee. I thought I had made that explicitly clear. My understanding is that his term of engagement ran from early this year and finished in November at the time that the person concerned declared that he was a member of a political party. He cannot possibly be nominated to stand in the States because nominations have yet to open.

**3.10 Senator S.Y. Mézec of the Minister for Health and Social Services regarding the Health Access Scheme (OQ.46/2022)**

What is the Minister's assessment of the success, or otherwise, of the health access scheme that has provided for cheaper access to G.P.s (general practitioners) by pensioners, children and those on low incomes?

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

I am very pleased that the Minister for Social Security has introduced the health access scheme. As the Senator notes, the scheme provides free access to G.P. surgery visits for children living in low-income households and reduced fixed-rate consultations for low-income adults. The scheme covers everyone in an income support household. It also includes a wider group of pensioners who are eligible for pension plus benefits. Surgery consultations are fixed at £12 for adults and this fee includes a wide range of extra services, including blood and urine tests, referral letters and spirometry. Inevitably, the restrictions required during the pandemic have disrupted access to all G.P. and other health services over this period. So it is not possible at this stage to provide meaningful comparison statistics on the impact of the new scheme. However, this work is being developed and I look forward to monitoring those statistics over the next year as services start to return to normal.

**3.10.1 Senator S.Y. Mézec:**

I was hoping to hear from the Minister perhaps a clearer view from him on the impacts that this will have had on health outcomes for those who have had their concerns about the affordability of primary care reduced, and therefore seeking help in a more timely fashion. Would he be prepared to comment on that and whether he thinks that the health access scheme will have had a positive impact on health outcomes?

**The Deputy of St. Ouen:**

Yes, so it is clear that the Senator is asking about health outcomes, because there are other rates at which one could measure success, such as financial or numbers attending and the like. But

anecdotally I understand that persons on low income have been pleased to receive this benefit and have made use of it. We do not have the figures from primary care yet and they could also be measured against normal attendances at the Emergency Department, for example, where patients may have gone instead of attending their G.P. But because of the pandemic it is difficult to assess now. We would need to have a period of normality when we could look back at say 2019 figures and see if the impact of this scheme has meant reduced attendances in the Emergency Department, increased attendances in the G.P. surgeries, but the scheme is designed to encourage just those increased attendances. That is where the care should be given rather than in the Emergency Department. I know it is being taken up by people living on low income, which I am pleased about, and I hope and I am confident that this scheme introduced by the Minister for Social Security will be a success over time.

[11:15]

**3.10.2 Deputy G.P. Southern:**

Will the Minister inform Members whether this is an essential step on the Jersey Care Model, which has meant that people with low income have gone early to see their G.P. for early diagnosis or even preventative measures, and that without maintaining the support he has done for this particular method he risks putting the Jersey Care Model at risk altogether?

**The Deputy of St. Ouen:**

It was precisely the intention of the scheme to attempt to remove what was perceived as a barrier to seek early treatment or preventative measures. So the fact of the introduction of the scheme would encourage people to visit their G.P. because of the absence of what might have been a barrier in the past, the payment of up to £50, plus perhaps other costs for certain things, which are now included as extra services in the single £12 fee. So I would be confident that would be happening and therefore that this aligns closely with the Jersey Care Model, which seeks to ensure that we address people's needs at an early stage or indeed prevent the health outcomes and the conditions that we see developing and impacting on people's health.

**3.10.3 Deputy G.P. Southern:**

Will the Minister commit to funding an expansion of this particular service, either by taking in other groups or by increasing the discount on attending a G.P.?

**The Deputy of St. Ouen:**

The scheme is funded by the Minister for Social Security from the Health Insurance Fund collected by her. I understand that at present there is no immediate consideration to draw in other groups but this will always be kept under review. The scheme was first launched in December 2020 and the Minister for Social Security has recently renewed it until early-2023. So it is secure for a further year. I certainly hope it will continue long beyond that. But this is not the panacea. The Island and the next Assembly will need to consider the costs of healthcare on a much wider framework. Because we know that those costs are just increasing year-on-year as further treatments come on board, people are living longer but with long-term conditions very often, which need care and attention. So the Government Plan announced that we are conducting this year a full review into health funding, which will come to the Council of Ministers and this Assembly in 2024. That will encompass G.P. costs, but it will encompass all other health and social care costs. That is an important debate that the next Assembly will be undertaking.

**3.10.4 Senator T.A. Vallois:**

May I ask the Minister over what period of time does he expect the assessment of this particular scheme to identify which qualitative data to identify its success?

**The Deputy of St. Ouen:**

It is difficult for me to answer that question because of course the scheme is administered by the Minister for Social Security. So I am not privy to the timescales that they are considering in her department. But if this year, 2022, can see us return to some normality and not have COVID worries and COVID spikes, then we may be able to compare 2022 with 2019. I hope that might be possible in 2023.

**3.10.5 Senator T.A. Vallois:**

May I ask the Minister to work with the Minister for Social Security to share the baseline measurements that are expected in terms of the success of this scheme with States Members so that we can identify the outcome of that assessment when it is due?

**The Deputy of St. Ouen:**

I will make that request of the Minister for Social Security and discuss with her.

**3.10.6 Senator S.Y. Mézec:**

Is it not the case that, even without data to compare equivalent years, it is simply obvious that primary care delivered free at point of need is good for health outcomes? Would the Minister for Health and Social Services therefore not undertake to take what measures he can to put us on that path so that at some point in the very near future we can see the health access scheme expanded significantly enough to encompass anybody who has a primary care need for which they will not have to worry about the money for?

**The Deputy of St. Ouen:**

I do understand the Senator's point. It is important that money should not be a barrier to good health. But of course when the Senator refers to "free" there is always a cost. So I refer to my previous comment that, throughout this year, Government is looking at ways to fund health; all health costs in this Island. It is a major piece of work and it needs time and it is going to be difficult. Because someone has to pay at the end of the day for the healthcare that we want, otherwise we will be failing Islanders in providing good preventative health and good curative health. So that work is being done and I hope the Senator and his colleagues will contribute in every way to considering how we can best deliver care in the Island.

**3.11 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding staffing pressures at the General Hospital (OQ.32/2022)**

Will the Minister explain the current situation within the General Hospital in terms of any staffing pressures or shortages and state how many staff, if any, are currently suspended?

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

During 2021 there were 192 leavers from Health and Community Services out of total staff numbers of 2,476. This gives a turnover rate of just over 8 per cent and this compares with the turnover rate of 9 per cent in the department in 2020 and it also benchmarks with the Government of Jersey, which was 9 per cent in 2021 and benchmarks with the N.H.S. (National Health Service), which varies between 7 per cent and 14 per cent, but is on average 10 per cent. There continues to be pockets of services with large levels of vacancies, so it is not the case that across healthcare there are any significant pressures, but in certain pockets. Specifically in theatres and in radiography teams and some medical roles. They are in the main long-term vacancies in hard-to-fill areas, which are recognised as such in the U.K. and other jurisdictions. Purely because a vacancy exists does not mean that the role is not being covered because we employ temporary workers, either on agency or locums, to cover any roles that are patient-facing roles, which alleviates the impact of the vacant

position and reduces pressure on the service. Finally, the last part of the Deputy's question, the department currently has less than 5 staff suspended, but the roles that impact on patients continue to be covered.

**3.11.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. Does he agree with me in the age that we now live in, in the world of dis-misinformation in the public sector, that it is important that his department put fact out as quickly as possible when challenged in the public sphere?

**The Deputy of St. Ouen:**

It is and I want to increase the information available to reassure members of the public that we do not have significant staffing pressures in our hospital in general terms. I referred to the pockets of services where there are pressures. Part of the difficulty lies in the collection of data, which has been recorded by different teams. So we are trying to draw together data that is kept in finance by management teams and human resources and validate that data sources and reconcile numbers. That is why in the past it has been difficult to come up instantly with clear figures. So it is anticipated the work will be finished by the end of March and then we will be able to be out there with the figures and provide what we are assured is an accurate overall vacancy position.

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

The Minister has previously said that vacancy levels are 5 per cent and yet freedom of information answers have rated them at 353 vacancies, which is a vacancy level in excess of 14 per cent. Can the Minister confirm how many vacancies there currently are within H.C.S. (Health and Community Services)?

**The Deputy of St. Ouen:**

Yes. Of course on previous occasions I have been asked for vacancy levels at that time. The answer I have given today is over a year, over 2021. Yes, because of the answer I have just given to Deputy Pamplin, sometimes it depends on the question, but sometimes it depends on the source of the data, because within H.C.S., and I think this is across Government also, a finance team might keep some records, human resources would keep other records, and they are not necessarily collated and reconciled. That work, I am pleased to say, is now going on. So it will be possible to provide an accurate vacancy figure, which all teams in the department will know is the right figure.

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

Can the Minister confirm if he is aware of any consultants who are on restricted duties where locums are carrying out clinics previously run by permanent employees?

**The Deputy of St. Ouen:**

I am not going to comment on individual employment issues. As I have said, locums do continue to cover patient-facing roles where staff are suspended.

**3.11.4 Deputy G.P. Southern:**

Will the Minister inform Members what the total bill ongoing for 2021 is on the reliance on banks for locum staff?

**The Deputy of St. Ouen:**

I recall that answer was given in a written question the Deputy asked just a few weeks ago. I do not have it to hand but it was in any event a very detailed chart setting out the figures paid. I would refer him to that answer.

**3.11.5 Senator K.L. Moore:**

I can perhaps assist the Minister because in that written question I do believe that the monthly sum for payments to locums was on average about £1 million a month. In light of that response, I would like to ask the Minister whether he considers that is an appropriate state of affairs for our hospital and delivery of health services? What is being done to deliver improvements?

**The Deputy of St. Ouen:**

It is the case that, in every health service across the western world it seems, it is a practice that locums are employed and it is important as we have absences caused either by illness or vacancies, as people move on, or indeed shortage and inability to recruit at any given time. It should be remembered that just because money is spent on locums does not mean that is an additional cost because we would normally be paying salaries, pensions, social security, which of course are not being paid while a payment is made to a locum.

[11:30]

I can understand the desire always to have permanent staff, and that is what the department aspires to. We have achieved, particularly in the field of agency nurses, a very significant reduction in the cost and the recruitment of those. So it is always the case that we are seeking to fill permanent posts but I think it would be impossible to say that any health service could operate without locum cover. These locums are excellent people, they do provide a service, they are carefully monitored and they are a valuable adjunct to our staff.

**The Bailiff:**

I am sorry, Senator Ferguson, you indicated you wanted to ask a question, but I had already called the final list on that question I am afraid before you indicated. Question 15 falls away in the absence of Deputy Gardiner.

**3.12 Deputy L.M.C. Doublet of the Minister for Economic Development, Tourism, Sport and Culture regarding a 4-day working week (OQ.38/2022)**

Will the Minister advise what work, if any, he or his department have undertaken to research a potential trial of a 4-day working week in Jersey; and what potential benefits, if any, have been assessed, including in relation to productivity and well-being?

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

The 4-day working week trials in other jurisdictions such as that undertaken in Iceland showed that a reduction in working hours had no negative effect on productivity and in many cases productivity improved. Participants in this trial also reported a better work/life balance. Other similar trials such as the pilot scheme in the U.K. are currently taking place. Improving productivity and economic well-being is a key objective of the work being undertaken as part of the Future Economy Programme. The outcomes of this programme are due to be published in the current term of the Government. While a 4-day week is not currently part of this work, I do expect it to form part of the conversation as this work develops. However, in any consideration of a 4-day working week, it will be important to fully understand the medium to long-term implications of such a move. We know that this may not be appropriate for all sectors, for example. Individual businesses will need to determine whether a reduced week would be of benefit to them. It is worth also mentioning, and we have all seen, the change to recent working habits now with the improvements to technology, which allow much more flexibility around people's livelihoods.

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

The Minister quotes many of the countries that I was about to quote to him, so I am pleased that he is aware of these. If he is supportive of some companies in Jersey perhaps trialling this, how would

he see this working? I believe in the U.K. it is being run by academics and a campaign group. How would he see this working in Jersey if a trial does happen? Could any Government support be given to firms who wish to trial this?

**Senator L.J. Farnham:**

I would expect the work to be led primarily by the team working on the Future Economy Programme. I would certainly encourage businesses to take part in trials. Ultimately I would not seek to impose that upon a business but look for businesses that wish to volunteer to trial it. As for Government support, again it is a bit too early to tell, but I certainly would not rule it out because we want to make sure we explore every opportunity or every option to improve our economic well-being. So not a full answer to the Deputy, but I hope that gives an indication of the direction of travel.

**3.12.2 Deputy G.P. Southern:**

Since we want to make the maximum effort, how about the largest employer on the Island committing one of its departments, or many departments, to a 4-day week and experimenting by leading for a change.

**Senator L.J. Farnham:**

That is something I shall certainly bring up with the new chief executive officer, who I know will be wanting to improve the structure of the public sector. I know from working within the Government that best practices around flexible working are also being encouraged. But I would certainly support the public sector leading the way wherever it is practicable to do so. But I do reserve my position, I want to make it clear, on the 4-day week at this stage because we do not know enough about it. But early indications from other jurisdictions suggest there is something in it.

**3.12.3 Deputy C.S. Alves of St. Helier:**

Is the Minister aware of any current employees within the public sector who are working 4-day weeks and, if not, would he be willing to undertake some work to see how many are currently working 4-day weeks and what effect that has on them and maybe collect some data around that?

**Senator L.J. Farnham:**

I am not aware of any businesses working to a strict 4-day week in their practices. I am aware of many businesses being extremely flexible with employees and giving employees leeway to work a set amount of hours over not a set period of days, so there are employers, some large, who are saying as long as you can complete your hours and the work allocated to you, there is complete flexibility over when that is done. Again, we will bring that up as part of the work on the Future Economy Programme. I am not sure how we would do that. I will undertake to speak with Jersey Business, who works closely with business. It might be quite straightforward for them to undertake some sort of a survey to see if they can get a flavour of what is going on, on that front.

**3.12.4 Deputy C.S. Alves:**

I did refer to the public employees within our public service because I am aware that there are some who do work 4-day weeks.

**Senator L.J. Farnham:**

I am not aware of that. But I am aware the same applies with many public sector employees being allowed and in fact encouraged to work flexibly to suit their own circumstances.

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

Would the Minister report back to Members on his discussions with S.E.B. and Jersey Business as to the outcomes of those discussions please?



**Senator L.J. Farnham:**

I will.

**3.13 Deputy M.R. Higgins of the Chair of the States Employment Board regarding the policy on officers found lying (OQ.47/2022)**

I know the chair is not here but the deputy chair is and I am sure can answer the question. Will the chair explain the States Employment Board's policy on officers found wilfully (or deliberately) to have lied to Ministers, Scrutiny Panels, States Members or the judiciary, including what penalties any officer would be subject to if any allegation of lying were proven?

**The Connétable of St. Ouen (Vice-Chair, States Employment Board - rapporteur):**

I thank the Deputy for his question as always. The States Employment Board has in place codes of practice and policies in relation to the conduct of employees and I am sure the Deputy is aware of this. If an allegation of wrongdoing is alleged, we investigate it objectively and fairly. If a wrongdoing is found to have occurred, then sanctions are dependent on the severity of the wrongdoing and any mitigating factors. The range of sanctions runs from informal warnings, written warnings, through the dismissals with or without notice and pay. I cannot prejudice the outcome of any investigation or hearing by setting out exactly what the sanctions should be because this would depend on the circumstances of each individual case.

**3.13.1 Deputy M.R. Higgins:**

The vice-chair is saying essentially there is a difference between white lies and full-blown lies. What I would say though is in the codes of practice it does not specifically, from my recollection, mention lying. But it goes to the very heart of confidence in the system and integrity. Now, would the Minister say that lying to a court, for example, it could be perjury if all the elements of perjury are there ...

**The Bailiff:**

I am not sure we are strictly in the narrow compass of a preamble statement prior to the question here, Deputy Higgins.

**Deputy M.R. Higgins:**

I am asking a specific question because judiciary was mentioned in my question.

**The Bailiff:**

Yes, it was, and you are more than capable of asking a supplemental question in connection with the judiciary, but an explanation as to what might happen in a court of law I think is a step too far.

**Deputy M.R. Higgins:**

I was trying to do that for the benefit of Members, they realise that lying is not quite a straightforward thing in the sense that I think it is a straightforward thing but the court does distinguish between a number of elements. If all those elements are not there it may not find perjury.

**The Bailiff:**

What is the question?

**Deputy M.R. Higgins:**

Does the Minister accept that any officer should, in the course of their employment, lie to the court?

**The Connétable of St. Ouen:**

Sorry, could I ask the Deputy to repeat that question because I thought I heard ...

**The Bailiff:**

The question was: does the Connétable accept that any officer in the course of his employment should lie to a court?

**The Connétable of St. Ouen:**

With the greatest respect to the Deputy, my answer is obviously no. It is clearly an offence in the court and it would be a breach of the code of conduct.

**3.13.2 Senator T.A. Vallois:**

May I ask the vice-chair whether the code of conduct, in particular with regard to this, has been updated in light of the new people strategy and the values that are laid out in that, which are far in advance of normal rules, which States Members have to abide by?

**The Connétable of St. Ouen:**

I believe they have but I will confirm back to the Senator that is the case.

**Deputy M.R. Higgins:**

I will leave it as it is. The Minister has said that lying is not acceptable and people should be dealt with for it.

**3.14 Deputy R.J. Ward of the Chief Minister regarding exposure to PFOS and PFAS (OQ.40/2022)**

The Chief Minister is not here, so who should I be addressing this to?

**The Bailiff:**

It will be the Deputy Chief Minister.

**Deputy R.J. Ward:**

Will the Deputy Chief Minister advise whether there is any evidence obtained to date to indicate a causal relationship between P.F.O.S. (perfluorooctane sulfonate) or P.F.A.S. (perfluoroalkyl substance) exposure and any significant impact on health?

**Senator L.J. Farnham (Deputy Chief Minister):**

I am pleased to say that the Deputy of St. Peter will take that question in his capacity as an Assistant Chief Minister.

**Deputy R.E. Huelin of St. Peter (Assistant Chief Minister - rapporteur):**

I must congratulate the Deputy on trying to use the full name as opposed to just the acronyms. I have been struggling with it for years. Although the current reviews of health and scientific research provide fairly consistent reports of associations with several health outcomes, there is no conclusive evidence to suggest P.F.O.S. causes a significant impact on an individual's health. It should be noted that there are very few high-quality well-designed studies, which could give reliable results on this subject. There is some suggestive evidence that exposure to P.F.A.S. can be associated with increased blood cholesterol, although the differences are small and may not be significant to individual level health. Evidence for other adverse health outcomes are generally limited but these conditions include higher levels of uric acid in the blood, reduced kidney function or kidney disease or kidney cancer, testicular cancer, alterations in immune response, specifically impactful on vaccine-derived immunity for diphtheria and rubella. Other health conditions have been studied or

are mentioned in the literature about P.F.O.S. but the evidence is low-quality and therefore difficult to interpret.

**3.14.1 Deputy R.J. Ward:**

The original statement that had people wanting to be tested, G.P.s and patients were asked to agree, there is no evidence for causal evidence. That has now been removed. How did that statement come about and what was the purpose of that statement being passed to G.P.s and patients who may want to be tested for their exposure to these chemicals?

**The Deputy of St. Peter:**

By way of statement you are saying what was the rationale to invite members of the plume area for testing. Can I confirm that was the question?

**Deputy R.J. Ward:**

It was more the statement that was originally attached that took away any belief in a causal link to illness.

**The Deputy of St. Peter:**

What is clear is that P.F.A.S. has been a concern for those residents for many, many years; 25 to 30 years. To date, up until the decision by the Chief Minister, those residents had ultimately been ignored. The purpose of this is to bring to the fore and recognise the concern of those residents in a formal way by inviting them to have their blood levels tested.

[11:45]

**3.14.2 Deputy C.S. Alves:**

Can the Assistant Minister advise what is the cost of the tests and what is the timespan for receiving the results?

**The Deputy of St. Peter:**

I believe the overall cost for each test is close to £900 to £1,000. That is a combination of obviously the G.P. appointment being covered, the cost with H.C.S. to collect the blood in a very, very controlled way, it is not just as simple as going and giving blood as you would normally do at your G.P., and also going to a specialist laboratory in California that has been set up specifically to monitor this family of P.F.O.S., of which there are many thousands.

**3.14.3 Deputy C.S. Alves:**

What has the take-up been for this?

**The Deputy of St. Peter:**

I do not know the answer to that question. One of the guidelines I said to the residents was: "Please do not go to your G.P.s tomorrow because there is a period of time by which we must advise the G.P.s and alert them to make sure they have a full understanding of what they are going to do when the first patient comes in and requests the test.

**3.14.4 Deputy R.J. Ward:**

Can I ask the Assistant Chief Minister, how does the deed giving Government £2.6 million in 2005, which for ever releases, acquits, discharges, and covenants, not to sue 3M or any 3M entity in relation to any and all airport claims, affect the outcomes and ways to support Islanders affected with exposure to these substances?

**The Deputy of St. Peter:**

I do not know in Standing Orders whether I can call on the help of the A.G. (Attorney General) with this one.

**The Bailiff:**

Sorry, no, you cannot. There is no facility to seek legal advice. But if you take it to be a legal point that you are not in a position to answer then that is an answer of itself.

**The Deputy of St. Peter:**

Thank you, if I may answer in that way, thank you.

**3.15 Senator K.L. Moore of the Chief Minister regarding the 2021 Government underspend (OQ.44/2022)**

When was the Chief Minister made aware of the reported Government underspend and, given the scale of the amount, will he ensure that any decision on how to allocate the funds involved will be brought to the Assembly?

**Senator L.J. Farnham (Deputy Chief Minister - rapporteur):**

Under the Public Finances Law, the Minister for Treasury and Resources has the power to transfer amounts unspent in one financial year into the reserve or a major project for the following financial year. This has been the process, the practice for many years, and indeed the levels of unspent funding for 2021 are not too dissimilar to those in previous years. For example, in 2019, there were £25 million in carry-forwards and £105 million of unspent capital. In 2018, there was £64 million of carry-forwards and £149 million of unspent capital. Ministers received a draft of the report on 9th February, this is in line with the Ministers' published Reserves Policy. The Council of Ministers also reviews regular reports, quarterly reports, on Government finances, which include forecast levels and underspends. It was said in the Government Plan that if the costs of COVID were less than feared, we would have to borrow less. By approving Senator Gorst's amendment the Assembly has already agreed that any unspent funds should be prioritised to minimise this borrowing. The transfer of underspends to future years is a well-established process and clearly under the remit of the Treasury, to reiterate.

**3.15.1 Senator K.L. Moore:**

I thank the Deputy Chief Minister for his answer. Given that, as the Deputy Chief Minister has outlined, there are regular updates on the financial position and indeed underspends, could the Deputy Chief Minister perhaps explain to the Assembly why this was not raised at an earlier stage in December when we debated the Government Plan?

**Senator L.J. Farnham:**

Yes. As I alluded to in the original answer, I received a number of reports on the financial position throughout 2021 as part of regular monitoring and indeed these same reports are available to colleagues in Scrutiny. The Q.3 (quarter 3) Government financial report highlighted the forecast available balance on the reserve was £82 million. Forecasts on projects was at that point £37 million, so lower than the available budget. This increased to £75 million in October, and C.O.M. (Council of Ministers) were briefed on this position. But it is difficult to get to the year-end where you know the final figure because a lot of the financial reporting is based on the timing. What the position is. I understand the Treasury team knew the position in January. As I have said earlier, it was reported to Ministers early February.

**The Bailiff:**

That ends questions with notice and in accordance with the decision taken earlier by the Assembly we will now come on to the delivery of a statement by the Minister for External Relations and Financial Services. However we do not at this point have a statement for distribution. Are you able to assist with that?

**Senator I.J. Gorst:**

I thought my officials had sent it to the Greffe. I am hearing from the Greffe in the last minute that they have not. So hopefully they are listening and they will now send it to the Greffe. They can take that as a direct instruction.

**The Bailiff:**

Are Member's content that we proceed without a hard copy or the electronic version of the statement, which will be forwarded later? I can see there are some positive, some negative. At the moment we have resolved to take it now. If anyone wishes to suggest that we should not take it now that must be the form of a proposition.

**Deputy M.R. Higgins:**

Can I propose that? As it is not available that we can read, it is only sensible that we leave it to the end of the questions without notice.

**The Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak on that? It really should be very quick.

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

It is quite unusual to have a statement, especially one of this importance, without the words in front of Members. I would urge the Minister to wait a moment or I think it is important that States Members have these words.

**Senator L.J. Farnham:**

I was just going to suggest, given the importance of the statement, I propose we deal with the first Minister's questions without notice and then if the statement has been distributed we go to it then.

**The Bailiff:**

The proposition is that we do not proceed so therefore I think what would happen is that if this proposition is adopted, and it seems to be there is no real argument against it, simply the statement will fall to be taken in the way it normally would and not advanced in the way that the Assembly had previously agreed. Very well, I am not even going to put that to the vote. It seems to be people are speaking largely with one voice. I am sorry, Minister, we will have to relist it for when it is due to come so that it can be in written form. We now come to the period for questions without notice. The first question period is to the Minister for Treasury and Resources.

**4. Questions to Ministers without notice - The Minister for Treasury and Resources**

**4.1 The Connétable of St. John:**

Given the Minister for Infrastructure's support for renewable fuels, what discussion has the Minister for Treasury and Resources had with him about removing the environmental elements of duty on these fuels?

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

This has been discussed at length of course with V.E.D. (vehicle emissions duty) emissions and everything, but we do have to have a tax across the fuel sector as well as every other duty in order to cater for infrastructure of the roads, et cetera. So there will be a tax, but there is also the question of disposal of electric car batteries that will have to be considered.

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

I am not asking for removal of all fuel duty from renewable diesels. I am just asking about the element, which is taxed in addition for the environment. Would the Minister consider removing this element of tax from renewable fuels, encouraging people to use them?

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

As I said, in my previous answer, that we discussed all sorts of ways of distributing a tax levy and we might have to consider a car tax as opposed to a fuel tax to replace what the Deputy is suggesting.

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

It has been reported in the media this week that bankers say that the bond market has largely dried up and that not a single major bond issue has been done since the Russian invasion last week. How has this affected the Minister's ability to obtain a bond for the Our Hospital project?

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

A very good question from the Deputy. We have 4 banks at the moment advising us as to where we go with gilts and bonds into the future, and it seems at present to be a very stable acquisition of bonds to pay for the hospital project.

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

Could the Minister update the Assembly as to whether the £480 million bond required for the pension funds has been secured?

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

Not yet, but we will update the Assembly as soon as we can.

#### **4.3 Senator S.Y. Mézec:**

Since the Minister for Treasury and Resources' party leader has declared that it is their policy to see the minimum tax contribution for 2(1)(e) raised, could the Minister for Treasury and Resources confirm whether she has instructed Treasury officials to start taking into account that increased minimum tax contribution for Treasury forecasts?

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

No, I have not. Obviously the H.V.R. (high value residents), which I think is what the Senator is referring to, tax regime is constantly under review. It would not be retrospective. But, no, there has been no instruction to do anything concrete at the moment.

#### **4.3.1 Senator S.Y. Mézec:**

How can we have had an answer from the Deputy Chief Minister previously saying that this is going to happen and the 2 biggest parties in the Assembly agreeing on the policy that this should happen and it still be referred to as something that is under review? Is it going to happen or is it not going to happen?

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

I do not think I could have been clearer. It is under review as to what we do with H.V.R.s. I did say it would not be retrospective. How we approach it in the future is still being decided.

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

Will the Minister commit to reviewing the internal process and the workings out in relation to the repayments requests for the co-funded payroll scheme prior to continuing to aggressively pursue members of the public and taxpaying members of the public for repayments?

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

We are not aggressively pursuing anything. It is just in a lot of cases there was overclaiming for co-funded payroll scheme payments and that is what is being addressed in as much as the income tax submissions did not agree with the detriment submissions, which is where the co-funded payroll scheme paid out.

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

The Minister, I would ask her to reconsider her word “overclaiming”. What is being requested of her is an internal review of the workings out, which I have on many occasions suggested to the Minister have been inaccurate. Will she listen to those requests and look at the evidence that has been put before her and undertake an internal review before continuing this aggressive approach to members of the public?

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

Once again, I say it is not an aggressive approach. It is about 1,600 out of 2,400 claims have been not clearly decided upon and each claim is looked at individually, so it is not an aggressive approach at all; it just takes some time. But in the case of funding having been made available to various sole traders, where it was not appropriate is what is being asked to be refunded.

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

I have already asked a written question, which will be answered I think next Monday from the Minister for Treasury and Resources. But perhaps she can give us her initial impression. The question was about investments made for and on behalf of the States of Jersey, all our different funds. The question is whether any of it is tied up in anything to do with Russia, either directly or indirectly. For example, do we have holdings in BP and the other ones who are now divesting themselves of all their interests in Russia and what impact that will have on our returns.

[12:00]

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

The States investment portfolio has no direct holdings in Russian assets. Indirectly, the portfolio holds a small amount of Russian assets through investment funds where the States has invested alongside other external investors. As of yesterday, the value of these holdings represents 0.05 per cent, which is approximately £1.92 million, of the total portfolio value. I hope that answers the Deputy’s question.

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

Given the questions earlier, and given the fact that 2(1)(e) residents regard the arrangements they have made with the authorities as to the amount of tax they will pay, given that they regard it as a contract, what legal advice does the Minister propose to take to ascertain the exact position?

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

At the moment it stands that the contract or agreement, whichever word one wants to use, lasts for 10 years. As I said in an earlier answer, it is not retrospective, but for 10 years whereupon the person involved, the client, the H.V.R., 2(1)(e), whichever the Senator referred to, can then make a proposition to pay tax like everybody else, so change their situation or their contract.

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

Yes, well suppose that they do not want to change their position, and yet we hear siren calls for increasing the amount of tax they pay, what legal advice is the Minister taking to deal with this?

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

In answer to the Senator's question, we are always taking advice on this as to whether we increase the amount, which is at the moment £145,000 payable in tax and then, if the person in question or people in question wish to change, they will pay 20 per cent like everybody else, most other people, to the tune of an income of £750,000.

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

Will the Minister as shareholder representative of Andium Homes be able to inform the Assembly of any information regarding the Centre for Autism contract signed with Andium Homes, which is eagerly awaiting information on when the preplanning permission and moving of the project will be updated for all of us to hear?

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

I am not aware of any conclusive information on that but I will get back to the Deputy. Obviously, Andium Homes have had quite a considerable amount on their plate recently with the ongoing acquisition of Spencer Close and so I do not know the timeline for Autism, but I know that is in their plan.

#### **4.8 Senator S.Y. Mézec:**

Would the Minister consider or has she considered instructing that some sort of sustainability assessment is undertaken for funds that the Government of Jersey has invested to measure whether they are invested in any sorts of businesses that play a negative role in climate change?

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

The investment of all funds, be it from the pension funds or the revenue, are dealt with by the Treasury Advisory Panel and they keep an ongoing lookout at what is being done. I could not answer exactly how much is invested in green bonds or climate funds, but I can get that information to the Senator if he wishes.

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

Will the Minister be allocating any of the £199 million underspend as stated in M.D. (Ministerial Decision) 83 to the British Armed Forces to help them to assist with our security in light of current events?

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

A very timely question. No, is the short answer, it will not be any of the underspends because they are already allocated; most of them are underspends from projects that were not able to take place because of the situation. So they will be allocated as previously agreed and was put out in the public domain in the flexibility report, which will be then followed up by the annual report and accounts at the beginning of April. There is a question of a fund being set up for the refugee situation, not Armed Forces, but for the refugee situation of Ukrainians going into Poland and that is under discussion at the moment and we will be dealing with that with Overseas Aid.

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

Will the Minister reassess the amount of funding allocated to defence spending in light of the Russian invasion of a sovereign nation?



**Deputy S.J. Pinel:**

I think the Deputy refers to the squadron that is based over here in defence. That is always under a look, but as far as I am concerned there is a U.K. Parliament sitting this afternoon, so I do not know what is going to be decided this afternoon, but as it stands at the moment there is not U.K. Armed Forces involvement.

**4.10 Deputy R.J. Ward:**

Given the talk of underspends, can the Minister confirm that the money agreed way back in 2018 in the Common Strategic Policy for a north-of-town St. Helier youth facility is still available, given amendments possible in the Government Plan, and other sites that I am aware are now available to get on with building that facility?

**Deputy S.J. Pinel:**

Yes, the funds have been allocated and are still available but it is like everything else in the Island, it is a matter of process of construction, which has been held up hugely because of the situation in the last 2 years.

**4.10.1 Deputy R.J. Ward:**

I was just going to follow on from a question from Senator Mézec: what work is going on with Treasury with those who are developing green investment as a term into the future, which is an opportunity for the Island? Is there a particular part of the department that is working on that with investors who are very interested in the Island?

**Deputy S.J. Pinel:**

Yes, Treasury is constantly at work with investment processes and especially with the Our Hospital bonds that we are going to take out as to quite where we go, and that will be announced in April. But we are waiting on the planning decision for the hospital.

**The Bailiff:**

The time available for questions to this Minister brings that to an end. The next time period is for the Minister for Housing and Communities. Does anyone have any questions?

**5. Questions to Ministers without notice - The Minister for Housing and Communities**

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

Would the Minister for Housing and Communities comment on the fact that Andium Homes have expressed a desire not to build now on the Jersey Gas site, but to extend the Millennium Town Park across the whole of the site? Does he share that aspiration and will he be working to achieve it?

**Deputy R. Labey of St. Helier (The Minister for Housing and Communities):**

Certainly. Thank you to the Constable for his question and apologies to Members for not being with you in person today. I became symptomatic overnight so that became impossible. I fully support Andium's plans to put a park on the Gas site, doubling the size of the current park and making it a more meaningful park. I think it is absolutely good, ask residents of that area what they would prefer for that site and I think that would win hands down. Parks are extremely valued by people. Ask any council in the U.K., it comes above bins, recycling, theatres, parks are the most valuable things that councils and housing groups can do. Their residents along with them potentially. Housing, education, amenity space, should all have equal priority. But of course it is always the parks and the open green space that go to the bottom of the list. This is something we can do; it is a once in a generation thing we can do to provide much-needed open green space for this part of St. Helier and I fully support it.

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

The Minister will be aware that neither the Council of Ministers nor the Reform Party have expressed support for this proposal. Will he agree to work with Ministers and with Reform to see if we can get a consensus right across the States and give Andium the green light they are looking for?

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

I can understand Deputy Ward's proposition as a district Deputy and obviously he has been working with the school in his district, and that is perfectly fair. So I do not really have a beef, I do not agree with him, and I hope to convince him to think again. But I do not have a beef with him bringing that proposition. But I do think that the consultation with districts 2 and 1, as it traverses both, with the people and the community that live there. It needs proper consultation with them. It is symptomatic of here we are with government departments scrapping over allocation of land, immediate allocation of land. It is absolutely symptomatic of the problems, the structural problems we have with our system, which needs to be massively overhauled and changed. That is what I am hoping to do with my market review at the moment and bring proposals forward. Because this is not the way to conduct business. I mean Education, there is no business case by any of the officers or Ministers. I come very late to this party. I remember in previous Governments when we were determining applications all of the time, and the Constable in particular would go: "Hang on a minute, where are all these kids going to go to school?" I do not know whether they have got capacity. That is all right. We should have been thinking about that at that time. When we think about that park in the summer months, you cannot see a blade of grass, it is used so much. It is so important because that use of the park, the capacity use of the park, is without Play.com, the Le Masurier's development in Bath Street, the Mayfair, Ann Street Brewery, Ann Court, the potential Apollo, the Le Bas Centre, all those could be accommodation. Doubling the park is absolutely the right thing to do.

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

May I ask the Minister for Housing and Communities, is the situation with Andium regards Millennium Park that they will not build on the park as long as they are given sites for equivalent numbers of homes to build there? So therefore there could be a significant delay to any action in that area until those sites are found?

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

It is important Andium plan for a park there because we are convinced that the units that would have gone on there can be found elsewhere, if that makes sense to the Deputy. But it is not just the park in isolation. Andium are thinking about all the other developments of housing around that area and looking at green pathways, green bridges over St. Saviour's Road and looking to develop the other side of St. Saviour's Road and make it safe for anybody who needs to cross. Green pathways between the park, the housing, the shops, et cetera. So it is being looked at holistically. There is no other site to double the size of that park. There are other sites to re-site Springfield School, I am convinced of it, and I would work with anybody to try to find it.

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

With respect that was not the question. The question was whether the deal is that other sites with that number of homes are needed before the final decision to build on the park is. We went off at a tandem yet again with the answer. I just do not think it answered the question.

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

I do not fully understand the question.

#### **The Bailiff:**

Would you repeat the question please?

**Deputy R.J. Ward:**

Yes, I shall try to differentiate. The question is: is the situation regards Andium not building on the site dependent upon the identification of sites for the same number of homes that would have been built there before any action is taken? Therefore it is not certain until that situation occurs. I hope that is clear enough.

**Deputy R. Labey:**

I thank the Deputy. No, I think we have already done that. We could go ahead with the park right now. We have already found places where we can make up the lost apartments there. Do not forget, it is a really tricky site because of what is underneath it.

**5.2.2 Deputy R.J. Ward:**

Can I just ask the Minister as well then: how will the school sites review, should we ever see it, impact upon the decisions being made on this site?

[12:15]

**Deputy R. Labey:**

Obviously, the Deputy's own proposition might circumvent that if that were to succeed. So we have Education having done their review and coming forward with their favoured options for the new school; the 2 new schools they want. One of those places is in their sights. Let us be honest, up until a year ago Gas Place was going for housing. So to relocate Springfield, if that is what they want to do, they would have to find a site anyway.

**5.3 Deputy S.M. Ahier:**

Will the Minister advise whether alternative accommodation has been found for Family Nursing so that the Le Bas Centre can be freed up for much needed housing?

**Deputy R. Labey:**

Andium have had their eyes on the Le Bas Centre for a long time. It would be ideal for housing.

**5.3.1 Deputy S.M. Ahier:**

The same question: has alternative accommodation been found for Family Nursing?

**Deputy R. Labey:**

I am not sure. I will find that out and I will get that information to the Deputy.

**5.4 Senator S.Y. Mézec:**

Did I hear correctly from the Minister in an answer to a previous question he let slip that the Gas Works site is one of the favoured options for delivering new school facilities in the north of town? Did I hear that correctly?

**Deputy R. Labey:**

Yes.

**5.4.1 Senator S.Y. Mézec:**

That is very helpful for his clarification there. Could he confirm then whether, as well as that site, he is aware of the education estates review looking at other sites, which he currently has his eyes on for housing? He did refer in a previous answer to Government scrapping over sites. Is that the case that this is happening now with severe competition between the sites he wants for housing and the sites that the education estate review is identifying for new school facilities?

**Deputy R. Labey:**

I think I can say to the Senator that, yes, they were looking at the sites that are available. They were indeed looking at Le Bas Centre, I believe that has been discounted because it is on the wrong side of the road.

**5.5 Deputy K.G. Pamplin:**

A similar question I asked to the Minister for Treasury and Resources, and staying in the neighbourhood with the Andium Homes project and plan around the Centre for Autism. Has he heard any information since the preapplication advice meeting was held last November?

**Deputy R. Labey:**

On what site, sorry?

**Deputy K.G. Pamplin:**

The application for the Jersey Autism project with Andium Homes, effectively across the road.

**Deputy R. Labey:**

The old Ann Street Brewery site, yes, the development of a grade-one listed building on that site. Andium have drawn up the plans and they took them away, the old brewery site, had another look at it, took on board the comments, and they are coming back I think. But I am really pleased that they did that exercise and I think that application will be going in any minute now. So Andium will be refurbishing that Georgian building, Victorian building, for the new Autism Centre. That is their plan.

**5.5.1 Deputy K.G. Pamplin:**

Given the answers around the similar questions around the Le Bas Centre and Millennium Park and this area, is the Minister concerned that there is not a bit of joined-up thinking in all these areas in such close proximity?

**Deputy R. Labey:**

There is not. It is no one person or department's fault or politician's I suppose, although ultimately it is our responsibility. We have a structure problem with the way in which we work and it is massively affecting housing and the delivery of housing, and it impacts of course on education and other areas too and amenities. It is unseemly. It is not the way we should be working. What is a priority is to get in place a delivery directorate. The average amount of housing units we provide in the last decade was 400 a year, we are going to be increasing that to 859 from 2025 onwards. We have got to be absolutely sure that we can deliver that. So one of the recommendations from the market review that is coming through will be a common delivery directorate.

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

Just going back to the park area again. We are desperate to get a youth centre up around in the north side of town. Is that still on the cards or are we just going to shelve that again?

**Deputy R. Labey:**

I did say there is good news and bad news. The good news is that ... we had a conversation with Andium and in the new plan is about accommodating the youth centre in one of our developments in the north of town. They developed the plans for a new youth centre in the old brewery building itself, the listed brewery building. It is quite a big building. They have plans for that and they have offered it to the Youth Service. The Youth Service are taking a lot of time to turn it down. I think they should have seized it. But we will still build it as a youth centre and that will be part of the planning application, and if we can find somebody else to avail themselves of it then we will do. But I am disappointed that the Youth Service did not take us up on that offer. They might want a different

kind of facility elsewhere. They might be looking at that place too. I think that is a non-starter for them. So I hope they will think again.

**5.7 Senator S.C. Ferguson:**

There has been a lot of talk about the Dolmen that is allegedly hidden under the ground in this area. Why do we not just dig it up and put it in the park as a feature?

**Deputy R. Labey:**

I have had the same thought too, Senator. If we were to turn it into a park, might that not be an ideal opportunity to dig down there to see what is there. We do not even know if the Dolmen still exists down there. We know it was there but we do not even know if it is still there. But there are other neolithic or Roman remains.

**5.7.1 Senator S.C. Ferguson:**

Let us just make them available. Can we not just make them available to the public as opposed to just having them hidden and brought out once in a blue moon?

**Deputy R. Labey:**

Yes, I agree, once we find out what is still down there.

**The Bailiff:**

That brings the question period for this Minister to an end. The third question period is for the Chief Minister.

**6. Questions to Ministers without notice - The Chief Minister**

**6.1 The Deputy of St Martin:**

The Minister for Housing and Communities just said that there is a structural problem to the delivery of housing in Jersey. What is the Chief Minister doing about this?

**Senator L.J. Farnham (Deputy Chief Minister - rapporteur):**

I do not know, I will ask when I see him. **[Laughter]** Most recently we formed the Strategic Housing Partnership Board which brings together representatives from across Jersey's housing sector, chaired by the Minister, so it brings together community, industry, government and voices for regular collaboration in key housing issues. I think the intentions have been published. Obviously key to the success of dealing with the issue is making progress with the very challenging task we have in the Island Plan where we are going to be debating very hard where and what type of land we zone for housing. Above the good work of the Strategic Housing Partnership Board, I believe, as does the Chief Minister, the most important short-term progress we can make is to allocate the space for the much needed housing, which in the Bridging Island Plan is approximately 4,300 units, of which over a third are for assisted purchase.

**6.1.1 The Deputy of St. Martin:**

Does the Chief Minister accept that there is a structural problem for the delivery of housing?

**Senator L.J. Farnham:**

It depends on what the Deputy means by a "structural shortage". We know there is an acute shortage, we know there is an affordability issue. So the answer is, yes, we have huge challenges in dealing with this. The challenge has been exacerbated over the last 2 years. There was pressure building before Brexit and the pandemic but something has happened which is tipping us over the edge. There are major problems. I am not sure the Assembly understands all of them or exactly how to solve all of them in the short term but it is essential we make progress with providing new housing stock. Of

course, we know there are plans and suggestions looking at assisted purchase and shared equity, all sorts of variations around this use, which are vital to us making progress.

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

On 3rd November this Assembly adopted the proposition P.86, which was to share the Competent Authority Ministers' minutes with the Scrutiny Panels. Following much correspondence, on 25th February, which was Friday, Scrutiny received in hard copy only the C.A.M. (Competent Authority Ministers) minutes for 2020 only. Firstly, does the Deputy Chief Minister think that is acceptable and, secondly, could he inform the Assembly who in the Council of Ministers decided that that was an acceptable way to approach a proposition that had been adopted by this Assembly.

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

As the Chief Minister has explained previously, the Competent Authority Ministers minutes, because of the large group of participants, including officers, needed to be considered and approved. I am not sure ... I am trying to recall when minutes have been provided up to. It is the end of 2020, I believe, and I know progress is being made in providing the rest of the minutes. I would certainly support, as I believe all Competent Authority Ministers would support, the prompt provision of the remaining minutes, those that have been approved, to Scrutiny as soon as possible. I believe that is the Chief Minister's position. I am not sure if I know of anything that is going on behind the scenes that is aiming to delay that. I am certainly not aware of that I would be surprised if that was the case. That ultimately is a question for the Chief Minister, but I believe most Ministers are supportive of these minutes being provided as soon as possible now.

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

I cannot help but ask the Deputy Chief Minister whether he considers 4 months to be a prompt response.

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

I think in the context of the subject we are discussing, it has taken a lot of time to ensure the detail is correct, but I do have to agree, I am slightly uncomfortable that it has taken so long and we are going to aim to correct that as soon as possible.

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

Further to a response to Written Question 61/2022, will the Assistant Minister state the terms in which the current leader of the Alliance Party was employed between 31st March and 30th September 2021 as a consultant and will he agree to circulate the job description that was used?

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

Sir Marc Boleat was engaged as a consultant for the Island identity project between 31st March 2021 and 30th September 2021 for this work. He was paid £20,356.99 including expenses.

[12:30]

Engagement started before the Alliance Party was formed and concluded before Sir Marc's candidacy of membership of the Alliance Party was announced. The Island identity project is an important piece of work to promote distinctive Jersey identity independent of any political party and Sir Marc Boleat, as a professional individual, is a professional consultant being used far and wide. As with any potential member of a party or somebody thinking of standing in the States, they are very likely to have a career and a profession and a job and that is what exactly happened with Sir Marc Boleat. I am sorry, the Deputy asked that something be distributed. Can he repeat the request?

### **The Bailiff:**

His terms and conditions.

**Senator L.J. Farnham:**

I cannot see a problem with that. I will put it to the relevant Minister and she is nodding her head, so I think that is an affirmative.

**6.3.1 Deputy R.J. Ward:**

Can I ask the Assistant Chief Minister whether the current leader of the Alliance Party will continue to be employed as a consultant up until the election?

**Senator L.J. Farnham:**

He is not currently employed as a consultant and the last time he was employed as a consultant ended on 30th September 2021.

**6.4 Senator S.Y. Mézec:**

I am asking the Deputy Chief Minister this as somebody who, at least for the moment, is above party politics in Jersey. Would he agree that some sort of assessment ought to be done about the rules and procedures there are in Government to ensure that we have fit-for-purpose rules in place to maintain the independence of the civil service and those who are employed by Government at this level are directly employed by a Minister to ensure that they remain independent of party politics?

**Senator L.J. Farnham:**

I am not sure whether I am above party politics. Some might say I am below party politics as I have yet to join. I think, from my experience, the independence of the civil service in the public sector is unquestionable. I have never seen any conflict. A lot is being made of party politics right now. For example, the Alliance Party has a number of members in Government, as did the Reform Party earlier on in this term of office, and we had situations where the leader of the Reform Party was being questioned by another member of the Reform Party who was chair of a Scrutiny Panel. Even they will admit they were uncomfortable with that position, I believe, and therefore I think if the experiment in party politics that we are currently undertaking is to continue, undoubtedly rules will need to be changed to make the situation more appropriate.

**6.4.1 Senator S.Y. Mézec:**

I think we got to an affirmative at the end of that answer, which I am pleased with. That contrasts with the Chief Minister who, when previously asked about this and whether he would be prepared to engage somebody like potentially the Commonwealth Parliamentary Association to just ensure that our rules and procedures are fit for purpose given this is a new development in party politics, he simply refused to answer. So would the Deputy Chief Minister, who has just given an affirmative to that question, endeavour to have that conversation with the Chief Minister to persuade him that it is a good idea?

**Senator L.J. Farnham:**

While I am happy to discuss with the Chief Minister, or any other Minister or Member who may have a view, I think the future of parties will move to the next stage subject to the performance, in my opinion, in the next election. We could see a strong prevalence of parties. We could see the opposite where Islanders choose to embrace independent candidates. I suspect that Islanders or the electorate, as we know them, will overlook, in the majority of circumstances, party alignment and simply vote for the individuals they deem to be the most effective but we shall see. I would certainly support work being done. Whether we ask the C.P.A. (Commonwealth Parliamentary Association) to do it is another matter. Perhaps they could be involved. I would like the future democratic process to be decided and agreed on Island by Islanders and perhaps with some advice from international parties who have experience in these matters.

**6.5 The Connétable of St. Brelade:**

We spoke earlier about the north of town and I wonder if the Deputy Chief Minister could enlighten me as to who he anticipates might be administering the extended town park. We have heard of the fact that we do not have housing out there. We desperately want housing. We have heard that we have youth facilities coming but the Youth Service do not want it. Could he confirm that the relevant department, whether it be the Infrastructure Department or indeed the Parish of St. Helier, would be administering this extension to the park?

**Senator L.J. Farnham:**

I cannot at this stage, I am sorry. I am not sure how that would pan out but I think it is an important question but that cannot be answered at this stage.

#### **6.5.1 The Connétable of St. Brelade:**

We speak of the extending of the park. Might I ask the Chief Minister how he anticipates it would be financed given that the existing park was financed by the £10 million ring-binder vote?

**Senator L.J. Farnham:**

Again, I do not think I can provide an absolute answer to that question. There will be many options to finance it. One of the options for providing infrastructure support was of course the provision of homes on States owned land and I take, for example, some of the proposed developments on States of Jersey Development land. We have had an important debate about what percentage of those homes are going to be available for a free market and those for assisted purchase. Clearly, in certain circumstances relating to certain tranches of land, it has always been envisaged that profits made by the States of Jersey Development Company would be reinvested in the public realm and infrastructure perhaps such as the town park.

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

Would the Chief Minister agree with me that, given the amount of issues around H.C.S., an independent review of H.C.S. is urgently needed along the lines of the review which took place in the Isle of Man in 2019?

**Senator L.J. Farnham:**

I would always support the appropriate action that ensures our health and care services are not only up to speed but are among the best we can possibly deliver. An important aspect of that, in my opinion, is the provision of a new hospital from which they can work, and I am sure will be the catalyst for easing all sorts of other logistical difficulties, including the provision of staff in certain sectors. I am not sure that I can answer that question without an in-depth discussion with the Minister for Health and Social Services but I would hope that the Minister for Health and Social Services, if he felt that was necessary, would action it without delay and if he were to do that, I would fully support him.

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

Does the Minister share with me my concerns about the level of vacancies in H.C.S. running as high as 14 per cent and the unsustainable amount of money the Island is spending on locums and agency staff?

**Senator L.J. Farnham:**

I am not sure on the stats that the Constable talks about. I am sure he has done his research. He always does but, yes, it is a concern. It is a concern. Staff shortages across institutions, not just health, are a concern and it is not a problem that is unique to Jersey. It is prevalent in other countries in the U.K. especially since a large part of the labour market in the E.U. (European Union) has been closed off to us. Well, not closed off but it is harder to engage people. We were employing a lot of very good health professionals from those markets so that has expedited the problem. Yes, it is a



concern. Staff shortages are a concern. The cost of living and relocating to Jersey are huge concerns and we are all going to work to resolve those in the best way we possibly can.

**The Bailiff:**

That brings the question period for the Chief Minister to an end and that end questions without notice. We are a little bit before the 12.45 that Standing Orders require that I consult but the next item of business will be statements with the potential for 15 minutes of questions thereafter. Is the adjournment proposed?

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

We stand adjourned then until 2.15 p.m.

[12:39]

**LUNCHEON ADJOURNMENT**

[14:17]

**The Bailiff:**

The next item on the Order Paper is a statement to be made by the Minister for Health and Social Services.

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**7. The Minister for Health and Social Services will make a statement regarding implementation of the proposition “Re-opening of Samarès Ward” (P.115/2021).**

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

I am pleased to be able to update Members today on the progress that has been made to implement to the very limits of practicality the decision of this Assembly to reinstate the full suite of stroke and injury rehabilitation service facilities and beds either at Samarès Ward or at another suitable location. I believe the actions we are planning will lead to a significant and necessary improvement in our rehabilitation services and set us firmly on the right path for genuinely integrated services delivering the best outcomes for patients. Before I outline the thorough process we have undertaken in the 6 weeks since the debate and my conclusions, I do want to reassure Members that, despite my concerns with the original proposition, I respect the decisions of this Assembly and have done everything possible to deliver. I want to thank officers and clinicians involved in supporting me to find the right solution and going above and beyond to find ways to create a truly holistic rehabilitation experience. Nevertheless, I hope Members will accept that delivery in this case is not an easy task. There are considerable logistical complexities and extreme time constraints. We need to limit patient disruption and deliver facilities that meet clinical standards and any solution must not delay the delivery of our new hospital. I have also continued to bear in mind the clinical advice that has been provided to myself and Members. Our rehabilitation services are best when they are integrated with our other services. For this reason, a standalone unit is unlikely to be the most effective way of delivering rehabilitation services in the long term. Equally, I have consistently accepted that the services and facilities presently in Plémont Ward need to be improved. The experience of some patients has not been good and this is not acceptable. It must be improved and I renew my apologies. The approach I am outlining today will meaningfully improve the rehabilitation services in Jersey considering the constraints I have just mentioned. To reach this position, I commissioned a high-level assessment which identified 16 site options and each option was then assessed against key criteria including the requirements of the proposition, feasibility, timeliness, space requirements, impact on the current occupants of the facility, access and proximity to other clinical services and costs. These 16 site options included locations in Government ownership including the former Les Quennevais School,

Le Bas Centre, Westaway Court, St. Saviour's Hospital as well as the options of a greenfield development or leasing or purchasing an existing nursing or residential care home. It soon became evident that options outside the existing health estate were unfeasible as they would take too long to deliver or would not be to a sufficient clinical standard. I have heard many people mention the speed with which we delivered the Nightingale Ward but, while commendable, that was a temporary facility constructed outside of normal planning requirements. That simply is not the situation for our rehabilitation ward. A whole new ward with the quickest delivery possible would take 2 to 3 years to deliver. I cannot change these realities and no responsible Minister would ignore them. I also cannot countenance a delay in our new hospital and make no excuses. Delivering a whole new hospital with fit-for-purpose wards, not just for rehab patients but for all our patients, is the single most important thing that we can do. This does mean that any move back to Samarès Ward can only be temporary as we need to vacate the Overdale site at the end of this year. As you can see, this is a difficult issue but I believe we have a way forward that is sensible, practicable and delivers for patients. Firstly, I have instructed officers to move our rehabilitation services back to Samarès Ward. The ward will reopen during July 2022 which is the absolute soonest it can be done. I hope this is welcome news. To enable this, I will ensure that the services currently occupying Samarès Ward will be safely relocated to ensure there is no disruption to their service continuity. Services affected may include the assisted reproduction unit, retinal screening, pre-operative assessments and community therapies. To comply with timings around the demolition of existing buildings at Overdale, we will have to vacate Samarès Ward by Christmas of this year and we will return to a refurbished Plémont Ward. Secondly, I have asked for investment to undertake that full refurbishment of Plémont Ward while it is unoccupied. This will include complete redecoration, new equipment, quiet spaces for patients and family, a day room, a dining room, more space to allow for better movement and walking exercises, a laundry service and dedicated kitchen assessments. As part of this, we will deliver 4 single rooms focused on long-stay patients or those with isolation needs and convert the existing 6-bed bays into a more spacious room with 4 beds. Solid side partitions will provide greater privacy. In addition to practical improvements in facilities, we will also invest more in improving services. This will include 3 new consultant posts with specialism in stroke and frailty as part of the Jersey Care Model, an activity co-ordinator and additional investment to strengthen and enhance physiotherapy at home to ensure patients get timely and free physiotherapy to achieve their personal rehabilitation goals. This package of improvement measures will cost up to £2 million, which is a substantial investment in our rehabilitation services. I am grateful to the Minister for Treasury and Resources and Ministerial colleagues for their support in this. As a result, our services will look, feel and be of the standard that patients expect and deserve in an environment where rehabilitation can be the focus. They will also be located within the General Hospital so patients can have ready or quick access to clinical services with 24-hour medical cover. This will mean that patients can also readily access services such as podiatry, hydrotherapy, orthotics, prosthetics and radiology without relying on patient transport. Finally, in 2026, we will deliver an integrated bespoke rehabilitation service in the new hospital at Overdale. This approach respects the decisions of this Assembly, recognising the important part that a high standard rehabilitation facility plays in a patient's recovery while also working within the logistical and practical constraints that face any service. I thank my Ministerial colleagues for their support.

**The Bailiff:**

Thank you very much, Minister. There now follows a period of up to 15 minutes for questions to this Minister.

**7.1.1 The Connétable of St. John:**

I thank the Minister and his team for their efforts in recent weeks. Given the Deputy Chief Minister's answers to Written Questions 14 and 15 of 2022 confirming the comments he made in the P.115

debate that our new hospital will have a 30-bed rehabilitation ward, how does the Minister justify a unit of just 12 beds?

**The Deputy of St. Ouen:**

At the present time, our rehabilitation unit consists of 14 beds and that was also the case at Samarès Ward because while there was a greater number of beds, we only ever looked after a maximum of 14 rehabilitation patients there and the beds were used for other patients, principally those needing a package of care, and they were moved to Samarès awaiting that package of care. So we have looked at this, so we are confident that 12 beds will meet. If we do have an additional one or 2 patients, they will be accommodated on other wards and of course they will be brought to the refurbished Plémont Ward for their activities during the day but this is the very best solution that we could achieve given the constraints.

**7.1.2 The Connétable of St. John:**

While acknowledging the improvements that we hope to see, the Deputy Chief Minister has reassured us that, on clinical advice, there will be a 30-bed rehabilitation unit. How can the Minister assure Members that patients will not be discharged from rehabilitation too early as has been the case on Plémont Ward?

**The Deputy of St. Ouen:**

The decision to discharge patients is taken clinically and is only when the clinicians recognise that the patient is ready to be returned to their home or other care environment will they be discharged. I, likewise, have seen the answers to the questions asked by the Deputy that planning has come forward for our hospital and that that ward will contain 30 beds, and that has been brought forward. I think that is to be celebrated that we are creating that flexibility in a new hospital.

**7.1.3 Deputy K.G. Pamplin:**

I obviously welcome the statement from the Minister. Can the Minister advise of the services that need to be relocated, which is a very important part of this plan? What can he tell us about any potential places where they could be relocated? We understand the timeline but can he give us any pre-work where those places could be?

**The Deputy of St. Ouen:**

It is likely that the assisted reproduction unit will move into a ward adapted for their purposes, the ward where presently we have the P.C.R. (polymerase chain reaction) testing lab, which itself is moving. We have a very congested site in Gloucester Street so all these services are moving around. The other services, we have yet to determine. One solution that has been mentioned is a prefab building where that is suitable. They will be moving to Les Quennevais at the end of the year.

**7.1.4 Deputy K.G. Pamplin:**

Again, Minister, one particular issue that stands out for me is the community therapies team, and we do not want to pre-empt the findings of our mental health review, but is there work undertaken with this opportunity to try to put the whole mental health services team together in one building?

[14:30]

**The Deputy of St. Ouen:**

Yes, the community therapies I understand means the physiotherapists, the occupational therapists and speech and language therapists who are working out in the community, and this is their base and where occasionally they might bring patients, but we also have an outpatients clinic in the General Hospital. So all that been considered as the best venue for them.

### **7.1.5 Deputy J.M. Maçon of St. Saviour:**

Thinking of the Minister's statement from the viewpoint of the petitioners, can I ask the Minister that the officers that were relocating the services into Gloucester Street would have had confidence that they should go there anyway now are being told that they are fairly confident of going elsewhere. Given that the P.A.L.S. (Patient Advisory Liaison Service) is not yet up and running, does the Minister agree that to provide comfort to the petitioners there needs to be some sort of independent oversight over this service while it transitions and moves in order to ensure patient safety? If so, how does the Minister think that should be put in place?

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

Patient safety will be the responsibility of the Island's medical director and chief nurse. Yes, I will work with the petitioners if they have concerns. I think we will be ready as a whole Executive and a Ministerial team to answer people's concerns. There is a P.A.L.S. service in place; it is limited, I accept. It is something that I would wish to see expanded and there will be plans to expand it. That is a Patient Advisory Liaison Service and we do have 2 officers who are manning that at the moment. There needs to be more but they do great work. There will be oversight of this, not least by myself and the next Minister at board level. At committee level, the Quality and Safety Committee will be regularly reviewing the provision and the C. and A.G. (Comptroller and Auditor General) has regularly reported on H.C.S. also. So, I think that this will be a clinical service delivered to a good quality standard.

### **7.1.6 Deputy J.M. Maçon:**

While that will give some comfort to the petitioners, and I welcome the Minister's approach, it may not be enough. Does the Minister think also that perhaps a direct reporting line to a States Member to oversee this area where P.A.L.S. services are planned might be a good idea?

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

Well when I met with Senator Pallett, as I did yesterday, to go through what we were planning to do he did ask, and we agreed to keep him informed and involved. Of course, in my previous answer, I omitted to mention the Scrutiny Panel who will certainly keep us and a future Minister on their toes. I am happy to discuss this issue with Deputy Maçon, if he believes there is a concern and something further is needed. We have nothing to hide; we are going to be doing the very best in relation to rehabilitation.

### **7.1.7 Deputy K.F. Morel of St. Lawrence:**

Just a short, quick question. Is the Minister satisfied that rehabilitation services at all levels and in all areas are currently staffed adequately and does he foresee any potential for areas of staff shortages in the near future?

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

I am satisfied that we have no undue pressures in staffing. Of course, there are always movements in a large workforce but we have no undue pressures. We are recruiting into the community service and we are organising rotas to ensure that everyone who needs the service is covered.

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

When the Minister mentions they are organising rotas to ensure that services are covered, is he at all concerned that some rotas may expect a little too much of staff, putting them under undue pressure?

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

No, I did not mean that but what I was referring to is that some of the people who are commenting on provision were upset at the delivery of services in the community and that has been a pressure

point. I know we have organised rotas to ensure that we are better at delivering that now and more so that patients know and have before they leave the ward dates on which the community teams will visit them rather than the previous practice.

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

Could the Minister confirm for us that the return to independent-living units will be provided in the refurbished Plémont Ward? Also could the Minister respond to this comment from a health professional who has described his 4-bedded units with solid separation panels as “a step back in time” because they not only prevent the patients from communicating with each other when they are in the same 4-bedded unit, they do not overcome the issues of privacy and dignity that would be expected to be achieved by providing single-bedded units?

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

So the Senator mentions an independent-living unit, which I think may refer to what some petitioners call the “flats” which in fact were never used as a flat, as an independent-living unit. The kitchen was used to give training in how to use a kitchen after stroke or rehabilitation, so it was an area for therapy rather than an area in which a patient would spend their days. That is what I have been told by those who worked at Samarès. A step back in time? If it is a step back in time to try to improve these bays, then we must consider all our other wards in the General Hospital: Corbiere Ward, Portelet Ward. All other wards have very limited single rooms; most patients are cared for in 6-bedded bays. We want to change that, we want to move to a new hospital where we will have 75 per cent single rooms which will deal with the issues of privacy and infection control, so this is not ideal. I know that Senator Pallett would have wished, and I would have loved to have been able to provide single rooms, but it is just not feasible within the time constraints and the environment that we are dealing with. So this is the best option that we can achieve pending a new hospital and it will be an improvement.

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

With regards the Minister’s answer in relation to the flat, I can assure the Minister that I have certainly visited a person who was being looked after and staying in the flat so perhaps he could revisit that issue for us and I would appreciate his assurance that he will.

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

Well, I will ask staff again, but I was told what I have recounted.

#### **The Bailiff:**

Well that brings an end the questions available to this Minister and accordingly the next item of business is a statement to be made by the Minister for External Relations and Financial Services. Minister.

### **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

#### **8. The Minister for External Relations and Financial Services will make a statement regarding the situation in the Ukraine**

##### **8.1 Senator I.J. Gorst (The Minister for External Relations and Financial Services):**

I apologise for the confusion earlier about the wording of the statement and unfortunately this statement which has been printed is not the latest version; there is an additional paragraph with activities that have gone on during the course of the lunchtime. So if I start the statement, I am sure it will be distributed in due course, but it is only one additional paragraph. The Government of Jersey continues to stand alongside the U.K. and international partners in its condemnation of the appalling actions of Russia against Ukraine and the Ukrainian people. We have seen Islanders respond with a compassion that one would expect. Among our community are people who experienced first-hand

an occupation by a foreign force. Jersey will do all it can to help the Ukrainian nationals who are living in the Island and Government has established a group of officers dedicated to supporting those families and helping them get their loved-ones to safety. I would like to thank the Polish Consul for her efforts in co-ordinating the community support and also to Deputy Gardiner who has been instrumental in guiding myself and officers in how to best target advice and support to Islanders with family members in Ukraine off Lviv and through the western borders. I extend my sincere gratitude to the Parishes and their officials and all Islanders who have opened their hearts and pockets to support Ukraine. This lunchtime the U.K. Home Secretary, Priti Patel, has widened U.K. visa eligibility for people wishing to join family members. It will now include adult parents, grandparents, children over 18 and siblings in addition to the immediate family members who had previously been eligible. A new visa sponsor route will also be created to let British businesses bring Ukrainians to the U.K. I am pleased to announce that Jersey will mirror these changes. We are of course maintaining ongoing discussions with the U.K. Home Office as we look at best ways to assist these families. I have written to the Ukrainian Ambassador to offer our Island support in all these matters and Jersey Overseas Aid is in close contact with its humanitarian partner organisations. The Minister for International Development will no doubt update the Assembly in due course. I now want to focus specifically on the actions we can take as an international finance centre. On Saturday evening, the U.K., U.S.A. (United States of America) and European Union and other international partners confirmed a series of critical actions. Russian banks have been removed from the S.W.I.F.T. (Society for Worldwide Interbank Financial Telecommunication) system, action has been taken against the Russian Central Bank and a transatlantic taskforce has been established to identify Russian assets and restrict access to them. The U.K. Chancellor yesterday, 28th February, announced the U.K.'s intention to apply further sanctions, including to Belarusian individuals and organisations that have supported Russia's actions. The U.K. has also announced further provisions to be brought forward in the coming days, including the acceleration of economic crime measures contained in the U.K. Economic Crime Bill. In accordance with our constitutional position, Jersey acts in line with the U.K. on matters of foreign policy. Jersey fully supports, has implemented and will continue to implement all U.K. and U.N. (United Nations) sanctions deployed in response to Russia's actions. Our Jersey legislation to give force to these measures has severe criminal consequences and any links to sanctioned entities or suspected breaches must be reported to the appropriate authorities. Where the U.K. takes further actions beyond sanctions, we will give effect to the policy intention of all additional measures being introduced. I will not hesitate to take targeted measures to prevent Jersey service providers or structures being abused and we will continue to do everything we can to ensure that the intent of these measures is achieved. I am confident that all measures are being taken but we keep this under constant review. Our service providers operate within a well-regulated regime, maintaining accurate beneficial ownership information which, in respect of Jersey-established entities, is filed in a sophisticated registry ensuring ease of access to the Jersey Financial Services Commission and the Financial Intelligence Unit of the States of Jersey Police. Further to this, I have instructed officials and agencies to establish an operational taskforce to ensure that all relevant agencies, including the Jersey Financial Services Commission and Financial Intelligence Unit of the States of Jersey Police are co-ordinated in actively identifying and investigating relevant Russian assets in Jersey.

[14:45]

This will support our co-operation with international authorities, in particular those in the U.K. and across the transatlantic taskforce where potential activities or assets are identified. As international policies develop, I will ensure that all States Members are kept abreast of the actions that Government is taking, both in line with international partners and directly in response to any immediate actions that arise in Jersey. Should any changes to Jersey legislation be required to ensure that we are at the forefront of tackling such activity, I will seek the support of the States Assembly without delay. The financial services industry plays a central role in combatting financial crime and financial services

firms have the full support of the Government in taking every measure to combat any such activity in Jersey. The industry is being kept updated directly by relevant agencies, co-ordinated by the Jersey Financial Services Commission through a series of communications and webinars which will be ongoing and reactive to changing events. Thank you. **[Approbation]**

**The Bailiff:**

There is now a period of 15 minutes of questions to the Minister for External Relations and Financial Services.

**8.1.1 The Deputy of St. Martin:**

I am grateful to the Minister for his statement. It is a shame that the fifth paragraph of what Members have in front of them is not what the Minister said but it is clear that there is an existing immigration route which has been changed. It is also clear that the Minister is examining further options to assist families. Does the Minister agree with me that in the name of common humanity, we should be suspending our normal laws so we can play a fuller part in accepting people who have fled and continue to flee from Ukraine?

**Senator I.J. Gorst:**

Jersey follows the immigration rules of the United Kingdom and in that respect the Minister for Home Affairs' hands are largely tied. But let me be absolutely clear, the Deputy is right, war affects individuals and their families and common humanity requires us to change our normal rules to open our arms, as arms were opened to us in previous circumstances and in years gone by. My officers and the officers of the Minister for Home Affairs are doing everything they can to find the maximum amount of flexibility available to them but, most importantly, we continue to lobby and work with the United Kingdom Government to create even more flexibility than that flexibility that has been announced today. But we do welcome that, we welcome the greater concessions, but we believe that more should be done and can be done.

**8.1.2 Deputy K.F. Morel:**

Could the Minister confirm whether siblings of Ukrainians living in Jersey, siblings who are fleeing the war, are they allowed to come to Jersey if they have another sibling living here in Jersey?

**Senator I.J. Gorst:**

That is part of the announcement that the U.K. Home Secretary announced earlier. There were not masses of detail, it was a political announcement, a bit like the statement that I have made today. On common reading of that announcement, then siblings would be allowed, yes.

**8.1.3 Deputy K.F. Morel:**

Could the Minister be slightly more specific in advising the House as to what flexibility he is seeking from the U.K. in terms of immigration laws because the U.K. is dragging its feet?

**Senator I.J. Gorst:**

I always think that those sorts of conversations are best kept confidential. Hopefully my answer to the question is quite clear to where my priority lies and what I think should take place. I believe that the Deputy and I share a common belief in what should be allowed here. These clearly are decisions that the Minister for Home Affairs has to take and upon his shoulders the responsibility lies in making sure that we are aligned with the U.K. but continually in conversation with them to create the maximum amount of flexibility for those families, let us be clear, who are fleeing for their lives.

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

I thank the Minister for confirming that we will be aligned with the U.K. My understanding is that adult parents, grandparents, children and siblings of Ukrainian nationals will be allowed. I just

wanted to confirm Jersey will be following that. As the Minister is in talks, how far is he hoping to extend it? Is the Minister aiming to persuade to extend it to cousins, aunties? How far should it be extended for people who have family members that they have a home for here and that they can provide a refuge for to be able to provide that?

**Senator I.J. Gorst:**

The Deputy has correctly described the additional flexibility that the U.K. Home Secretary has announced this afternoon. As I have said, I believe that that remains too narrow. Of course, it is far easier for me to stand in this place and say that because we have few Ukrainian nationals. We have probably less than 50 and therefore a broadening of the ability for them to bring family members and cast the family definition wider is something that I believe Islanders support, and something I believe that we can support, and we can welcome those individuals. Other countries have differing capacity constraints and whether we are able to have or the Minister is able to gain greater flexibility which would apply to us rather than more universally is yet to be seen.

**8.1.5 Senator S.Y. Mézec:**

I agree with what Deputy Morel said before about the U.K. dragging its heels on this. Could I therefore ask the Minister, that were Ukrainian nationals to arrive in Jersey, having been unable to fulfil any sort of bureaucratic requirement on visas or status, all the rest of it, beforehand because of the emergency circumstances in which they have left the country, that the Minister would assure that they would not face problems in Jersey and that they would be given support to manage through that and afterwards, if necessary?

**Senator I.J. Gorst:**

I have to be very careful that really my remit is financial services but of course external relations as well. The direct decisions about individuals and visas lies with the Minister for Home Affairs; that will be a decision for him. I must say, my experience of how his officers deal with individuals who have found themselves at our borders without the appropriate paperwork, I think it would be very difficult for those individuals to get here, if I am honest, because they would find it difficult to leave the Schengen area to arrive in Jersey or the U.K. But let us imagine for the purpose of this question that they were able to do so because they had connected family - let us remind ourselves, they must have connected family - my experience of the way that his officials deal with those individuals is with compassion, pragmatism and care. I have no doubt to believe they would not do anything other than that in this situation.

**8.1.6 The Connétable of St. Helier:**

I refer to the third paragraph of the statement and would like to endorse what the Minister has said about the way the local community in Jersey, including the Polish community, have taken a real lead in gathering together humanitarian aid. **[Approbation]** But I am being asked by parishioners who want to give money to help people in difficulties in Ukraine, what they can do and what is a safe way for them to give their funds. I note in the sixth paragraph of the statement he alludes to an update in due course. I think there is a real urgency about identifying a Ukraine relief fund that the Government of Jersey is setting up. Could he give us some indication of when that will be available for Islanders to use?

**Senator I.J. Gorst:**

I am not sure if that question is within Standing Orders because it falls slightly outside of my remit; it probably is within Standing Orders. So the Minister for International Development is doing a fantastic job with agencies who are there right now providing humanitarian aid and I am sure that she will be updating the Assembly and Islanders in due course. I think what the Connétable is talking about is what we would historically refer to as the "Bailiff's fund" and creating an opportunity for Islanders to give finance. I do not want to speak before I ought but I do understand that you are, Sir,



in the throes of consideration and I think we should be expecting an announcement in very early course.

**8.1.7 Senator K.L. Moore:**

If and when visa requirements are modified and perhaps more people are able to come to the Island, some Islanders wish to help in practical ways as part of a compassionate community. It was brought to my attention over lunchtime that already people are preparing their bedrooms, spare rooms and places within their homes so that they could potentially welcome Ukrainian nationals if the moment arose. How best should those people address themselves and make their offers known?

**Senator I.J. Gorst:**

The Senator is absolutely right. We know that on occasions like this Islanders show themselves to be big-hearted and compassionate and want to rightly play their part in supporting fellow humans, particularly when we have the proximity of this happening on the continent of Europe, that Islanders who want to provide practical support which is not covered by the work that the Polish Honorary Consul in concert with Deputy Gardiner and the Parishes - there is other support being mentioned, transportation and the like and, as the Senator says, rooms at home - they should contact the External Relations address and they will pass it on to the taskforce which C.L.S. (Customer and Local Services) are helping to co-ordinate. We do not have a contact number for them directly at this point but they can do that or they can contact me or relevant Ministers directly. Of course we welcome Islanders providing accommodation in their own bedrooms, and some families do not need the help or the support of Islanders, but I really do believe that we can come together in a compassionate way so that family members do not simply need to be in one's back bedroom but we can provide proper quality support for those who are fleeing for their lives.

**8.1.8 The Connétable of St. Brelade:**

Given that my Parish and others are accumulating significant amounts of clothing, relief clothing to send out to Poland, will the Minister confirm that Governments will, through our Customs Departments, facilitate as far as possible the export of these goods to Poland and do what they can within their powers to facilitate the arrival at the other end?

**Senator I.J. Gorst:**

Yes, indeed, they will.

**8.1.9 The Connétable of St. Brelade:**

Will the Minister confirm that he will work with Ports to ensure that likewise the export will be facilitated?

**Senator I.J. Gorst:**

Yes, indeed, I will.

**The Bailiff:**

There might be time for one further question. No, very well, that brings questions to the Minister to an end. Thank you very much.

**PUBLIC BUSINESS**

**The Bailiff:**

We now move in the direction of public business but before we ... sorry, do you have something you wish to say ...

**Senator L.J. Farnham:**

As we come on to Public Business, I know 2 Members wish to ask to have propositions debated today.

**The Bailiff:**

Yes.

**Senator L.J. Farnham:**

It might help if I ask that P.4 is deferred to a further meeting.

[15:00]

**The Bailiff:**

So, Criminal Procedure (Consequential Amendments - Access to Justice)?

**Senator L.J. Farnham:**

Yes, it can be deferred until 29th March, if that is helpful to the current agenda.

## **9. Reduction of lodging periods**

**The Bailiff:**

Thank you very much indeed. Very well, there are, as the Minister has mentioned, 2 matters to be dealt with immediately prior to moving on to Public Business proper. The first is that Deputy Doublet has given notice she wishes to make a proposition under Standing Order 26(7) that the lodging period be reduced in respect of her proposition lodged on 15th February, P.26: Legal parent status and parental responsibility for same sex parents, to allow this matter to be debated at this meeting. Deputy, would you like to make that proposition?

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

Yes, I wish to ask the permission of the Assembly to reduce the lodging period on this proposition. I lodged the proposition as soon as I was aware of the problems. It is in the public interest that we debate it today due to the urgent nature of the legislation and its impact on family life and also in relation to timings. Because if the Assembly approves this proposition, we should do so as early as possible to allow the work to be carried out, and I hope the Assembly will approve this today.

**The Bailiff:**

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

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

I did send the Deputy an email, and I do not know if I received a satisfactory answer. Apparently there is a Standing Order that will allow ... so the proposition asks for us to pass something and then the Minister to bring something back for debate before 10th March, that is the lodging, and then when it would be debated. I am not sure I am clear whether it is even practically possible, whatever we discuss today, that the Minister is being asked what he can deliver. I look forward to the Deputy answering me because, as I say, I do not think I have had a satisfactory answer in the email.

**The Bailiff:**

The Standing Orders provide, as Members will recall, that no opposition can be lodged during the period that the States effectively is in purdah, if I may use that less popular expression nowadays, which I think is a number of weeks prior to nomination unless the Bailiff considers it to be a matter of sufficient importance and urgency that it needs to be lodged and considered, so that is correct. At the moment, though, the Deputy's proposition does not say when the matter is to be brought back and whether that will fall into play or not, as the case may be, but I am just explaining the position

with regard to Standing Orders to Members at this point. Does any other Member wish to speak on the proposition?

**Deputy S.M. Wickenden:**

I have indicated in the chat.

**The Bailiff:**

Yes, I am afraid I cannot see the chat, so I am relying on others to tell me that you are there.

**9.1.2 Deputy S.M. Wickenden:**

The Children, Education and Home Affairs Scrutiny Panel wrote to me on 8th February asking for reassurances that the legislation for children of same-sex parents is getting the utmost urgency. I wrote back to the Children, Education and Home Affairs Scrutiny Panel, of which Deputy Doublet is the vice-chair, on 11th February, 3 days later, setting out that the work is being progressed as a priority. However, during the working up of the draft law, a number of serious complexities and challenges were apparent. Firstly, that Jersey does not have an equivalent to the U.K.'s Human Fertilisation and Embryology Act 2008 for which the U.K.-equivalent law was underpinned and challenges around determining domicile of origin for children of same-sex parents. This is important because domicile of origin is the concept the court uses to determine which legal system applies to an individual who has connections with more than one jurisdiction and is relevant in matters of personal law, tax law and inheritance law. A failure to resolve matters relating to domicile of origin creates significant uncertainty for children and parents. Greater detail of these issues are written out in my comments paper to P.26. Despite having this knowledge, Deputy Doublet lodged the proposition, P.26, on 15th February, just 4 days later, and now is here to ask the Assembly to reduce the lodging period. The Assembly will be aware that the last day to lodge any proposition before the 2022 election is on 10th March, in 9 days, or 7 working days, that is if we debate the Deputy's proposition today and not later this week. I have been informed by the law drafting team that it would be unrealistic to be able to resolve the issues I have laid out in time to be lodged before the 2022 elections, let alone in 7 working days. This does not even take into consideration the work after the draft law is completed for a review and consultation by the Judicial Greffier's Department, the Jersey Family Court Advisory Service, the Children's Commissioner, the Superintendent Registrar and the Legislative Drafting Office editorial review team who must review the draft law for errors and anomalies. Then this Assembly and the Scrutiny Panel needs appropriate time to review and scrutinise this important legislation. I have been absolutely committed to getting this very important law drafted and lodged. I instructed the law drafting in April when I was only just the Assistant Minister for Children and Education. While I fully support the Deputy's desire to see this legislation in place, I must recommend Members reject the shortening of this lodging period and ask the Deputy to withdraw the proposition, P.26, as the timeframe is unrealistic and will present the very real possibility of bringing forward flawed legislation. When we are dealing with such important legislation that defines the legal status between children and their parents, this Assembly surely will agree that it is not in the public interest to be rushing such legislation to meet an election time but instead should make sure that such legislation is fully considered and all the right stakeholders to have the appropriate time to review and consider such legislations.

**The Bailiff:**

Does any other Member wish to speak on the proposition to allow Deputy Doublet's proposition to be listed for debate during this session by shortening the lodging period?

**9.1.3 Senator L.J. Farnham:**

I would just say following the speech of Deputy Wickenden, which I completely understand, and having looked into this as well as a result of answers tabled to previous question time, I would ask the Assembly, given the important nature of this proposition to albeit a few Islanders but still of high

priority to them, perhaps we need to decide that during the debate. Perhaps it is wise to have the debate on this issue and let the arguments that the Minister made in his previous speech be debated as part of that. Because, at the very least, I think a sphere during that debate would be very helpful, not only to the law drafting, but to the people waiting for this urgent law to be approved.

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

I would like to echo Senator Farnham's comments. I think in using a colloquial phrase, it is worth giving it a shot. I fully understand the difficulties that Deputy Wickenden has and the process it has to go through, not least because I present a lot of legislation to the Assembly myself, but, like everything else in life, unless you try you will not know whether you are going to fail or succeed. Obviously I wish the Deputy every success but there are some pretty large hurdles in her way but I know the Deputy is very determined and she will do her best to get over them. So I think we should debate it and give her a chance of getting it through.

#### **9.1.5 Deputy G.C. Guida of St. Lawrence:**

Members will know that during these 3 and some years, I have never failed to give a shortened lodging period to anybody who asked for it. Sometimes there are small incidents, sometimes there are urgencies and it is not necessarily a misconduct to bring something to the Assembly late. This is, however, a little bit exceptional because our debating time to the end of this term is unbelievably limited. We have a long list of things that we absolutely need to debate before the end of this term. We have just had an extremely important debate deferred because of P.26. I think that access to justice is one of the most important things that we could debate before the end of the term and this has just been deferred, delayed, put at risk because of P.26, because we are trying to cram the very, very last propositions in the time that we have. I think we should deal with what has been lodged, what is ready to debate, and not introduce any new legislation.

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

It was just to say quite quickly, I think the previous speaker, Deputy Guida, may be mistaken when he said that P.4 was deferred because of this debate or because of P.26. Listening to Senator Farnham when he spoke about P.4's deferral, I do not believe he mentioned that the reason was because of this P.26. So I just wanted to highlight that I do not think that was given as a reason.

#### **The Bailiff:**

Does any other Member wish to speak on this proposition? If no other Member wishes to speak on the proposition, I close the debate, and call upon Deputy Doublet to respond.

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

I think Senator Farnham summed up what I would like to draw Members' attention to. I do not want to get into the substance of the main proposition because of course we are just talking about reduced lodging periods. Of course, I have checked out whether this is all allowed in terms of Standing Orders, so that has been done. It is Standing Order 19(a) and it would of course be up to the Bailiff if the States Assembly deemed this matter to be urgent, so that is a separate matter that we would come to in the main proposition. So all I am asking for today is, I think as the Constable of St. Ouen said, is just for the chance to debate this and I think we can address those issues in the main debate and I would be happy to do so when we come to the main debate.

#### **The Bailiff:**

Very well, I ask the Greffier then to open the voting. Members might remember there are 3 buttons in front of them. **[Laughter]** Pour, abstention and contre. The proposition is to allow Deputy Doublet's proposition to be debated during this sitting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. There will be a slight delay because it is necessary to consolidate the results on the screen from the vote within the Chamber to those who

are in the chat and voting via that. The proposition has been adopted: 29 votes pour; 11 votes contre; no abstentions.

<b>POUR: 29</b>	<b>CONTRE: 11</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Connétable of St. Saviour	
Senator L.J. Farnham	Deputy of Grouville	
Senator S.C. Ferguson	Deputy J.M. Maçon (S)	
Senator T.A. Vallois	Deputy S.J. Pinel (C)	
Senator K.L. Moore	Deputy of St. Martin	
Senator S.Y. Mézec	Deputy of St. Ouen	
Connétable of St. Helier	Deputy S.M. Wickenden (H)	
Connétable of St. Lawrence	Deputy L.B. Ash (C)	
Connétable of St. Brelade	Deputy G.C.U. Guida (L)	
Connétable of Grouville	Deputy of St. John	
Connétable of Trinity	Deputy S.M. Ahier (H)	
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Deputy J.A. Martin (H)		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy L.M.C. Doublet (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy K.F. Morel (L)		
Deputy of St. Peter		
Deputy M.R. Le Hegarat (H)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		

The next item is the request by Deputy Higgins who has given notice that he wishes to make a proposition to raise Standing Order 32 so that his proposition Ukraine - Condemnation of Russian invasion and support for Ukraine, P.36, may be listed for today's meeting and also that under Standing Order 26(7) that the lodging period be reduced to allow the matter to be debated. We will treat that as one single request obviously. Deputy, do you make the proposition?

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

Yes, I do. I hope that the States will also agree to taking this as first item of business. It is very rare for this Assembly to be asked to delay the business on the Order Paper to consider an external matter. In fact, unless my memory has failed me, we have not done so in the almost 14 years that I have been a Member of the Assembly. But I must ask Members to do so today because I can think of no more important an issue than the current Russian invasion of Ukraine which has brought war to Europe on

a scale not seen since the Second World War. It is a matter that should concern us all, even leaving aside the implied threat of the use of nuclear weapons by the Russian leader, because the actions of President Putin are right now causing death and destruction in a sovereign democratic state on the continent of Europe of which we are a part and causing major humanitarian crises, displacing almost a million people inside and outside the Ukraine.

[15:15]

Although the Ukraine may seem very remote from Jersey, being approximately 1,500 miles away by air, the war will have an impact on us in this Island and we, like all members of democratic countries, must do what we can to put pressure on the Russian state to stop its attack and withdraw its forces from the country and do what we can to help the people of the Ukraine. As I have said, and I will just repeat this again, it will have an impact on us because the sanctions will certainly affect Russia but the retaliatory measures and others will also have an impact on the Island and we need to consider those. I ask Members to support taking this proposition today and putting it as the first item on the Order Paper so that we can discuss the full implications of the war, what we can do to add pressure to the Russian state and the individuals carrying out this act or enabling it and see what we can do to help Ukrainian people.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** Can I just say that the proposition to deal with the matter at this sitting and then to take it as the first item of business will have to be taken separately. Those 2 things will need to be taken separately. So we are dealing firstly to allow the matter to be debated at this sitting alone.

**9.2.1 Senator I.J. Gorst:**

I do support the Deputy to take it at this sitting. From my perspective I support the proposition. We have not obviously had time to write comments but I do not think comments are absolutely necessary. It is a very straightforward proposition calling on this Assembly to do something which democratic Parliaments across Europe have been doing during the course of the last week.

**The Bailiff:**

Does any other Member wish to speak? If no other Member wishes to speak, then I close the debate. Do you wish to say anything in response, Deputy Higgins?

**Deputy M.R. Higgins:**

No, I would just ask people to vote for it either on a standing vote or preferably the appel.

**The Bailiff:**

Well we will deal with it on the appel simply because not everyone is able to stand or if they do we will not see them. Very well, I will ask the Greffier to open the voting. The vote is on whether we deal with Deputy Higgins' proposition at this sitting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted: 40 votes pour; no votes contre; no abstentions.

<b>POUR: 40</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				

Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Do you make the proposition that it is dealt with as first item of business, Deputy?

### 9.3 Deputy M.R. Higgins:

Yes, I will ask States Members to put it as a first item because otherwise it will show that it is not really as important as we really think it is. If we put it second, third, fourth or whatever, it just shows what we really care. So if we put it first, we do not have to spend a long time where everyone makes speeches, but we do need to get our message out there, give support to the people of the Ukraine, and tell Russia what we think of them as well. In fact, I correct that, not “tell Russia what we think of

them"; I have no complaint with the Russian people, it is with Vladimir Putin and his clique and his enablers. Thank you.

**The Bailiff:**

Is the proposition seconded? The proposition is to deal with the matter immediately. **[Seconded]** Does any Member wish to speak? If no Member wishes to speak, then I close the debate. I think I will try and take this on a standing vote. Members in favour? Yes, thank you very much. Well it is clearly passed on a standing vote because everyone has stood up and there are not that many people who are not here. So that is passed on a standing vote and will be dealt with as the first item of business which, as it happens, is now.

**10. Ukraine - Condemnation of Russian invasion and support for Ukraine (P.36/2022)**

**The Bailiff:**

The first item of business is Deputy Higgins' proposition, P.36, Ukraine - Condemnation of Russian invasion and support for Ukraine and I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to condemn the Russian Government's invasion of the sovereign state of Ukraine and, in pledging the support of the States and people of Jersey to the people of the Ukraine, to request the Council of Ministers to report back at the next meeting of the States Assembly on the steps taken by the Government of Jersey to provide support and deliver aid to the people of the Ukraine.

**10.1 Deputy M.R. Higgins:**

I thank all Members for their support with agreeing to this coming on the agenda today and taking it now. Now I doubt there is anyone in this Assembly who has not been watching, listening or reading the news on the war in Ukraine. It is a defining moment in the 21st century. As a person with a passion for history and has researched World War 2 for over 50 years, I can see many parallels with that conflict: a ruthless, autocratic leader suffering from megalomania, who harks back to his country's past history, grievances and empire. In Putin's case, it is the loss of the Soviet empire. He is a former *K.G.B. (Komitet Gosudarstvennoy Bezopasnosti)* agent who cannot reconcile the fall of the Soviet Union and the fact that many of the people in states who were once part of that body, whether they wanted to be or not, wanted to break away from it and determine their own futures. He sees himself as a modern-day tsar or Hitler who controls the state apparatus, armed forces, police and media. He will not tolerate opposition and has assassinated and imprisoned opposition leaders, banned political opposition parties, poisoned with radioactive material and nerve agents men he considers traitors living in Britain, killing innocent British citizens in the process. As we have seen on television in the last few days, his police arrest people for simply protesting by holding up a placard calling for an end to the war. He, like Hitler and Stalin and many other dictators before him, believe he can impose his will on others through the use of military force. Fortunately, unlike in 1938 when at Munich the European powers tried to appease Hitler and sacrificed Czechoslovakia in the process and did not deter him from invading Poland, Norway, the low countries in France, for a start, the democracies of the western world are today opposing him. I believe very strongly that it is the duty of all democratic nations to condemn the actions of autocrats such as Putin that try to impose their will by military force on smaller states and to resist their actions in whatever way they and we can and to assist the people in the states under attack. Although Jersey is not an independent country or state and our defence and foreign affairs are primarily the responsibility of Her Majesty's Government, we still have a voice and a role that we can play in this crisis. We may not have our own army, navy or air force but we do have at the very minimum an overseas aid budget, an international financial services industry that can be utilised to both aid and support the Ukrainian people and to penalise the Russian Government and its enablers. We are also an Island that has



known invasion and occupation by a foreign power, an experience that is hardwired into the Island's D.N.A. (Deoxyribonucleic Acid), that bullies should be stood up to so that others did not have to experience what many Islanders, their parents and siblings experienced between 1940 and 1945. So, let us state loudly that our hearts go out to the people of the Ukraine and we stand ready to help them as other countries helped the Island with food parcels in World War 2. Now what can we do to help? As an international finance centre, we need to do everything we can to go after Putin and his enablers' assets and freeze and seize them. We need to aid the British Government to obtain details of property owned in London and the rest of the country by Russian oligarchs that are owned by Jersey companies, foundations and trusts. We need to do this quickly and I regret the failure of past Governments of Jersey to introduce a register of trusts to sit alongside our Companies Register so that we know what assets are held through trusts, who ultimately settled the trusts, who will benefit from them and monitor changes to them in real time rather than having to ask the trust companies to trawl through their records to find out the details with the associated added delays. As many of you know, I worked with the Financial Services Commission for 12 years and I remember vividly the discussions we had on having a trust register to gather this information and how it was thwarted by the finance industry at the time who opposed it and were allowed to keep this information to themselves, and instead were required simply to supply it by law to the commission if requested. We trusted them to know their clients. I also believe that we urgently need to introduce the Digital Commercial and Residential Property Register that the States voted to adopt in September 2020 and was supposed to be introduced by the end of 2021 so we can identify what property, if any, they own in the Island. I am pleased to see from the earlier question time that the Minister for External Relations and Financial Services now thinks work on this should be accelerated. We are being constantly told in Jersey that we have a well-regulated finance centre that meets the highest money-laundering regulations and standards but so too we are told that is true of London but whose nickname is "Londongrad" for the amount of dirty Russian money that is being passed through London and is also being placed into the London and wider U.K. property market. Do we have Russian money in or passing through the Island? Well the answer is yes, we do. Do we have dirty money passing through the Island? The answer is probably yes, we do. Now, unfortunately, Russian money corrupts, as does money from drug dealers in South America, and no matter what regulations you have in place, people can always be corrupted. There are professional people in the past in this Island who are now prevented from working in the industry because in the past they took business that no one else wanted to touch and did not follow the highest possible standards. They consciously looked at the risk/reward ratio, balancing the likelihood of being caught and the penalty they may get against the large amounts of easy money they could make. One business was told to shut down. They took its nameplates off the walls of their premises and carried on as usual for a period behind the façade. They were never prosecuted in Jersey although the principal later did serve a short prison sentence in the U.K. for breaching their financial regulations which were identical to our own. I also believe that we should hold all those engaged in financial services, no matter how big and powerful, their owners and directors, fully accountable for any failures to follow the regulations and the States of Jersey should financially stand fully behind the Financial Services Commission to prosecute without hesitation all those who break the rules and are profiting through dirty money, all the oligarchs who have deep financial pockets and may want to challenge any legal matters brought through the Jersey Courts. The commission, when I was there, almost dropped a major fraud case because the bank whose officers were responsible for the fraud had deeper pockets. The J.F.S.C. only had, if I remember correctly, about £2 million in the kitty with which to litigate the case and they were genuinely considering dropping the matter. I remember arguing at the time the commission should go to the Government for additional funds and underwriting and that we should not let the investors who had been defrauded down. As it happens, the matter was later settled out of court and the investors were compensated but no one was really held to account. I am also concerned there have been cases where major/minor frauds have not been investigated by the police and the Financial Services Commission in this Island. I remember the Canadian gentleman whose savings, which he

specified to the bank should only be invested in low-risk investments, were instead put in high-risk investments and he lost the lot and the bank did not want to compensate him. You may remember him, he walked around St. Helier for weeks picketing the bank with his sandwich board, trying to draw attention to what had happened to him.

**The Bailiff:**

Deputy, I feel constrained to ask you how this is relevant to the Jersey response to the invasion of the Ukraine by the Russian Federation?

**Deputy M.R. Higgins:**

I will make it quite clear. We have failed in the past in certain areas whether it is done with fraud or to deal with people properly. I am saying that we have to show the highest standards and we must pursue these people without fear or favour and do everything we can to stop the dirty money and ensure the sanctions are fully maintained.

[15:30]

That is the reason I am raising these. I am going to mention just one other case too, and I think this particular case is a scandal on Jersey and a stain on our reputation. It was the La Hougue Trust case. We had people in this Island who were manufacturing, or they created trusts, and were backdating all the documents by having old typewriters, old pens, fax machines, old paper so if anybody examined all the stuff it would be seen that they were of the period of the time that they alleged the trust was created. The reason I say it is a stain on Jersey is the fact that when it was reported to the police they took no action but the normal response from the police is to say ...

**The Bailiff:**

I am sorry, Deputy, I do hesitate to interrupt any Member when they are giving a speech but I, for the life of me, cannot see the relevance of this to Jersey's response to the invasion of Ukraine [Approbation] by the Russian Federation. The points you are raising are historical cases which may well be useful to study as a lesson but they do not appear to me to have any relevant to the invasion and Jersey's response to it. Unless you can assist me with that I will have to ask you to refrain your speech in the Assembly.

**Deputy M.R. Higgins:**

I do not want to say this because I have great respect for you but you were the Judge who sat in some of the cases dealing with this and I do not think it is appropriate for you to be commenting on this one in your dual role.

**The Bailiff:**

I personally have no recollection of the cases that you are talking about, other than the last one that you mentioned. The purpose of my intervention is that it is the obligation of every Member to make a speech that is relevant and if you would explain other than simply wishing to go through a litany of where Jersey has failed in your position in the past then it does not appear to me that that does have a direct relevance. I appreciate the sensitivity with which you are trying to deal with this matter but equally I have to apply Standing Orders and those are Standing Orders.

**Deputy M.R. Higgins:**

Okay, if I can just complete then, I will not go through the 350 boxes of the evidence and all the rest of it that was never examined. Let me just say that if we are going to impose sanctions and we are going to do our part in this worldwide effort to deal with Putin and his cronies, then we have to make sure that in all cases where people do breach the regulations that they are investigated, they are prosecuted and the Financial Services Commission will take action against anyone who fails to follow the regulations and, if necessary, is prevented from doing business. I will move on then. The other

way in which the Financial Services Commission can assist is that we claim we have fantastic experience in all sorts of areas and we do. There are many countries in the world that benefit through the Jersey Financial Services industry. I hope that the industry will look at what is happening in Ukraine and see what it can do to get together to help raise the funds to help restore Ukraine once this crisis is over. I call upon them to use their expertise to ban together and put Jersey on the map for doing something exceptionally positive by helping rebuild this country. I will just move on to Jersey Overseas Aid. I was pleased to hear what was said earlier and no doubt the Minister will speak in the debate. We have a good record when it comes to overseas aid and I am sure the Minister will be providing humanitarian assistance to Ukraine either directly through disaster relief agencies in the field or by direct purchase of goods and shipping them to the Ukraine. I would ask the Minister, because I am asking for the Council of Ministers to come back in 3 weeks to tell us what they are going to do, if she could give us a first impression of what is happening and then we have 3 weeks to see what is going on, what further needs to be done and she can advise us on that. I am pleased the Minister for External Relations raised the matter of the Ukrainian people living and working in the Island who were having trouble getting their families out of the Ukraine and into Jersey. I welcome what he said and I do believe it is the duty of every States Member to ensure that if there is a problem with getting some of these families here to give them that humanitarian assistance that we hold the Council of Ministers to ... I would not say pursue as such but to advocate with the U.K. Government to enable them to be able to come here. It is not as if they are coming for ever. They are coming to help them and deal with this problem. I will skip some bits and pieces because we have already covered it. What I did say in the proposition is to pledge our support for the people of Ukraine without our means and capability, which means exactly that. There may be some forms of aid and options that we cannot do, but to do nothing is unacceptable to what is the biggest threat in Europe since World War II. But just as the Ukrainian Government is asking N.A.T.O. (North Atlantic Treaty Organisation) to provide air cover and prevent Russian aeroplanes flying over their country, it is almost impossible to do because if N.A.T.O. did that and there were engagements between Soviet ... I say, Soviet, it still seems like the Soviet Union, between the Russian Federation and everything else it could spark a further confrontation with N.A.T.O. and then, God forbid, there could be a nuclear exchange. I have actually just mentioned some things here. They are not exclusive lists, Members may have other things that we can do to help the Ukrainian people. I hope they will put them forward and I hope that the States will support them. Again, just finally, I would just like to repeat again, this proposition is not directed against the people of Russia who have had no say in the actions of their leader, who stifles dissent at home, assassinates and imprisons members of the political opposition and independent media, bans opposition parties, labels non-government organisations as foreign agents, breaks up and arrests peaceful protestors and poisoning people he considers traitors to Russia in Britain and elsewhere. There are no additional manpower and financial things on this. I just put a little note at the bottom, the idea of a child impact statement which we are supposed to do. This measure should have no impact on children in the Island except to educate them as to some of the evils in the world and the need to stand up for those who are being bullied and to aid them. I also believe it will have a positive impact on the children of the Ukraine.

**The Bailiff:**

Thank you very much. Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

**10.1.1 Deputy K.C. Lewis:**

I applaud the sentiment made by Deputy Higgins. My question is regarding Jersey's reaction to it and I will not repeat anything that is already said. The question of overseas aid I will leave for the Minister to answer whether that falls in the criteria. I have a question regarding ... basically I applaud all the work being done by locals and indeed Ukrainian, Polish and Russian people locally. All the Parishes have been collecting goods to send off to Poland and Ukraine. My question is typically

logistic. People are pouring over the border from Ukraine as we speak and it is very cold there at the moment. There is going to be quite a delay by the time the food gets there. The boats to France are erratic with the weather we have the moment, it is Jersey to France, France to Germany, Germany right across the other side of Poland to the Polish-Ukrainian border. My point is perhaps we should also set up, supplementary to this, with your permission, Sir, a Bailiff's fund to send money to make a deposit to the Red Cross or some agency in Poland that can buy food on the ground and get it straight to the border region where people are coming across. I will leave it there.

#### **10.1.2 The Deputy of St. Mary:**

First may I say last weekend and yesterday I had the privilege of attending, as the Assembly's representative, the British-Irish Parliamentary Assembly at their plenary session. At the Steering Committee meeting held on Saturday it was decided it would be entirely appropriate as our first sight of business to approve a resolution matching similar terms as has now been proposed by Deputy Higgins. Perhaps I could just quote the very first part which reads: "This Assembly condemns in the strongest terms the attack by President Vladimir Putin and the Russian Federation on Ukraine" and it goes on. The point I am making is that resolution was actually amended in the Steering Committee to insert the words "Vladimir Putin" on the basis that we wished to distinguish between the Russian Federation and his own actions not necessarily representing those of the Federation. Needless to say the motion was proposed on the Monday morning and we passed it without debate, which I think speaks volumes. The only other comment I make is that as chair of the Economic and International Affairs Panel we have during this term had numerous meetings with the Minister for External Relations and Financial Services and his officers on matters related to financial crime, an increasing amount of legislation is coming through and for our part I am sure we are well satisfied that the relevant mechanics are in operation to enforce any sanctions that there may be. For my own part I have no doubts on that at all.

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

I voted in favour of this proposition, to have it debated today, because I too want to condemn myself the invasion of the sovereign state of Ukraine and I want to personally give my support and on behalf of the people of Jersey to the people of Ukraine. I have to say that I was disappointed in Deputy Higgins, if not somewhat embarrassed, that he spoke like he did and to demean or to degrade such an important proposition I found disappointing. Because, as he says in the outlining of his report, as an Island that has known invasion and occupation by a foreign power our hearts go out to the people of Ukraine. My heart goes out to them. My parents both were here during the occupation. My mother I believe suffered all her life through the effects of what happened during the Occupation, certainly physically, and I know how difficult it was for me with her. I cannot possibly know how difficult it can be or is for people in Ukraine at the moment. But I return to Deputy Higgins' proposition and I believe it is our duty and the duty of all democratic nations to condemn what has happened and is happening in Ukraine and we must resist and assist as much as we can with all our hearts.

#### **10.1.4 Deputy C.F. Labey of Grouville:**

I was not anticipating to speak at this moment; I would prefer to have something more tangible that I can offer to the Assembly at this time, but I can say that Jersey Overseas Aid - as Members would expect - has been in close contact with all our humanitarian agencies to work out where our emergency funding, because obviously we have humanitarian funding for this purpose, but to work out where it is best placed at this time. Whether it is best placed in Ukraine or indeed, as we expect there to be with the Russian offensive, a significant displacement of hundreds of thousands of fleeing people into neighbouring countries of Poland, Slovakia and Hungary. So we are currently working with the U.N. and with the Red Cross, who are our tried and tested partners in emergencies such as this, and we will put something together and we will be able to confirm exactly where we are targeting

that funding at this time. We are also working, Sir, with your office, as you know, about funding and the like so that the community can feel that they can contribute to the plight of the Ukrainian people. We will have more to report as this tragic set of circumstances unfolds in these coming days.

[15:45]

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

I perhaps share the sentiment of the Deputy of St. Martin. I take the Deputy's proposition as it is written, that this Assembly, the democratically elected Parliament of Jersey, condemns the Russian invasion of Ukraine, a similarly democratic nation. Of course it is disappointing that the Deputy chose to talk in the terms that he did in making his case. I do not think he needed to say that to make his case. The Deputy Chief Minister, in the absence of the Chief Minister, on 24th February condemned the invasion on behalf of the Government. It is right that this Assembly condemns the invasion and the action of President Putin and the regime in invading Ukraine. Ministers have been and will continue to update Members on the actions that they are taking that they think are appropriate for Jersey to take in response to those actions. I have got to say, it is easy of course to pick out individual cases and then on the basis of individual cases suggest that the entire barrel of apples is rotten. His individual cases bear little resemblance, I think, to the financial services industry that I see today. They very much do want to stand with the Deputy's intention and make sure that Jersey is not used in an inappropriate way and that we do work with the U.K. and the international community to ensure that sanctions are implemented appropriately, that assets are frozen appropriately, and they support my creation of a taskforce here that will work with the U.K. and transatlantic taskforce to undertake the work that I explained in my statement earlier about understanding and ensuring that all Russian assets that are the subject of sanctions are rightly frozen and that we implement them appropriately. So I hope that he will take confidence from what has been said in this Assembly during the course of today, and take confidence from the fact that the Government supports this condemnation. This is a very fast-moving situation and the sanctions are changing. As I indicated earlier, there have been further sanctions that we have instructed to be implemented during the course of this States sitting, and I expect that the circle of sanctioned individuals and entities will grow in the coming days and weeks. We have not yet seen but a small proportion of those, at least 110, individuals and entities that the U.K. is in the process of adding to sanctions lists. The existing sanctions imposed have again been broadened today and their nature has been broadened. So we and the Government stand with the sentiment, even though we absolutely distance ourselves from the comments and the inferences of the Deputy. But I would say this: there is no doubt that as this matter progresses ... and we do not yet know how long this war will be sustained for. It is unfortunate that His Excellency only speaks in this Assembly twice. This is an occasion where the value of his advice would be well sought. But it could indeed go on for many months and years. It is very difficult for us sitting here in Jersey to understand what the ultimate endgame is of President Putin, and we hope that the sanctions that are being put in place do act as a deterrent in due course. But there is no doubt that as this matter progresses there will be an increasing level of risk associated with handling Russian assets in Jersey or maintaining customer relationships. This is particularly, as I have said, the case as the sanctions circle will widen and is now being combined with other economic crime measures. I would expect, and I believe it is happening, that the financial services industry - and particularly those dealing with Russian customers or assets linked to Russia and Belarus - will be considering the risk status of their relationships and where there may be relevant links to Russian assets. Firms are required right now, whether those assets or clients are the subject of sanctions; firms are required to take action to mitigate the changing risk profile. That is why I have every confidence in saying that the financial services industry today has changed, is absolutely aware of its international responsibility, and acting in concert with the international community in this regard. Therefore, despite the Deputy's opening comments, I absolutely join with this Assembly in condemning the invasion in the strongest possible terms, and in standing as a

community in ensuring that we give every support and that no stone is unturned in supporting Ukraine and the Ukrainian people.

#### **10.1.6 Senator S.Y. Mézec:**

I wholeheartedly agree with every word spoken by the Minister for External Relations and Financial Services. Unlike many wars in the past, in this one we see the devastation and pain being caused in much greater detail than before because of social media and the ability of people on the ground itself to tell their stories, to show what is happening and to be able to see it that way. When you see what is going on it must surely be impossible for any thinking person or anyone with any sort of conscience or empathy for these people to arrive at any other conclusion than one which shows utter condemnation for the behaviour of the President of Russia and his Government in attacking Ukraine in this way. In determining how we respond to it, I think an approach based on keeping a cool head, not supporting a trigger-happy approach that can often lead to escalation and even worse devastation in the long run, but one which focuses on diplomacy is always the preferred method, although I stress that I am certainly no pacifist. In seeing the wording of this proposition before us and it being clear in that wording, I hope very much that this Assembly will vote unanimously to support it, to show our position as the representatives of the people of Jersey in solidarity with those who have been subjected to the crime of invasion and war from a leader who is behaving in the most despicable way. Many of us will have seen the speeches which he has given on Russian T.V. (television) which you will have seen translations for. I watched one of those recently and simply could not fathom the delusion that he was propagating this complete misrepresentation of the history, not just of the Russian Empire and Soviet Union but of Ukraine as a nation and a people as well, and demonstrate what a danger that approach is, not just to that region but frankly for the whole world. A danger which he has been for a very long time. So I wholeheartedly support this proposition and would say that I think the response from the External Relations team so far has been outstanding. It has been quick, it has been decisive, and we should be very pleased with that, not just in the application of sanctions which are a must in this situation, but also in the ability to provide support for Ukrainian people in Jersey with families there as well. I would include in that of course the Overseas Aid Commission and the work that we will hope to hear more of in the coming days and weeks of what can be done there. When I first saw this proposition had been lodged I recalled immediately P.12/2003, which was a proposition that a few people in this Assembly would have been around to witness that debate, but that was a proposition lodged by Deputy Southern in the run up to the invasion of Iraq. I am quite proud that this Assembly adopted that proposition. It was not a unanimous decision but it was a proposition in condemnation of what was about to be the invasion of Iraq, which many people at the time knew was the wrong thing to do, that it would cause devastation and that it would cause instability. History has certainly vindicated. In that instance this States Assembly, on behalf of the people of Jersey, took the right decision and we can take the right decision today to condemn the war led by the Russian Government. It is constitutionally appropriate for us to do that. Although we tie foreign relations to that of the U.K. and often follow them, we do have our own voice, and when it comes to international injustice we should not be afraid to do so. I have just one final point to make at the end of this and draw it from personal experience. It relates to a point that Deputy Higgins has made a few times, which is that one of my heroes when I was growing up was my grand-mère, my Breton grandmother who lived in France as it was occupied by the Nazis and told us the horrible stories of the things which she and her family had to endure, the atrocities that happened in her neighbourhood. I saw her as somebody who then went on to have children, one of whom was my uncle who ended up moving to the country which had occupied her community. He moved to Germany, he married a German woman and had a family there where he lives to this day and my grandmother would visit and she would come back and talk of the warmth that she was treated with by the people of Germany, despite the fact in her youth that had been a country and community that had occupied and delivered unspeakable horrors through their regime at that time. So as well as a statement in solidarity with the people of Ukraine, and in condemnation of

the atrocities being committed by the Russian Government, I think it is worth saying a word of support to the extremely brave men and women in Russia who are acting as dissidents against the Government for what they are doing, who are braving being faced with persecution themselves we know by a Government that has pretty much no respect for human rights as well. We must hope that as the conflict eventually ends, hopefully sooner rather than later, one day in the near future we can hope for reconciliation where the people of Russia who themselves deserve much better than the brute who is in charge of that country right now can play a force for good in the way that our previous enemies from previous conflicts have turned around as well. Because a world that is built on peace where countries work together and have respect for human rights is one we should all be striving for, and because this proposition is in that vein I wholeheartedly support it. **[Approval]**

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

I think the previous speaker, Senator Mézec, is absolutely right to refer to the horrors of the Second World War, and one of the reasons for that is that it appears that Vladimir Putin's intentions are very similar to those that were guiding the aggressors in the Second World War. That is a distaste and a disdain and a hatred for democracy and for people to determine their own fates as nations. That is one of the biggest reasons that we as an Assembly must support this proposition and do so unanimously because this is an attack on us as much as it is an attack on any other independent and democracy loving nation on this planet.

[16:00]

That is why Europe, the U.S.A., Britain and elsewhere are so repulsed by the actions of Vladimir Putin towards Ukraine. We must remember that as we ourselves prepare for elections in coming months. Those elections are fragile and they must be protected, and the best way to protect our elections and our democracy is to encourage everybody here in this Island who can to go and vote, because we see what happens when people do not get the opportunity to vote. We see what happens when people who have a disdain for democracy try and stop people voting. It ends horrifically, and we must do everything we can to show to Vladimir Putin - as tiny as our action is in this regard - that what he is doing is entirely wrong and horrific. I was very pleased and I agree that the Minister for External Relations and Financial Services and his team and his department have worked very swiftly to enact sanctions, to provide support, and to work with the Minister for Home Affairs to encourage the U.K. as much as they can to provide the flexibility we spoke of earlier today. I was also pleased the Minister for External Relations and Financial Services said that no stone would be unturned because I do fear that there is a stone that is being left unturned and that is quite simply Jersey is not enacting E.U. sanctions alongside U.K. sanctions. That means there are holes in the sanctions that Jersey could be offering. The E.U. has sanctioned 336 members of the Russian Duma, people who voted for the pretext that enabled, in his mind, the invasion of Ukraine. The U.K. has not sanctioned those 336 people. As a result, if any of those 336 people have assets in Jersey they are currently unsanctioned and unfrozen. So it does seem to me that there is a stone that is unturned, that we do have the legislative ability to use to enact E.U. sanctions alongside U.K. sanctions. We know there will be no U.N. sanctions so we can drop that. There will be no U.N. sanctions. As long as Russia is part of the Security Council there will be no U.N. sanctions. If we can enact U.S. sanctions we should do so too but I am not sure we have the legislative capacity to do so. So, I believe that in accordance with this proposition the support for Ukraine would include the support for the E.U. sanctions, which would make sure that there is nobody who is on the E.U. list of people who should have their assets frozen, that are not on the U.K. list of people who should have their assets frozen, but those people would not slip through the net here in Jersey. So I ask the Minister for External Relations and Financial Services to please look at doing that because we have the legislation and it is only bureaucracy that stands in the way of that fairly simple manoeuvre. I urge all Members of this Assembly to vote for this proposition. We must stand against this horrific barbaric action by the Russian president. While it is correct that the Russian people, as a whole, this is not their war but

there are oligarchs and there are people, politicians, who are not the president of Russia but who support and enable the president of Russia in his actions. We must, and that is why I ask for the E.U. sanctions as well, make sure that all of those people are targeted and that Jersey is not a refuge for any of their assets or their money.

**10.1.8 Deputy K.G. Pamplin:**

I have, quite unusually for me, got no notes in front of me, I have written nothing. But I wish to speak because it is a privilege to stand as an elected representative in a democratic Parliament, our States Assembly, and feel obliged to do so. If you said to me 4 years ago when I decided to stand for election, in the 4 years of office we would go through, as an Island, a global pandemic, separation of Brexit, announce a climate emergency, and now be standing and talking about the greatest threat to the world in Europe, denouncing a leader of a G7 nation who has decided to invade another country, I do not think I would have believed you 4 years ago. But here we are. But that is where the parallels stand because today is not about us. The parallels of the current leader, the president of Ukraine, who is leading his country is also one of the greatest things to come out of this issue. The great powerful point about democracy is people can be voted by the people to positions, no matter where they come from, and that of their backgrounds. The current president of Ukraine took part in the Ukrainian “Strictly Come Dancing”. He was the voice artist and actor of Paddington Bear in the recent Hollywood movies. He is now standing on the trenches and defending his country and inspiring the world on what is achievable in the face of some of the darkest days, and we cannot be under any illusion going what has just happened and what is happening right now, as of 10 minutes ago, some dark days are ahead. It would be inconceivable that this Island, 80 to 85 years ago, where this Island and our relatives and the people that we hold true and we come to collectively remember every 9th May, do not go as far as we can to accept anybody who needs our help. That is what this Island did. That is what Islanders did under great pressure and great risk to their own lives, taking in slaves and refugees. Yes, of course we must and we commend and we thank everybody who is doing the civil service in our Government currently, but if we can go further as one of the smallest places on earth to one of the biggest places on earth right now, who needs us, and needs that beacon of light, it is our duty to do so. Equally what can we do more to home? Those things that I started off by speaking about, that I just reflected what we have gone through, they are the same things my daughter and my son have gone through - 13 and 20 - in the last 4 years. The impact on the pandemic, even though it may feel now, 2 years down the road, we are in a much better place, and thank goodness for that, but we cannot ignore the impacts that the last 2 years have had on the mental health and the well-being of all of us but especially the children; not just our own children but the children around us who are now looking up to the adults of this Island and the leaders to help them, understand them, and make sure they are being heard too. The same thing will be in the coming days with this conflict. My 13 year-old daughter who loves the social media apps and the way they all communicate nowadays has had to sit down and have very difficult conversations about the things that she is seeing. They are the realities of the new world we live in and the dangers of misinformation as well that is flying about. That is all of our responsibility. The final point I want to add is the one thing that is being attempted right now is to divide us, and that is going to be tricky as the election is coming forward. Now is not the time. Robust debate. That is what this Assembly does. That is what we are here to do, to make the decisions, to make this Island a better place.

**The Bailiff:**

Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and call upon Deputy Higgins to respond.

**10.1.9 Deputy M.R. Higgins:**

I thank every Member of the Assembly who spoke in support of the proposition and all the people of the Ukraine and in condemnation of the actions of Vladimir Putin. I also want to thank those who



criticised me for the comments that I made. Maybe they felt that it was inappropriate in the circumstances. That may well be the case. But the truth of the matter is, I do not want to see us fail the people of the Ukraine and prevent people like Vladimir Putin, the clique that surrounds him, his enablers, to get away with what they do. They have not only done the bombing and the killing in the Ukraine, but they have also defrauded their own citizens and kept their own citizens at lower living standards because they are able to salt their funds away. So I feel very, very strongly that the industry must have the highest standards and the authorities must pursue anyone in the industry who does not follow the highest standards. With that I would just like to say thanks again to everybody and, as I say, let us do everything we can to help the people of the Ukraine. Thank you. I ask for the appel.

**The Bailiff:**

The appel is called for. I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The proposition has been adopted: 40 votes pour, no votes contre, no abstentions.

<b>POUR: 40</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. 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)				

**[Approbation]**

**11. Order in Council: adoption of new Canons (P.12/2022)**

**The Bailiff:**

The next item of Public Business is Order in Council: adoption of new Canons, P.12, lodged by the Chief Minister. The main respondent will be the chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion – To: (a) endorse the attachment of Jersey to the Church of England Diocese of Salisbury instead of the Diocese of Winchester and to agree, including for the purposes of Article 31 of the States of Jersey Law 2005, that a request be made to Her Majesty in Council for the making of an Order in Council providing for the attachment of Jersey to the Diocese of Salisbury, for the transfer to the Bishop of Salisbury of all such jurisdiction as the Bishop of Winchester has in relation to Jersey, and making certain consequential amendments to legislation affecting the Church of England in Jersey to reflect such transfer including revoking the Order in Council of Elizabeth I of 11th March 1569 whereby Jersey had been attached to the Church of England Diocese of Winchester; and (b) endorse the amended Canons of the Church of England in Jersey as set out in R.8/2022 and as approved by the Right Reverend the Bishop of Salisbury, the Dean of Jersey, the Ecclesiastical Court, and the Deanery Synod of the Island so that the draft Canons may be submitted to Her Majesty with a request that an Order in Council be issued bringing them into force in Jersey.

**Senator L.J. Farnham (Deputy Chief Minister):**

The Connétable of St. Ouen will be acting as rapporteur for this.

**11.1 The Connétable of St. Ouen (Assistant Chief Minister - rapporteur):**

Before I start, if I can just briefly thank you for your kind words this morning in relation to my father-in-law, which is much appreciated by my family. Thank you, Sir. **[Approbation]** Before I start the first proposition, I would like to take the opportunity to thank the States Assembly for agreeing to take P.12/2022 and P.10/2022 and it says here “as the first item” but as we know it is not the first item, and I think we all understand what an important debate that was and of course we are very happy to come second. Much of the work to bring Canon Law to the Assembly began before the COVID-19 pandemic some 2 years ago. It is unfortunate there has been some considerable and protracted delay. I would also like to put on record my thanks to the Deanery Synod in Jersey, their hard work in bringing this matter to a conclusion so that it could be brought to the Assembly today, and personally to the Dean for his advice to me in this matter. A private briefing on this subject was held last week, which I hope Members found useful. Notwithstanding the length of the Canons, I

hope Members found the time to consider the proposition of Canons and subsequent addendum. This debate I am sure will prove to be a varied and full debate and I welcome Members' views accordingly. For the avoidance of any doubt, I should make it clear that P.12/2022 first asked Members to endorse the attachment of Jersey to the Diocese of Salisbury and seeks to ask Her Majesty to make an Order in Council to effect that transfer. The same proposition asked Members to endorse the making of a separate Order in Council to bring into force the Canons of the Church of England in Jersey as approved by the Right Reverend Bishop of Salisbury, the Ecclesiastical Court and the Jersey Deanery Synod, which of course includes the Dean himself. The Canons for Jersey, as presented in R.8/2022, have not been updated since 2012. As has been the case since 1623 our Canons have followed the English Canons as a matter of principle with few departures other than for matters where ecclesiastically or constitutionally Jersey differs from England. I do appreciate that some Members are concerned by the way in which some of the clauses are worded within the revised Canons, although a number of improvements have been made. I am sure there will be future revisions to the Canons as directed by the Church of England. I am aware that this will be covered by the Dean but I just thought it important to raise this at the earliest point in this debate. What is being proposed today is a will of the Church of England having received episcopal, diaconal and synodal approval.

[16:15]

Members of course are under no obligation to pass this proposition and it is entirely in the gift of Members to discourage the endorsement of this proposition and critique the Canons if they so wish. Should Members not pass P.12/2022 the Church of England in Jersey will remain out of step within the wider institution, particularly on matters of gender equality and safeguarding. I think it would be regrettable if Canon Law was further delayed given the initial interruption caused by the pandemic. While the Church of England has approved the Diocese transfer and the Canons for Jersey it is ultimately for Members to decide whether they are of the opinion to endorse these approvals or not. I think as Members will appreciate, this is an unusual proposition I bring before them today. But the question is a relatively simple one. Turning firstly to the transfer of Diocese. The fundamental recommendation arising out of the Commission established by the Archbishop of Canterbury to report on the relationship with the Channel Islands and the wider Church of England was for the Channel Islands to move from the Diocese of Winchester to Salisbury. This followed a period of considerable difficulty where the respective deaneries of the Channel Islands experienced, in their view, complications with the leadership of the Bishop of Winchester. Jersey has been attached to the Diocese of Winchester since 1569, which, as Members will appreciate, slightly predates me. While I can appreciate that Members will naturally regret that Jersey now looks to formally change the Diocese after some 400 years, it would be remiss of me not to stress that the Island's relationship with any Diocese of the Church of England is explicitly from the Bishop of that Diocese, not the Diocese itself. Before this date Jersey shared much stronger historical links with Coutances and it is worth noting that before Jersey was attached to Winchester by Queen Elizabeth I in the 16th century the Catholic Church approved this order to transfer the Channel Islands to Salisbury as early as 1497. While the move to Salisbury might seem to be new, and it is of course a historic change, the idea to attach the Channel Islands to this Diocese is not entirely new. Both Deanery Synods in Jersey and Guernsey have endorsed the Archbishop of Canterbury's recommendation in this respect. The Diocesan Synod in Salisbury also approved the recommendation and the measure to provide the legal basis for the transfer was approved by the General Synod of the Church of England in February 2020 at the U.K. Parliament and has latterly received Royal Assent. What is being asked of Members is for the approval to be endorsed by agreeing to seek Her Majesty to make an Order in Council to bring this transfer into force. In practice, the Channel Islands already acted as if they were attached to the Diocese of Salisbury since they signed a memorandum of understanding on 11th December 2020. The Islanders enjoy an excellent relationship with Salisbury and the recent appointment of the new Bishop of Salisbury in January this year. The Deaneries of both Guernsey and Jersey feel they can start afresh with nurturing their relationship after what has been a very dark period. This is the only

cause for a further endorsement and I hope Members will be supportive of this new chapter in the Church of England. If I can now touch on the Canons. As mentioned earlier, the second purpose of P.12/2022 is to ask Members to endorse the Canons of the Church of England for Jersey. Should this proposal be passed Her Majesty will be asked to make an Order in Council to bring to force the Canons in Jersey. Jersey had its own Canons since 1623 and has followed English Canon Law as a matter of course, with relatively few departures, other than matters where ecclesiastically or constitutionally Jersey differs from England. The current Canon Law in Jersey has not been updated since 2012 and, as such, the Canons as they currently stand are considered out of step with the wider laws of the Church of England. These newly revised Canons go some way to remedying this. As would be expected, the Jersey Canons reflect English Canon Law as much as practically possible. Any subsequent revision to the English Canons will necessitate a revision to the Jersey Canons, as is the case being presented to you today. I should say that further revisions are expected in future. The new Canons, however, improve what is currently in place and, as I said, these Canons are now over a decade old. In particular, the new Canons reflect the Church of England's commitment to all its orders of ministry and being open equally without reference to gender. This, therefore, makes provision for female bishops. As Members will of course understand, this is long overdue and is now a matter of some urgency. While the Canons do not currently make provision for fully gender-inclusive language, when the Church of England begins its work on advising these Canons then it is work that will be replicated in the Jersey Canons. I understand the Dean has petitioned the General Synod at its next meeting for a date when this work will commence, to bring the Canons' language to be fully gender-inclusive. In the meantime, any further delay to the current Canons would of course mean that women bishops cannot exercise their ministry in the islands. The Deanery has sought to strike a balance between seeking the work of gender-neutral language to be included with the more immediate practical need and ensure the ministry from female bishops can begin at the earliest opportunity. More importantly, the revised Canons make explicit reference to all those involved in leading the Church's ministry with ordained or lay people, that they must have due regard to the safeguarding guidance issued by the House of Bishops, which includes both policy and practice guidance. In simplest terms, there is no scenario in which the safeguarding guidance could not be followed. Since we decided to bring this matter before the Assembly today I have written to both the Children's Commission, Deborah McMillan, and the independent chair of the pan-Island Safeguarding Partnership, Sarah Elliott, on this subject, the latter who has been in regular contact with the Diocese safeguarding leads in Salisbury and the board managers in the Channel Islands. Since writing those letters I have received messages of support from both parties. I am sure the Dean will speak during the debate on the subject of both the Canons and the transfer but in the meantime I make the proposition.

**The Bailiff:**

Thank you very much. Is the proposition seconded? [**Seconded**]

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

This is a subject I have been following since 2014 and I have met with previous Chief Ministers and written to your predecessors on the very subject. But being asked to approve new Canons as a separate report, the last time the Canons were put before this Assembly they were part of a proposition, yet today we have them as a report. I did try bringing amendments to the Canons but was informed that as Assembly Members we could not. We either vote for or against. In my view, we are either responsible, as we are being asked, or we are not. Despite it being 2022 the language used is not inclusive and is not consistent and I will return to this shortly. We have just heard from the Assistant Chief Minister the importance of passing the Canons because of safeguarding being one of the reasons. I am delighted to say that there have been great improvements when it comes to safeguarding in the Church of England, led in no small part by the Rector of St. John. We have also got best practice to follow, whether this is passed or not passed; it is unrecognisable from where we

were. Perhaps today we should be having a debate about should we still be funding the Church of England? Should the Dean be a member of this Assembly and/or directors continue to be unelected members of Parish Roads Committees? As one local commentator observed on Saturday when commenting on an article about Church of England finances in *The Times*, he asked a question: “Why is a parishioner who is not of Church of England have to maintain the Parish church both for the Rector and the Rectory when they have so much cash?” The reason, the current situation, is history and tradition. If we are being asked to do away with history and tradition in terms of the Diocese, perhaps we need to look at these matters more closely. We are being told that there is a need to do this now. The fact that they have been in discussion for such a long time is not the fault or the responsibility of this Assembly. The English Canons are due to change in the near future, so why do we not wait; wait until the language used is acceptable? I would draw Members’ attention to page 74 of the report and the new ability of the Deanery Synod to make regulations to amend these Canons, something the previous Canons did not allow. I would also like to draw Members’ attention that in my opinion the previous Canons have been ignored for some time. In fact, as I mentioned, I wrote to your predecessor back in 2018 to challenge the oaths that Rectors and indeed the Dean had taken, as they did not follow the Canon Law and C14 in particular of that law. They are supposed to swear and pay true and canonical obedience to the Lord Bishop of Winchester. Rectors and the Dean did not take that oath. I have to say that in no way should reflect on the people that took the oath because I think that we have recruited very well. Your predecessor, Sir, told me that the position in relation to the Bishop of Winchester is a little complicated because you are right of course that the existing Canons do refer to him. I have the correspondence, he went on to say that the letters patent, which Her Majesty granted, refer to Trevor, Bishop of Dover and Bishop of Canterbury, saying: “I think that represents the position accurately and if Her Majesty says so I am sure it does.” In other words, if it is good enough for Her Majesty, it was good enough for your predecessor. A side letter, which we heard about in the briefing, apparently removed the obligation for that. That side letter has never come before this Assembly. This Assembly ratifies the Canons and that has never come before us. What other law could be changed without coming before this Assembly? Back in 2014 congregations were never asked about the initial separation. There has been consultation over Salisbury, however, that was done and completed in 2019 with the background of a dispute with the then incumbent Bishop. The Bishop has gone. We have heard we have hundreds of years of history that we are being asked to cast aside. We were told recently by the Dean that Winchester is in a mess. The local churches’ answer to walk away. It reminds me of the good Samaritan’s parable, albeit not in a good way, why are we not acting like good Christians and helping a friend in need? Why do we not stay and help them repair? I spoke about inconsistency and lack of inclusion; page 20 of the report talks about any man as opposed to any person. “Any person” is used later on in this paragraph, so it would be consistent. Page 28, C1(1) talks about no man instead of no person, yet “person” is used in C1(2), so again would be consistent. Page 28, layman instead of layperson, “person” is used in this paragraph also so it would be consistent. Page 36, why do we use the word “clergyman” instead of “clergyperson” or simply “clergy”? “Person” is used in C14(1) and also C14(2); you get it, it would be consistent. Page 38, peace among all men, as opposed to peace among all people. We are in 2022. Page 45 talks about “chairman”, rather than “chair” or “chairperson”. Page 46 talks about sidesman, as opposed to sidepersons. Sidepersons are mentioned in D4(2). It is 2022, we should not be approving a proposal that has language that is not inclusive or consistent in this Assembly. It is with a degree of sadness that I cannot support this proposal in its current form and I would encourage Members, sadly, to vote against.

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

Like the previous speaker, I thought that was an excellent speech, I also feel uncomfortable that we, as elected Members, representing the Island as a whole, including those with religious beliefs and without being asked to approve these Canon Laws. Members will be aware of my own humanist beliefs and this leads me to be a vehement supporter of freedom of belief and someone who respects

all established belief systems. I would be the first to defend those freedoms. However, it is my view, my firm view that church and state should be independent of one another and there should be equal treatment for all, regardless of religion or belief.

[16:30]

I think it is time that we start having these conversations. I think that public opinion is changing. The most recent data on religious belief shows that there is an equal split between those with a religious belief and those with none and the trend is more towards those with no belief. I believe if we did ask that question of the public it would show that there was a majority of our public who have no religious beliefs. It is becoming inappropriate, I feel, that this relationship continues. I mean no disrespect because the Church, as an institution in Jersey on a local level, I think does a lot of good and I have utmost respect for the Dean and for the clergy in Jersey, and indeed a very good relationship in the past and hopefully in the future with our new Rector in St. Saviour. Also I understand that there are some progressive elements to this legislation which the proposer has pointed out to us, but also unfortunately some quite archaic sounding elements. So despite the progressive elements I feel that this should be a private matter between the church and its followers. It does not feel appropriate for us to be debating with our hands tied, unable to amend, and approving this. So I will also reluctantly be voting against this today and I do feel that the new Assembly needs to continue the conversation the Constable of St. John has initiated around the independence of church and state.

### **11.1.3 Senator S.Y. Mézec:**

It follows on in a similar theme to the previous speaker. When you are in this Assembly, and especially now that we are back in person, it can be very easy to get caught up in the bubble here and not necessarily question why we do things the way we do them. It is how we have done them for hundreds of years; it is just how it is. But when I saw this lodged and began reading through it I could not help but think what a complete waste of my time it was. This is nothing to do with me as a non-believer. What right, frankly, do I have to have any say on this. I consider it a private matter for the Church of England how it wants to organise itself and associate itself with whatever branch it needs to for whatever practical reasons it considers. It is frankly in the year 2022 ludicrous that an elected Parliament would consider this its business and to have a role in it. It is extremely frustrating being asked to cast a verdict on it because of many of the reasons that the Constable of St. John has rightly said. I have a vote on this so I will have to cast it in some way and will try to do so in the way that leads to the best outcome, even though I do not think we should have this debate in the first place, and I genuinely do not know which is the best way to vote. Is there a way of casting my vote to at least assist in moving in a more progressive direction, or is it better to vote against it and say: "Have a better think about this and come back with something better" alongside that conversation that Deputy Doublet has said that we ought to have about how we can find a fit-for-purpose place, for what has until now been the established church of this land, in our society where it can continue to play an extremely positive role in our community at the forefront, often supporting some of the most vulnerable people in our community and providing some sort of moral guidance. As a non-believer I think they would be more effective if they were not constrained by having to have this relationship with the state and would be free to speak out in ways in which I think they would be very welcome, especially when we face some of the difficulties we do on poverty and issues like we have just debated on war. I guess as a closing point, I would say the worst consequence by far of adopting that approach would be to not have the permanent representation of the Dean in this Assembly, who regularly makes excellent contributions, although I suppose the flip side to that would be that he would, therefore, be eligible to run for Deputy and I would be sorely tempted to vote for him. That would of course be the worst consequence of this. So I say that to simply have that on record, that this is an inappropriate debate for an elected Parliament to be having and I hope at some point in the near future we can consider having a solid place in our community for the Church of England, which is historically a valuable institution for our society and in many ways plays a positive role, but that

we can look at having a modern way of doing that. I will say, my goodness, it does need some modernisation in many respects. So how will I vote? I have not got a clue.

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

I was rather hoping to wait for the Dean to speak but he appears to be furiously taking notes. I just thought it would be helpful to update the Assembly as to the activities of the Corporate Services Scrutiny Panel in relation to these 2 propositions or reports. The situation has been well-outlined by the Constable of St. John. The panel have been very grateful to both the Assistant Chief Minister and the Dean, also the Attorney General and officers for providing private briefings in relation to the Order in Council and the adoption of the Canons. The panel has noted that the differences that would be experienced within the Island if the proposed Canon Laws were adopted would be in the way that the Church of England was administered, especially in terms of safeguarding. But, as the Constable of St. John has pointed out, progress has already been made with that regard and the Canons of the United Kingdom remain to be updated shortly. Therefore, there is a question for Assembly Members to ask I think, whether it might be appropriate to continue in this vein as suggested or to wait for the further updating of Canons of the United Kingdom, to follow them in appropriate fashion. We also have experienced a slight problem with the appropriate sequence of events. We were promised that an addendum to P.12 would be published prior to this debate, and in fact that addendum has not been published. At lunchtime we were provided with a copy of it but, as yet, I am aware that it has not been published. The issue here is firstly that the fullest set of information is not being provided to the Assembly before asking it to make a decision, and secondly, although the unpublished addendum adequately covers the safeguarding issues, there is no reference to the Children's Commissioner or the chair of the Independent Safeguarding Board who was supposed to have been communicated with in regards to this proposition. There also appears to be a reference about the modification of the Canons in the future, and any role that the Assembly may or may not have. This, we find, is a slightly concerning pattern that is forming which is that ... and it has happened on a number of occasions recently, with decision-making being taken away from the Assembly on some important matters. For example, recent changes to the Public Finances Manual, for example, that now mean that transfers between heads of expenditure, which have happened quite regularly in recent years, are no longer a matter for the Assembly and indeed do not need to be published. So we would respectfully request that the Assistant Minister clarifies these points with the Assembly before we make our decisions today. Personally speaking, I will be listening very intently to the Assistant Chief Minister's summing up and to the Dean, of course, as well to dispel any concerns I have, because at the moment I would be with the Constable of St. John who I know has followed this situation extremely closely and with a great passion over the coming years, and I could not elaborate upon his very eloquent speech.

#### **11.1.5 The Very Reverend M.R. Keirle, B.A., Dean of Jersey:**

I would like to thank those people who have spoken so far and I hope that my speech will clarify some of the comments that have been made. First of all, I would like to thank the Assistant Chief Minister for presenting this, and also to add his thanks to you for bringing this early in the sitting. Tomorrow is of course Ash Wednesday Lent; the Archbishop of Canterbury and the Pope have called for there to be an international day of prayer for the people of Ukraine and I will be otherwise engaged for much of the day. What I would like to do, if that is okay, is to address the part (a) and (b) in reverse order, starting with part (b), and perhaps by giving a little bit of historic background to the Canons, which may help people to understand some of the changes that we have made and some of the changes that we have not made. I do share some of the frustration that the Constable of St. John has expressed here. I have had a conversation prior to this regarding our archaic language and the lack of consistency in some of the text, and the lack of gender-neutral language. There is a sort of historic quirk that leads us to that point and I, for one, fought very hard for this to be gender neutral in language but, because of the principles that we follow, that was not possible. So if I may I would

like to address part (b) first. The Islands were attached, as you know, to the Diocese of Winchester in 1569. In the early 1600s King James I sought to bring some uniformity to the English church following the very uncertain years of the reformation, and produced English Canons in 1604. Now, at that time Jersey had not had a Dean for over 50 years, and the church in Jersey had fragmented in terms of its common life and belief. So King James I sought to bring a sense of unity and belief and practice to Jersey as in England, and in 1623 the Jersey Canons were produced after a long and protracted period and not without some difficulty 'twas ever thus. There are 3 guiding principles to these Canons promulgated by the King, which are laid out in the proposition. The first is the direct relationship of the Island to the Crown, hence preserving that sense of self-determination so critical to our culture and distinctiveness - and I will come back to that later - that Jersey custom and tradition would not only be respected but take precedence, and that for example is reflected in the role of the Dean, which is unique to the Channel Islands, and things like the Ecclesiastical Court. Thirdly, and the one that sort of ties us up here, is that the Jersey Canons should follow the English Canons wherever possible, and that is really critical in understanding some of the changes that we have and have not made. In revising these Canons there were some matters that needed urgent attention and one of them - as has already been alluded to - was the matter of allowing women bishops to exercise their ministry in the Island. When the 2012 Canons were produced this was not part of English Cannon Law, but the legislation was subsequently passed in England in 2014. That was after our break up with the relationship with Winchester and we have just not had the opportunity to do that, so it is a matter of some urgency. So the Canons presented today include that all important change, and it is - as the Assistant Chief Minister said - long overdue. Just moving on to the issue of gender-neutral language, which frankly does not sit well with what I have just said regarding the role of women bishops, and frankly it does not sit well with me either. I noticed earlier that the Rector of St. John was sitting in the public gallery; I am slightly disappointed she is not here. Because we did wrestle with this, but we had to balance the importance of enabling women to exercise their ministry as bishops, which had been delayed for so long, with waiting for the English Canons to be amended to include gender neutral language.

[16:45]

Now, we do not have a date for that process in England yet. I am now a member of General Synod, which is the national legislative body of the Church of England. I will be addressing that at the earliest opportunity with them at their next meeting, but this may take 2, 3, even 4 years. As the Senator said, things move frustratingly slow here. But when that process happens in England it will trigger change in ours, but it does not really make sense for us to revise our Canons to include gender neutral language only to have to change them again when English Canons are revised and we find ourselves diverging with our Canons. In the meantime, as we do that, we continue to deny women bishops the opportunity to exercise ministry here, so if the Canons do not go through today we revert to the 2012 Canons which does not allow women to be bishops. I agree with the sense of frustration over that but we are where we are. The Assistant Chief Minister has also brought to your attention a second critical matter regarding safeguarding. We all recognise that since 2012, when our Canons last came out, the landscape has changed beyond recognition in safeguarding practice in all our institutions. I join with the Constable of St. John in hailing the work that the Rector does on behalf of the Deanery in our safeguarding matters. We now have extremely robust procedures in the Island, and to answer the Corporate Services Scrutiny Panel question, we are in regular conversation with the safeguarding boards here. In fact the Diocesan safeguarding advisers come over regularly and have meetings with the police with regard to things like contracts for those who have had previous convictions and are in very regular conversation regarding these matters. But embedded in the new Canons is a small phrase that is critical to our future with regard to safeguarding and that is that we give due regard to the Bishop's guidelines. This is critical and it means that clergy or lay people cannot interpret safeguarding rules as they see fit. They must follow the robust procedures that the bishops have laid down. That means that we all work to the same standard and principles in



safeguarding and without it we leave ourselves particularly vulnerable should a serious case be brought forward. Again, if we do not approve the new Canons today it reverts to the old Canons of 2012 where there are almost no references to the safeguarding procedures and processes that we now have in place. The third area of change is in the matter of clergy discipline where the Dean will no longer play any role in that process, and rightly so. Instead the Dean's role is to offer pastoral care should a priest be subject to disciplinary procedure. It also deals with the separation of powers should the Dean be subject to discipline him or herself, in that the Dean no longer appoints anybody who may be involved in that disciplinary process. That is essential in ensuring a culture of transparency and accountability as we move forward. Another critical area of importance is that the new Canons now ensure compliance of the disciplinary provision with rights afforded under the Human Rights Law (Jersey) 2000. Currently they do not. The final area of importance, which the Constable of St. John rightly drew to our attention, was the section on, I think, page 74G(4) to (9), which will enable a simplification process for bringing English church measures which need to apply to Jersey more quickly and which will enable us to deal with the backlog that has been left untouched in the last 9 years. This basically means for small amendments to the Canons that deal with day-to-day processes we do not need to keep bringing them to the States so that the States is not caught up in all the minor changes and minutiae of the church's processes and procedures. So this section gives us the ability to bring these minor amendments as long as they are agreed by the Bishop and the Synod. Endorsing the Canons today, although containing some frustrating compromise and temporary lack of gender-neutral language, it does mean that we can move forward and get on with ministry in our respective communities that have been praised by other speakers here. Then we will push for the revision of the English Canons. I invite Members, should you approve this today, to hold my feet to the fire on this. I will be speaking to lawyers in Church House in London, where I regularly visit and will be expected to hear from them when the Canons in England will be revised. I am frustrated myself with some of this and particularly with the archaic and unhelpful language. I think the Constable of St. John needs to understand that much of the inconsistent language simply reflects the English position and we have not been able really to revise it in the way that we would choose to do from the bottom up. That would be an interesting and good exercise to do. Just to address one or 2 other comments that were made there. In terms of questions regarding the Dean in the States being on roads committees, the church and state being independent and disestablishment, I welcome those conversations. I think that is a healthy thing to do. I have absolutely nothing to hide on that matter, that is entirely a matter for the States, but with all due respect I do not think this is the moment to be having it. I would welcome that conversation at a later stage, perhaps in the new sitting. I have no issues there.

**The Bailiff:**

The Connétable of St. John has had his light on for a while, I was not sure if he wanted to raise a point of order or a point of clarification?

**The Connétable of St. John:**

A question after the Dean has finished to the Attorney General, if I may.

**The Bailiff:**

To the Attorney General, yes, well that will wait to the end of the Dean's speech in that case. I am sorry, Dean.

**The Dean of Jersey:**

I notice I have lost a few minutes there. Perhaps you would be kind enough to add ...

**The Bailiff:**

We will give you 15 minutes in terms of injury time. Fifteen seconds, I should say.

### **The Dean of Jersey:**

I would like to address part (a) now, asking Members to endorse the attachment to the Diocese of Salisbury. First of all, there is historic precedent for changing which Diocese to which we are attached. As has already been alluded to, we were on the journey in 1497 when we briefly went to Salisbury from Coutances before the final attachment in 1569. It has now been 9 years since the Islands have asked for a change in episcopal oversight from the Archbishop of Canterbury following a series of incidents regarding the leadership style and conduct of the former Bishop of Winchester. In Jersey, as you know, this had its genesis in the suspension of my predecessor but it is very important to understand, whatever our view of what might have happened in the past, that it was the handling of this and other matters which was an indication of wider issues with his leadership. Indeed Guernsey requested a change of oversight not because of the suspension of my predecessor but because the Bishop did not understand the first principle in the Canons about the distinctiveness in the Islands and there was a determined pressure to diminish the customs, the culture and traditions of the Island churches. Subsequent very recent events in the Diocese of Winchester have underlined this and the Bishop has been forced to step back. The Constable of St. John referred to the good Samaritan. I should add that our beef was not with the Diocese of Winchester whatsoever. Our beef was with the Bishop. In fact I had a phone call only yesterday from one of the assistant bishops in Winchester wishing us well for today. In terms of our relationship with them, it has been consistently good with the wider diocese. However, as a result of the Archbishop's Commission when we asked for alternative oversight, the commission was there to determine the most appropriate relationship between the Deaneries of Jersey and Guernsey and the wider Church of England. It is important to understand that every single person in the churches of Jersey and Guernsey were invited to write to the commission or to attend in person the 2 meetings that took place in the respective Islands where they could give their views. Consultation took place with every Island Church of England church, every priest in the Island, with the Deanery Synods, the local governing body of the church with the Island Deans, with the Diocese of Salisbury and its Bishop and with the national legislative body, the General Synod, and with the Archbishop of Canterbury himself. The result of that consultation is that all those bodies agreed that Salisbury was the right place for the Islands to be attached. I do understand the lament of losing an historic link that has lasted more than 400 years but for those of us who bore the burden of the last 9 years - and I have lived with this in both Bailiwicks from the moment it started - it has been a painful and protracted journey. That also applies to many people in the Diocese of Winchester, who were also on the receiving end of some of the behaviour and the leadership of the Bishop. It is the will of the church at every level that we move forward. We have all moved on and formed new relationships from a practical point of view the Diocese of Winchester has some serious financial and administrative issues and they need significant time to recover and to deal with their own issues. We are engaging with them in helping to sort out those issues and, indeed, engage in reconciliation. In fact, one of my conversations with that Bishop from Winchester yesterday was that should the States agree this and we move to Salisbury there will be a service of welcome at Salisbury Cathedral, at which members of the Diocese of Winchester will be present. There will be an opportunity for us to have a good goodbye and that we will be able to express our reconciliation of forgiveness. It would not be right to go back. This proposition is not about the past, it is about the future. The future flourishing of the churches in Jersey with the wider Church of England. A future we are already enjoying as we have begun the process of engagement with Salisbury, we had to because of safeguarding. We have found a welcome and a curiosity about the Islands and the hunger to know more. We have created a memorandum of understanding, which has given new clarity to the relationship that was never there in the past and which makes clear what the roles of Bishop and Dean and which underlines the importance of the customs and the distinctiveness of the Islands.

### **The Bailiff:**

Dean, I am afraid I have already allowed you an extra minute in terms of injury time. We are past the 15 minutes, could I ask you take the few seconds to ...

**The Dean of Jersey:**

Indeed. In conclusion, none of us wanted this to happen. None of us, but we are where we are and we have worked hard to get to this point. I ask States Members please to take that into consideration as you vote on this matter. Please do not shackle us with Canons that are no longer fit for purpose and please enable us to flourish where we need to be by your decision today.

**11.1.6 Deputy R. Labey:**

I have huge respect and affection for the Dean and he spoke brilliantly just now as he always does. I never heard anybody have one bad word to say about the Dean and that is a remarkable achievement. I know we all hold him in high regard and with great affection. I have a massive issue with this proposition before us, I have a massive issue that it cannot be amended. I do not think a proposition that cannot be amended by the Assembly should be before the Assembly. I do not believe we should be leaving the Diocese of Winchester. This all comes about from a spat in 2013, 2014 - and we do not need to go over that - a spat with the Bishop Tim Dakin. He was acting with the full backing of the Archbishop of Canterbury at the time, and it was a very upsetting period for a lot of people. I did go to the meeting of the Synod with members of the congregation held by the Dean at St. Paul's Centre at the time to represent the views of people in the congregation that had come to me. It was at that meeting that we were there to talk about the potential split from Winchester and I did voice my opposition to that and the opposition of those that had spoken to me. I cannot tell you how many people came up to me on the stairs as I was leaving St. Paul's from that meeting who said: "Thank you, Russell, for speaking up absolutely brilliantly." I said: "Why did you not speak up?" and they were afraid to speak up at the time. This is what worries me about this proposition, it is how undemocratic it is. I would absolutely go with this if the congregation had been ... if there was a referendum.

[17:00]

I know they were representatives that met with the Synod and church leaders but sometimes they are afraid to speak out. While this may be the will of the church, I would like certainty that this is the will of the congregation. Many of whom in my church going days in my youth held a great affection for Winchester, were proud to be in the Diocese of Winchester because Winchester is one of the oldest and most important dioceses in the country. The Bishop of Winchester was mostly ex-officio, in and out of Lords, is one of the Lords spiritual, St Swithun is a former Bishop of Winchester, many of the Saxon kings, King Canute's remains lie in the fantastic Cathedral of Winchester, which is like a fascinating museum, even for the secular. I went on a pilgrimage myself in 1979 with a Canon of Winchester, Reverend Hibbs from Grouville at the time. We walked from Dorchester-on-Thames, the old seat of the Bishops of Winchester, to Winchester Cathedral. I remember many, many people in the Diocese of Winchester would come and visit Jersey on holiday because they wanted to visit the most southerly point of the Diocese of Winchester and relationships were formed. Then years later of course we had this very unfortunate spat, which was deeply wounding and deeply hurtful, and I accept that, but that Bishop is now retired. He stepped back a little while ago. He was replaced by an interim bishop, Bishop Debbie of Southampton, on 22nd February this year, if I am not mistaken; apologies if it was last year but I think he resigned this year, last month, and so he is no longer there. This surely is the time to at least give some sort of Christian reconciliation with Winchester a go, at least try that before ending centuries of history. I am a here today, gone tomorrow politician; we all are. We all are in a sense here today, gone tomorrow politicians or clergymen and we have got a big responsibility to end centuries of tradition, much loved tradition because of this unfortunate incident, instead of having a go at reconciling. I absolutely am not qualified and I bow to the Dean's superior knowledge of the troubles and the amount of frustration that the Diocese of

Winchester may have suffered. But that is now ending, there is going to be a new regime and I think Jersey should be in there as part of helping to heal the old Diocese of Winchester, to repair her, not to desert her.

**The Connétable of St. John:**

Sir, can I ask my question?

**The Bailiff:**

I beg your pardon, yes. Is there somebody in the chat firstly who wishes to speak?

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

Yes, Deputy Young.

**The Bailiff:**

In just a moment, Deputy. You have a question for the Attorney General, Connétable of St. John?

**The Connétable of St. John:**

Can the Attorney General confirm that all employees and volunteers are covered by the local laws around child protection and that, as an employer, employees can be covered and volunteers by a handbook, such as a staff handbook, in terms of safeguarding issues?

**The Bailiff:**

Are you able to assist at all in that, Mr Attorney?

**Mr. M.H. Temple Q.C., H.M. Attorney General:**

Just to perhaps clarify the question; I obviously have not had notice of it. The Church of England does not have employees, as far as I am aware. Its priests are officers, they are not employees. I think there would need to be provision in the Canon Law for safeguarding as regards members of the clergy. Insofar as members of the laity are concerned, if they are volunteers it is difficult to see, other than perhaps on a voluntary basis, as to how they would be covered by a safeguarding requirement. Obviously there are offences in the criminal law if they were to commit some sort of offence in relation to a child or a vulnerable adult but in terms of safeguarding and having an element of enforcement as regards those persons, again, that is dealt with in the proposed Canons and they would need to be entrenched in Canon Law in order for those provisions to be effective. I think that is probably as far as I can take the question at the moment.

**The Bailiff:**

Indeed. We will continue and do you wish more than that, the Connétable of St. John?

**The Connétable of St. John:**

No, Sir. I just refer to the municipalities, who recently issued Members a Parish standards letter, which Members signed up to a code of conduct and I just question why members of the clergy and volunteers of the laity could not do something similar in the absence of a safeguarding law in the Canons.

**The Bailiff:**

Is that something on which you can offer a view, Mr Attorney?

**The Attorney General:**

I think, again, as I said in my previous answer, that there needs to be an element of law that has to be backed and that is to be found in the proposed amendments to the Canons, which are the subject of this proposition. It becomes a disciplinary matter if there is a failure to follow or have due regard to

the Bishop's guidance on safeguarding. That does require backing in law and that is in Canon Law. In terms of the voluntary code that has been suggested by the Deputy for Parishes, I have not seen that voluntary code. In terms of its status in law, it is difficult for me to advise in a vacuum. Parishes have employees and typically, as a matter of employment law, there are contractual provisions concerning obligations on each of the employer and employee and those may include an element of safeguarding or they might be found in an employer's handbook which, again, may have some contractual faults. But in terms of a voluntary code as regards safeguarding, I am not really sure how much that would have in force, either as a matter of private employer/employee employment law or as regards ... it cannot bind an officer, such as a clergyman or woman and as regards a volunteer. A volunteer is not an employee, so it could not bind a volunteer.

**The Bailiff:**

I think that is probably as far as one can reasonably go.

**The Connétable of St. John:**

I have a further question, Sir. I think what the Attorney General has told us is that the law is the law in terms of the Canon Law. On that basis, could the Attorney General tell us under C14, the oaths of obedience, page 39 for his reference, how members of our current clergy have not adhered to the current Canon Law?

**The Bailiff:**

I did not understand the question, I am afraid. C39, yes, but what was the actual question?

**The Connétable of St. John:**

The question is: if the law is the law how can we have current serving members of our clergy who have not taken an oath of obedience, as per the Canon Law 2012?

**The Attorney General:**

Sir, I will do the best I can. C14 is the oath of allegiance to Her Majesty, so I would be surprised if current clergy had not taken an oath of obedience to Her Majesty. If the questioner is referring to C15 and oaths of obedience, then I think I understand him to be saying that in the past there may have been an oath of obedience that was sworn to someone who was not the Bishop of Winchester at that time. I think that is the nature of his question. I think my response to that is, I am not sure what that has really got to do with this proposition. This proposition is about introducing new Canon Law, not about what may or may not have happened in the past. If his question is directed at if this had happened in the past does that mean that somehow the oaths or the positions of the persons who swore them were in some way defective? My answer to that would be, no, I do not think it would. I think the oath was probably sworn to the Archbishop of Canterbury. The Archbishop of Canterbury is the Primate of all England, which includes the bishopric of Winchester. Perhaps there might be some sort of a technical deficiency but I do not think it is an important one. If the new Canons were introduced, in any event, if the Assembly were in favour of that, then any member of the clergy would then be subject to the new Canons when they come into force, so they would be obliged to have canonical obedience to the new Bishop of Salisbury. That is as far as I can take it.

**11.1.7 Deputy J.H. Young:**

This debate has really taken me by surprise. Coming into the debate I thought this would be a straightforward matter, so I really did not understand why, as an elected Member of the States of Jersey, we are asked to adjudicate on what are religious matters. But I do understand that the Church of England at the moment is part of the States and, therefore, laws, et cetera, apply. I know, personally, I am not a member of the Church of England and really ask myself: what am I to do with this, having been brought up as a Methodist and absolutely agree? I am not a practising Methodist now. I do have real concerns about the inequality between the Church of England and the non-

established churches, particularly things like the maintenance of buildings, where the one good thing about the Church of England being established is we get our buildings looked after, wonderful historic buildings, which are a gem of Britain's history, whereas sadly non-conformist churches are subject to the rigours of economic pressure and loss and planning issues but that is by the by. I asked myself: what am I to do with this? Which, frankly, feel very alien to me. I read the proposition what we are asked to approve, the first one it says that we are being recommended: "To revoke the Order in Council of Queen Elizabeth I of 11th March 1569." At my age now, history has become more and more important, the glorious history of Britain, with probably, arguably, one of the finest monarchs Britain has ever had. I am being asked to revoke something that was done, thereby replacing centuries of history. Now I look at the second part of proposition and it says: "To endorse the amended Canons of the Church of England." I have to confess, before this debate I had not read R.8/2022, which sets it all out. Frankly, I have to say I really found some of that so archaic but could I possibly endorse it? It includes things about people who behave in unacceptable ways, they would be kicked out of the churches or deny and all this kind of thing and the seating order should be all arranged. There is a huge amount of stuff there, which I think, frankly, I really would struggle with and say well I am going to endorse all this, but it says it is amended. Is that the up-to-date Canon of the Church of England? Really? I do not know what to do about this. I am puzzled as to why this has come. I am puzzled why I am being asked to agree ... there are 2 things; one to get rid of history, centuries of history because of what? I read up and there is that awful row, I am sorry but is this the only way of dealing with a row, with people, personalities?

[17:15]

Secondly, signing up to really canonism. I suggest Members, please, do have a look at R.8/2022, if you have not done already. Most of you have I am sure but I had not. I struggle with this. I do not feel happy with doing something to vote against and causing problems for the Dean and others who are trying to make this thing workable. I might go abstain and certainly I cannot go along with those 2 things.

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

We have heard it all today. Radicals in St. John. Who would ever have thought there that in that leafy, lovely - I am not standing in that district, you will be pleased to know - glorious, coastal, rural Parish is full of radicals or at least they have voted for a radical? But seriously, in that Parish of course is a Rector that has made really great strides in some of the underlying issues and the personal case that started the difficulties, which has led to the changes that the States is being asked to endorse today. I am not surprised and was not surprised to hear the Connétable's view. He wrote to me when I was occupying a different post, as he wrote to your predecessors, rather than just predecessor, I think, so I am not surprised. I have sympathy with his view that workarounds, which were not in line with the Canons, and he has alluded to that correspondence and that side letter, that workarounds that were not in line with the Canons needed to be used in order to move that very difficult situation forward. There is no doubt in my mind that that relationship broke down, and it broke down in a very public and difficult way; I am not sure whether cloaked under a safeguarding issue. And I use those words carefully. In order for the Anglican Church in Jersey to function at that point that workaround was needed, and individuals in the church community suffered greatly, and we all know that they did. The lady that had made the complaint and felt hard done by, the processes that were gone through to seek to find some healing and the effect and the accusations that were made against our poor Dean at that time. So it was right that that workaround was undertaken, in my mind, and it was probably the only process open to the church at that point. I am not a radical. I believe that all institutions have to modernise to stay relevant and appropriate for the communities that institutions serve, but beyond that I am not a radical, I am not a moderniser, yet I hear the cry of the Dean today articulated so well, and the cry of the church - I see we have members of the clergy in the gallery - to move forward and I understand that cry. These Canons, these changes, deal with safeguarding in

a better way than it will be dealt with if we vote contre today. It is perfectly legitimate for Members to vote against what is being proposed by the church, of course it is, the democratically-elected Parliament of Jersey, but they will be leaving the church, that community, whether we are of faith or not, that does so much good through our historic Parish system. Let us remind ourselves of that; it does so much good. We will be leaving them in a very difficult place and a more difficult place around how they deal with safeguarding than if we vote for it. Is the language modern? Of course it is not modern; this is the church we are talking about. It is ancient. They sometimes try to tell us it is ancient and modern, but do not believe it. They use ancient language to convey ancient truths. Those of us who are of faith believe those truths are just as relevant today as they were when the church was first attached to Winchester. I feel a little sadness in this move, I admit that, so I understand other Members who are feeling that sadness. I was fortunate to attend the enthronement of the previous Bishop of Winchester, and that was a service of such hope, where the Channel Islands' representatives were gathered together, and we looked forward with such hope. That hope, unfortunately, was dashed and that relationship was torn asunder. So, I am sad that we are moving today from Winchester to Salisbury. I am very grateful to Bishop Trevor for all of the work that he has done in helping this move and to the Archbishop of Canterbury himself, who was personally involved. The Constable of St. John and I had a knowing look when a speaker said that the then Bishop of Winchester did what he did with the support of the Archbishop of Canterbury. As he and I know we are not sure that is the case. Things were said by the Bishop, letters were written by the Bishop that no elected democrat in this Assembly could ever accept and when those things are said and those things are done even, with a heavy heart, it is right to move forward. We are grateful for those who have supported the church during these past difficult years. We are grateful to the former Dean for keeping the faith and staying with us and seeing us through that crisis and we are very grateful to our good friend the Dean, sitting opposite to us, who has taken the church and the parochial community and that church community forward from those difficult times to one now where they are telling us that this move can reinvigorate their service to our community, can reinvigorate their mission and can reinvigorate the actions and the serving of all of our community. But I think most particular at this time are the most vulnerable in our community and that is right and as it should be. Because I am a dinosaur and because I am traditional I understand entirely those who think we are throwing history away. We are not. We are recognising the value of the church community to our Island community. We should never underestimate in my mind the uniqueness of that church community from other church communities around the world, the closeness and the interconnectedness of that church community with the state, and some Members have said that they would like to have a conversation about the removal of the church from the state. This debate is not about that, although what it does do, and perhaps this is something I am uncomfortable with, it removes small administrative everyday type elements from a need to bring the Canons back to this Assembly. So I would say to those who want to see the church removed from the state, they should support these Canons, because it goes one little step in regard to administrative matters to doing that. I say to the Dean across the Assembly he had better not jolly well try to take any more steps in my book to remove the church from the state, but that is a debate for another day. So I think that for my part, and I hope that Members will recognise this, that in the church community there is, sadly, just like in any other community and institution, division. There are some members of the congregation who will want to stay with Winchester, and I have had conversations with clergy from Winchester who are recognising that the Channel Islands' presence in Winchester will be sorely missed, but there are I think far more members of that community and of the clergy who want to move forward, who see today as a positive step into the future and an enhancing of their service to us. So, those Members who are not sure which way to go, I ask them to vote for these Canons, to vote for this change and to allow the church in all its glory to look forward to the future.

**The Bailiff:**

Thank you very much, Senator. Does any other Member wish to speak on the proposition? No one else wants to speak on the proposition? I close the debate and call upon the Connétable to respond.

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

I think before I start summing up, the Dean's speech and his comments very much covered most of the points that most speakers made and indeed Senator Gorst, for which I am extremely grateful, if it was not covered in the Dean's speech it was most certainly covered in his speech. Just to summarise, which I think is the best way forward, the points that were made by the Dean and Senator Gorst, this is very much the wish of the church. They are very keen to do this. As the Dean has made the point very strongly, these Canons should be seen as interim Canons. He is very committed to getting the Canons updated to a more inclusive language. He has made that extremely plain and I think he made reference to us holding his feet to the fire, which sounds a little painful, but I think we understand what he means. I think the contrary side of this is not approving these Canons and, as the Attorney General has made very clear, technically leaves the church open in terms of safeguarding issues, which would be unfortunate to say the least, because there would be no formal disciplinary process whereby members could be held to account for these matters. I know from the responses I have had from the Children's Commissioner that it is something she is very concerned about. I think where there have been comments about members of the congregation not being consulted, I do not think that is entirely the case. I think members have been consulted. The church further up the chain is definitely very much in favour of this, so it is very much the wish of the church that we do this, and in my view I think we should support the church and move forward. The Dean very clearly outlined the reasons for the need to move and that is to do with the structure of the Diocese of Winchester. It is not just about the current dispute; it is about the fact that Winchester is still not in a condition to host Jersey and I think also it does not matter how long you have been with an institution, if there is a major fracture in that relationship then sometimes there is no going back on it. I think this is where we are with Winchester, much as Winchester is a very ancient institution, if there has been a major fallout, and I know the fallout in Jersey and in Guernsey was extremely painful, there are times when one has to move on.

[17:30]

Finally, Senator Moore raised something about the addendum and I have something of an apology, because there has been a technical failing in terms of getting the order signed for this, but nevertheless Members have had a copy of this addendum on an informal basis and I hope they found it useful, because it did explain in great detail the background of the proposition, including a structure chart of the church, which I have to say is the first time I have seen that. My apologies, it was not a formal addendum but nevertheless Members have seen it. So in summary, in my view this is very much the will of the church. I, as a regular churchgoer ... well, perhaps not quite so regular, I have to be honest - there might be a blinding flash of lightning come down from above if I persist with that line - but God does occasionally recognise me. I strongly urge Members to support this and to support the church in our Island and I would highlight the good that the church does. As a Constable I am aware that the church has a substantial amount of charitable funds available to it, and even in St. Ouen we have worked with the church to help many people in desperate circumstances and provide them with funding to help them get through some very tricky patches. The church of the Parish worked very closely with the Parish during the pandemic. It is an organisation that does an awful lot of good in the Island and I move the proposition and ask for the appel.

#### **The Bailiff:**

The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. The proposition has been adopted: 33 votes pour, 4 votes contre, 3 abstentions.



<b>POUR: 33</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 3</b>
Senator I.J. Gorst		Senator K.L. Moore		Senator S.Y. Mézec
Senator L.J. Farnham		Connétable of St. John		Deputy L.M.C. Doublet (S)
Senator S.C. Ferguson		Deputy R. Labey (H)		Deputy J.H. Perchard (S)
Senator T.A. Vallois		Deputy J.H. Young (B)		
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Clement				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

**The Deputy Greffier of the States:**

The 3 abstentions are: Senator Mézec, Deputy Doublet and Deputy Perchard.

**The Bailiff:**

The adjournment is called for. The time is correct to do so. Accordingly the Assembly stands adjourned until 9.30 a.m. tomorrow.

**ADJOURNMENT**

[17:35]

