

**STATES OF JERSEY**  
**OFFICIAL REPORT**  
**TUESDAY, 4<sup>th</sup> JULY 2017**

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[9:31]

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

## **QUESTIONS**

### **1. Written Questions**

#### **1.1 DEPUTY R. LABEY OF ST. HELIER OF THE CHIEF MINISTER REGARDING ACTIONS TAKEN TO ADDRESS CONCERNS EXPRESSED IN ‘JERSEY APPOINTMENTS COMMISSION: ANNUAL REPORT FOR 2016’ (R.56/2017): 1(372)**

##### **Question**

Further to the presentation of ‘Jersey Appointments Commission: Annual Report for 2016’ (R.56/2017), will the Chief Minister explain why the issues raised in paragraph 7.2 of that report have not been addressed by the States Employment Board; and advise what confidence he has that the concerns detailed in paragraph 7.4 of the same report have been recognised by the Board and that remedies will be actioned?

Furthermore, will the Chief Minister establish from the Chair of the Commission whether the recent appointment of a new Chair of Digital Jersey was subject to a full and appropriate appointments procedure, overseen by the Commission, or whether the process was impeded in any way by any matter listed as a subject of concern in paragraphs 7.2 or 7.4 of the report or detailed elsewhere within that report?

##### **Answer**

The appointment of the Chair of Digital Jersey was overseen by the Jersey Appointments Commission, and the Commissioner has confirmed that a fair and lawful process was followed.

More broadly, the Employment of States of Jersey Employees (Jersey) Law 2005 requires the Jersey Appointments Commission to report annually to the States’ Employment Board, and the Chief Minister is required to present this report to the Assembly. This is an important statutory power and safeguard, providing the Jersey Appointments Commission with the ability to publicly outline its concerns in relation to any specific matters arising from its audits or senior recruitment processes.

In 2016, the Commission outlined a number of important concerns, including the experience of panel members; expectations that board members have extended lengths of service; the hurried nature of recruitment processes, and sometimes, the length of time it takes; the inclusion of independent bodies; and internships involving close family members. A number of these concerns were also raised in 2015. Work is being undertaken to address these concerns, including:

- Addressing management capability through management development programmes, including the ‘Managers to Leaders’ and the ‘Inspiring Managers’ programme, with human resources staff supporting recruitment processes by quality assuring paperwork and processes, and introducing codes of practice to support process and governance improvements.
- A recruitment guide has also been developed for independent bodies is be published, and senior Officers are working with independent bodies to ensure that appointments do not exceed best practise term lengths.

Inevitably, these matters will take time to embed, especially in some of the smaller independent bodies, and appreciating that managers undertake recruitment generally only infrequently. It will be for the Jersey Appointments Commission to determine when it next reports as to whether these steps have been sufficient, and as part of this, the Chair of the Jersey Appointments Commission has suggested to the States' Employment Board that they meet informally after six months so that progress can be monitored. This would seem welcome, and the States' Employment Board and Human Resources department will continue to monitor these issues closely to address the concerns raised in paragraphs 7.2 and 7.4.

**1.2 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING SOCIAL SECURITY CONTRIBUTIONS OVER THE LAST 10 YEARS FROM PEOPLE ENTERING WORK WHO HAVE MOVED TO JERSEY: 1(373)**

**Question**

Following the publication of ‘Jersey Resident Population – 2016 Estimate’, will the Minister provide for each of the last 10 years the average amount of Social Security contribution credited to the Social Security Fund for people entering work who have moved to Jersey?

**Answer**

The table below includes all newly registered contributors who made social security contributions in the year following their year of registration and the total contributions paid for the first full year of employment (i.e the year after arrival). Data from the actual year of arrival will be affected by the specific month of arrival and so the table shows the value of contributions for the first full year of employment.

Note that the analysis does not differentiate between different types of new registrations into the Social Security scheme. The time span requested predates the introduction of the Control of Housing and Work Law and therefore this analysis is based on the total number of people making contributions for the first time. As such it will include “people entering work” from different routes (recent migrant, school, university, UK employment etc).

First full year of registration	No of contributors	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2007	3,450	£6.0m									
2008	3,350		£6.5m								
2009	3,100			£6.3m							
2010	2,200				£4.5m						
2011	2,050					£4.3m					
2012	2,150						£4.9m				
2013	1,600							£3.9m			
2014	1,650								£4.5m		
2015	1,700									£4.6m	
2016	1,950										£5.4m

Further notes on the table:

1. Count rounded to nearest 50
2. The count is of Class 1 and Class 2 individuals.
3. Individuals are only counted if they pay a contribution during the year.

**1.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INCOME TAX PAID OVER THE LAST 10 YEARS BY PEOPLE ENTERING WORK WHO HAVE MOVED TO JERSEY: 1(374)**

**Question**

Following the publication of ‘Jersey Resident Population – 2016 Estimate’, will the Minister provide for each of the last 10 years the average amount of Income Tax contribution credited to the Consolidated Fund in respect of people entering work who have moved to Jersey?

**Answer**

The Taxes Office system does not differentiate between newly-registered taxpayers. It is not possible therefore separately to identify, in respect of any year, “people entering work” from different routes (school, university, UK employment etc). The numbers will also include newly registered taxpayers that have been registered for a reason other than having entered work.

The table below shows the best information available at this time from the Taxes Office system. It includes all newly registered taxpayers by year of registration and the total tax payable by those taxpayers for that year of assessment.

The replacement for the current Taxes Office system will allow a greater ability to request, hold and interrogate data.

Year of registration	Newly registered taxpayers	TAX 2007	TAX 2008	TAX 2009	TAX 2010	TAX 2011	TAX 2012	TAX 2013	TAX 2014	TAX 2015	TAX 2016
2007	6,700	£8m									
2008	5,950		£7m								
2009	4,600			£6m							
2010	4,450				£6m						
2011	4,650					£7m					
2012	3,550						£5m				
2013	3,600							£6m			
2014	3,750								£7m		
2015	4,400									£8m	
2016	Not available										Not available

Further notes on the table:

1. Count rounded to nearest 50

2. The count is of taxpayers and not individuals. One “taxpayer” could therefore be two individuals if married or in a civil partnership.
3. A taxpayer is included in the count irrespective of whether they have a positive tax liability or are exempt to tax in the year of assessment.

**1.4 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PUBLICATION DATE OF A REPORT BY OXERA ON THE POTENTIAL IMPACT OF A SIGNIFICANT RISE IN THE MINIMUM WAGE: 1(375)**

**Question**

Following the adoption of paragraph (b) of ‘Minimum Wage: revised hourly rate from 1st April 2016’ (P.150/2015) which requested the production of a report on the potential impact of a significant rise in the minimum wage, and further to her answer to oral question 1(201) on 28th March 2017, in which the Minister explained that Oxera would produce such a report and publish it in time to “*feed into the Employment Forum’s minimum wage review*”, will the Minister explain why the Oxera report has not been published, given that the Employment Forum has begun its consultation on the minimum wage, and will she state when members can expect it to be published?

**Answer**

The Minister understands that the Oxera report will be published by the Chief Minister’s Department this week. As the Deputy notes in his question, the Minister has previously advised the Assembly that the report will be published in time to “feed into the Employment Forum’s minimum wage review”. The Forum’s online minimum wage survey was released on 5 June but the review itself will continue until the end of September. During September, the Forum will examine all of the evidence that is available which will include the report provided by Oxera, as well as the written survey responses, the relevant statistics and economic advice.

**1.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPLICATIONS OF THE U.K.’S INDEPENDENT REVIEW OF EMPLOYMENT PRACTICES IN THE MODERN ECONOMY FOR JERSEY: 1(376)**

**Question**

What assessment has the Minister made of the submission of the Law Society to the Independent Review of Employment Practices in the Modern Economy in the U.K., led by Matthew Taylor, which referred to the reliance of individuals on taking their employers to court to get their rights recognised and which also highlighted the prospect of an independent government inspector who could go into businesses to ensure staff were being given their workplace rights?

Will she assure members that when the ‘Taylor Review’ is published, she will consider implementing those recommendations, if any, which are applicable to Jersey?

Given that it is now the start of the third quarter of 2017, will she also inform members when she intends to address the issue of defining ‘zero hour’ contracts so that any inappropriate use made of them can more readily be dealt with under employment legislation?

**Answer**

The Minister anticipates with interest the outcomes of Matthew Taylor's review of employment practices in the UK. When that report is available, the Minister will consider if any of the recommendations might be relevant and applicable for Jersey.

The Minister has previously advised the Assembly that she will direct the Employment Forum to look at zero-hour contracts after the Forum has completed its current review of family friendly employment rights, which the Minister considers to be a priority. The Forum's family friendly recommendation is due to be presented to the Minister in December 2017.

#### **1.6 DEPUTY R. LABEY OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE STAFF OF HIGHLANDS COLLEGE: 1(377)**

##### **Question**

What did the most recent survey of Highlands College staff reveal about staff confidence in management and satisfaction with communication and will the Minister ensure that the results of the survey are released to the staff who contributed to it?

Have there been instances of teachers holding senior positions at Highlands College leaving the institution after initiating grievance procedures against senior management for bullying and harassment which were originally upheld by investigators but overturned by a panel chaired by a senior member of the Education Department?

If so, how does such a process comply with natural justice, whistleblowing procedure and the aim for zero tolerance of bullying; what changes in policy have resulted; and what redress is open to the teachers concerned in relation to the effect on their mental wellbeing, their careers and other harm caused to themselves and their families?

##### **Answer**

A recent staff survey did take place as a benchmark measure for future improvement. The overall figure for the staff satisfaction rate was 79%. Further analysis of the results is being undertaken and will be shared with all staff in due course.

As a general principle, we have a clear responsibility to observe the confidentiality of all employees and hence we do not discuss individual cases in public.

The States of Jersey has very clear policies in relation to bullying and harassment. Where a formal complaint is made, we will always investigate thoroughly and take appropriate action in line with our policies and procedures.

#### **1.7 THE DEPUTY OF ST. OUEN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING REVIEWS OF CHILDREN'S SERVICES BY EXTERNAL ORGANISATIONS: 1(379)**

##### **Question**

Will the Minister inform members what reviews of Children's Services by external organisations have taken place since 2009 and what reviews, if any, are planned for the future? Is there a rolling programme for such reviews by external organisations and, if so, what instances, if any, have there been where the programme was not adhered to in the past?

##### **Answer**

An inspection of looked after children was carried out by the Scottish Care Inspectorate (formerly Social Work Inspection Agency) in 2011, with a follow-up inspection in 2013. No similar review was carried out in 2015.

In 2015, the Director of Children’s Services commissioned four audits of practice within the service which considered: the Multi-Agency Safeguarding Hub (MASH); Assessment and Child in Need planning; Child Protection Processes; and planning for Looked after Children.

There have been a number of Serious Case Reviews carried out by independent reviewers with a number of recommendations and improvement actions identified and progressed and reported to the Safeguarding Partnership Board.

In October 2016 it was agreed at a meeting of the Children’s Services Improvement Board that as part of a quality assurance framework, external scrutiny would take place on a regular basis at three-year intervals in line with other jurisdictions in the United Kingdom.

Discussions have taken place with an independent United Kingdom scrutiny body to carry out an inspection of services for children in Jersey. It is anticipated this process could start late in 2017 with subsequent reporting.

In addition, the establishment of the Jersey Health and Social Care Commission is progressing with recent appointments of the Chair and Commissioners and the likelihood of the Commission assuming regulatory and inspection responsibilities early in 2018. States of Jersey residential children’s homes will be subject to inspection by the Commission. This will be the first time that there has been a legislative requirement for inspection in statutory children’s services.

## **1.8 THE DEPUTY OF ST. OVEN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING REFERRALS TO CHILDREN’S SERVICES: 1(379)**

### **Question**

Will the Minister provide a breakdown of the number of referrals to Children's Services from January 2016 to date on a monthly basis? Furthermore, with reference to the Minister's media release dated 9th February 2017 concerning an unprecedented rise in such referrals from November 2016, will the Minister advise how long temporary staff worked within the Children's Initial Response Team (CIRT) to manage the workload of that team, whether there remains a requirement for additional staff to assist CIRT, and what measures, if any, does the Minister propose to take to enable CIRT to deal with any instances of increased workload in the future?

### **Answer**

Referrals coming into children’s social work come via the Multi-Agency Safeguarding Hub (MASH) for information gathering across agencies, analysis and onward transmission to the most appropriate service including assessment by the Children’s Initial Response Team (CIRT) when a child may be considered ‘in need’ and require a social work service.

Referrals coming into MASH and to children’s social work services are outlined below:

<b>Referrals</b>	<b>MASH</b>	<b>Children’s Social Work</b>
January 2016	109	46
February	107	42
March	98	67

April	118	65
May	138	81
June	109	68
July	139	105
August	119	70
September	149	75
October	172	93
November	259	167
December	77	47
January <b>2017</b>	179	124
February	116	76
March	235	141
April	127	63
May	210	100

May 2017 is the most recent month with completed validated figures.

The caseload across the service has risen from 474 in January 2016, to 776 in November 2016 and at May 2017 to 844.

At the time of the aforementioned press release in February 2017, staff across children's social work were deployed to assist at the 'front door' in the assessment and support of children and families considered to be in need of a social work assessment. This included all children's social workers – there are 43 full-time equivalent officers on the permanent establishment of the service. These staff remained in their respective teams reporting to their team managers.

CIRT, like other teams in the service, continues to have a number of temporary/agency staff in post while permanent posts remain unfilled. Recruitment for qualified social workers continues on a regular basis in an effort to fill posts. However, when posts cannot be recruited to, temporary backfill will take place to allow continuity of operational service. A number of temporary staff have applied for permanent posts with the service.

The restructure of the children's service recognises the heavy burden placed on CIRT and the 'front door' and this issue will be addressed as part of the new structure of the service.

The service redesign will support equity of caseloads across the teams and ensure consistency of service to all of the children and families being supported. In the new structure there will be four children in need teams, all of which will provide an intake service on a programmed rota basis.

## **1.9 THE DEPUTY OF ST. OUEN OF THE CHIEF MINISTER REGARDING THE BRINGING FORWARD OF THE NEXT JERSEY INCOME DISTRIBUTION SURVEY: 1(380)**

### **Question**

Further to the Chief Minister's answer to oral question 1(230), will he update the Assembly on what steps, if any, he has taken since 18th April 2017 to bring forward the next Jersey Income Distribution Survey?

**Answer**

The most recent Income Distribution Surveys have been run on a five year cycle in 2009 - 2010, and 2014 – 2015, and on this basis, the next Income Distribution Survey would run in 2019, reporting later in 2020.

However, to enable the survey to be available earlier in the term of the next Council of Ministers, so that its findings to be more quickly considered in the policy programme of the next Council of Ministers, a request for funding has been submitted to deliver an Income Distribution Survey in this Medium Term Financial Plan period, enabling planning this year, beginning a survey as soon as 2018, and reporting later in 2019. Alongside this, consideration is also being given by officers as to the most appropriate ongoing frequency and timing of the survey. Any decisions on this would be taken with the Chief Statistician and Statistics User Group, and I am fully content to keep the Assembly and the relevant Panel(s) informed.

**1.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE PROVISION OF INFORMATION ON THE WEBSITE OF ANDIUM HOMES ABOUT AVERAGE RENTS: 1(381)**

**Question**

Given the website of Andium Homes shows the ‘average rent’ for 1-bed and 2-bed flats, and 3-bed houses, as being £165.92, £212.58 and £271.69 per week respectively, and that the Income Support rental accommodation component “*is available for up to the full amount of rent charged*”, will the Minister –

- (a) advise whether the true average rents for these tenancies are £193.59, £248.05 and £330.14 per week respectively and, if so, request from Andium Homes an explanation of why their figures differ;
- (b) state what action she will take to ensure Andium Homes publishes accurate averages;
- (c) request from Andium Homes clarification of whether, in respect of the Income Support rental accommodation component, it is available up to the maximum rent shown or some other figure;
- (d) provide, for the three categories of tenancy, an example of the “*circumstances*” in which individual households would have their rent either fully paid or part paid, including any change in rent paid by Income Support brought about by a change of circumstances (e.g. an increase in earnings);
- (e) indicate what figures apply in the same circumstances to private sector rents; and
- (f) state whether these policies are financially sustainable in the long term?

**Answer**

**Parts (a) and (b)**

The Deputy’s Written Question of 6<sup>th</sup> May 2017 requested average weekly Andium Homes’ rents for new tenancies on one- and two-bedroom flats and three-bedroom houses. As noted in the response, the average weekly rents shown on Andium Homes’ website comprise all tenancies. This

include where tenants are paying rent according to the old States rents policy, and where tenants have moved to the 90 per cent rents policy if their tenancy commenced after 1<sup>st</sup> April 2014. The average weekly rents shown on Andium Homes' website are therefore accurate.

### **Parts (c) – (e)**

For social housing tenants, Income Support will recognise the full amount of rent that is being charged, providing that the property is an appropriate size for the household's needs. The full amount of rent is also recognised by Income Support if a tenant is under-occupying his/her property but has applied to downsize to an appropriately-sized property. If a household receives additional income from wages, pensions or other benefits, then the full amount of rent will be recognised in the Income Support calculation, and the overall Income Support payment will be reduced according to the rules that address each kind of income.

The above is also applicable in the private rented sector, where Income Support provides reasonable help towards the cost of renting up to a set maximum value of the accommodation component for a property that is an appropriate size for the household's needs. Where a household receives additional income, again, this will be taken into account in the Income Support calculation.

### **Part (f)**

Income Support expenditure on accommodation costs has been fully protected in the MTFP and rental components for private sector tenants are due to rise in each year up to 2019. These costs are regularly reviewed, and at the start of each MTFP period, budgets and cash limits will be set in order to cover estimated expenditure. The level of Income Support rental component payments over the period of the next MTFP and beyond will be affected by a range of factors, including the level of inflation and earnings growth, the mix of property types and the growth of one housing sector comparative to another. The Minister for Housing will continue to work closely with the Minister for Social Security at the time to ensure that Income Support spending on housing remains sustainable.

## **1.11 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING INVESTIGATIONS UNDERTAKEN BY THE JERSEY POLICE COMPLAINTS AUTHORITY: 1(382)**

### **Question**

Further to the answer to written question 9725 on 29th November 2016, will the Minister-

- (a) advise whether the Jersey Police Complaints Authority, in exercising its oversight and supervision of investigations by the States of Jersey Police (or such other external police forces as circumstances require) of complaints made by members of the public against States of Jersey Police or Honorary Police officers, is able to determine its own investigative process, and whether it must rely solely upon documentation and information provided by the Police or is able of its own volition to seek out material to assist an investigation; and
- (b) state how many investigations each year conducted by the Police have been rejected, or found to be unsatisfactory, by the Authority since it began its operations, expressing the figure numerically and as a percentage of the total number of substantiated claims?

### **Answer**

- (a) The Jersey Police Complaints Authority (the "Authority") is an independent organisation which was established in 1999 pursuant to the Police (Complaints and Discipline) (Jersey)

Law 1999. The Authority reports to the Minister for Home Affairs. The role of the Authority is to oversee, monitor and supervise the investigation by the Professional Standards Department of the States of Jersey Police of complaints made against States of Jersey Police and Honorary Police Officers. The Authority does not carry out the investigations and its Members are not trained investigators. The role of the Authority is to ensure that the investigations it supervises are carried out by the investigating officers in a thorough and impartial manner.

Further information regarding the nature and extent of the Authority's oversight and supervision of investigations of complaints made by members of the public against States of Jersey Police or Honorary Police officers was published in the Jersey Police Complaints Authority Report for 2016, as presented to the States Assembly on 27 April 2017 (R.44/2017).

- (b) The Authority has not rejected or refused to supervise any complaints referred to it by the Police. It has supervised all complaint investigations referred, whether relating to a personal complaint, an organisational complaint, a death or a voluntary referred internal investigation. Since 2009, one case has ended with the Authority not providing a satisfaction statement. A letter with the reason for this was sent by the Authority to the Attorney General, as it related to an investigation into an Honorary Officer. Since 2009, 34 complaints have been challenged or questions put to the Police following a review of the investigating officer's report (please note that there may have been more than one issue raised on each individual complaint). These may be challenges related to any of the following:
- i. disciplinary action or a recommendation to make the disciplinary action more severe;
  - ii. Authority requesting training be given to officers as a result of the investigation;
  - iii. challenged conclusion of the investigation;
  - iv. Authority sought clarification from the Data Protection Commissioner;
  - v. Authority challenged the investigating officer;
  - vi. CCTV recordings not contained within the file;
  - vii. non-disclosure of sensitive information;
  - viii. Authority requested that learning points from the investigation are highlighted to the force.

These 34 instances are tabulated below.

Year	Number of challenges during the year	Number of substantiated cases during the year	Percentage of substantiated cases *
2009	1	5	20%
2010	0	2	0%
2011	5	10	50%
2012	2	8	25%
2013	5	6	83%
2014	7	8	87%
2015	4	5	80%

2016	9	6	150%
2017 (to date)	1	0	0%

### Notes

\* Whilst a percentage is provided as requested, this would not seem to serve a useful purpose given that the Authority challenges aspects of both substantiated and unsubstantiated cases.

The information provided in this answer relates to cases from 2009 to date, as the Authority's data retention policy means that the detailed information requested is only retained for six years.

## **1.12 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE LEGAL POWERS OF THE LIEUTENANT GOVERNOR IN RESPECT OF CROWN APPOINTMENTS: 1(383)**

### **Question**

Will H.M. Attorney General inform members of the legal powers, if any, of the Lieutenant Governor with regard to Crown appointments (i.e. Bailiff, Deputy Bailiff, H.M. Attorney General and H.M. Solicitor General), stating any relevant legislation that may apply?

### **Answer**

#### Appointment

The process for the appointment of the Bailiff, Deputy Bailiff, Attorney General and Solicitor General ("**the Crown Officers**") is set out in Chapter 7 of The Review of the Roles of the Crown Officers, December 2010 (the 'Carswell Review') which is available from the [gov.je](http://www.gov.je) website:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20Crown%20Offices%20Review%20Report%20101202%20WM.pdf>

The Crown Officers each hold office during good behaviour or until such time as they attain the age of 70 years when their respective warrants expire.

As set out in Chapter 7 of the Carswell Review, the role of the Lieutenant Governor is to receive applications for appointment of the Crown Officers. Following the appropriate selection process, in which the Lieutenant Governor does not take part, the Lieutenant Governor then transmits a recommendation regarding the appointment to the Queen.

The Lieutenant Governor is the personal representative of Her Majesty the Queen and therefore the senior Crown appointment in the island. In those circumstances, although he has no involvement in relation to the actual performance of the judicial and prosecution functions in particular cases, he is the natural point of contact for any complaint made against a Crown Officer. That is why the complaints process set out below involves him.

#### Complaints

The procedures for making a complaint against the Crown Officers are published online and are closely modelled on procedures for making complaints against members of the judiciary in England and Wales:

Procedure for complaints against the Law Officers:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Law%20Officers%27%20Complaints%20Procedure%2020160805%20ALS.pdf>

Procedure for complaints against the Bailiff or Deputy Bailiff:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Bailiff%20Complaints%20Procedure%2020150901%20JR.pdf>

Under these procedures, the Lieutenant Governor acts as the receiving authority for complaints against the Crown Officers. His powers and duties include the following:

- he may dismiss complaints which do not pass the threshold test (for example where the complaint is vexatious or is plainly without substance) or where the complaint is received more than six months after the events giving rise to the complaint (and exceptional circumstances do not exist which justify the complaint being made outside that period);
- he may stay a complaint if he considers it might cause prejudice to an ongoing court case;
- he may resolve minor complaints informally;
- in exceptional circumstances, he may summarily recommend to Her Majesty that Letters Patent be withdrawn i.e. that the Crown Officer is dismissed, without further investigation (but with an opportunity for the Crown Officer to make representations). Such circumstances include, for example, where the Crown Officer has been convicted of an offence and sentenced to imprisonment, or convicted of an offence involving dishonesty or a sexual offence, or has been made bankrupt;
- if a matter is not dismissed, resolved informally or dealt with summarily, the Lieutenant Governor shall cause an appropriately qualified person to be appointed to investigate the matter and report on it. If the investigation concludes that there is not sufficient evidence to justify further action, the Lieutenant Governor shall dismiss the matter. However, if there is sufficient evidence then the Lieutenant Governor shall either informally resolve the matter (if minor) or otherwise shall appoint a disciplinary panel to hear the matter;
- if a disciplinary panel is to be appointed, the Lieutenant Governor shall, in the case of the Bailiff/Deputy Bailiff, request the Lord Chief Justice of England and Wales to nominate three appropriately qualified persons as members of the panel, and in the case of a Law Officer, request the Bailiff to nominate three appropriately qualified persons as members of the panel (and the Bailiff may consult with the Lord Chief Justice in doing so);
- the Lieutenant Governor shall, if a disciplinary panel is appointed, appoint an appropriately qualified person to present the case against the Crown Officer;
- following a hearing before the disciplinary panel, the panel shall make a recommendation to the Lieutenant Governor, with an accompanying report. The recommendation may be to dismiss the matter if the panel is not satisfied that there is misconduct, or if it is satisfied that there is misconduct the panel may recommend sanctions. The sanctions available are wide and include, in the more serious circumstances, inviting the Crown Officer to resign, allowing him or her to remain in office subject to conditions or undertakings, or recommending to Her Majesty to dismiss the Crown Officer. The Lieutenant Governor is required to act in accordance with the panel's recommendations, and to communicate, without delay, the decision to the Crown and the Crown Officer affected (and if there is a complainant, to him or her).

**1.13 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE NUMBER OF PEOPLE RECEIVING TREATMENT FROM THE DRUG AND ALCOHOL SERVICE: 1(384)**

**Question**

Will the Minister inform members of the number of people receiving treatment from the Drug and Alcohol Service for each type of addiction and will he further advise members whether the level of funding for dealing with each category of addiction is sufficient to meet current demand?

**Answer**

Currently, the number of cases receiving treatment at the Alcohol and Drug Service is as follows:

<b>Type of Addiction</b>	<b>Number of Cases</b>
Alcohol	183
Drugs	146
Dual alcohol and drug issue	46
<b>Total</b>	<b>375</b>

The Drug and Alcohol Service has received funding as part of the redesign and transformation of the Health and Social Services system in Jersey (P82).

The need for alcohol and drug services can vary depending on a number of factors and clients can come from all walks of life – men and women, parents and young people, across all socio-economic and ethnic groups.

The need for different elements of the service can vary from substitute prescriptions to working with individuals using new psychoactive substances. Demand reflects the level and type of illicit drugs being used by the drug-using population in Jersey, influenced by national and international trends.

The management of the service takes into account these variances when planning services and prioritising resources. Current resources are sufficient to meet need; however, the need and demand for the service will be kept under review and any resource issues identified.

**1.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING MEETINGS UNDERTAKEN BY THE FORMER ASSISTANT CHIEF MINISTER WITH RESPONSIBILITY FOR FINANCIAL SERVICES, DIGITAL, COMPETITION AND INNOVATION: 1(385)**

**Question**

Further to the answer to written question 1(350) on 20th June 2017, will the Chief Minister publish a similarly formatted answer in relation to the former Assistant Chief Minister with responsibility for financial services, digital, competition and innovation, showing who the Assistant Chief Minister met, when and where, and the purpose of the meetings from his business diary?

**Answer**

Yes.

A similarly formatted answer in relation to the former Assistant Chief Minister with responsibility for financial services, digital, competition and innovation, will be provided within the next week to States Members.

This will show who the Assistant Chief Minister met, when and where, and the purpose of the meetings, and given the volume of meetings, will extend to a number of pages and hundreds of meetings, which is why it will take a short time to compile and complete.

**1.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE LEGISLATION UNDERPINNING THE LAW OFFICERS' ADVISORY ROLE TO THE COUNCIL OF MINISTERS, DEPARTMENTS AND THE STATES ASSEMBLY: 1(386)**

**Question**

Further to his answer to written questions 1(311) on 6th June 2017, and 1(353) on 20th June 2017, will H.M. Attorney General advise what other legislation, if any, beyond the 1930 and 1965 Laws cited in the first answer, relate to the roles and duties of H.M. Attorney General and H.M. Solicitor General in relation to the giving of advice to the Council of Ministers, Departments of the States and the States of Jersey Assembly?

**Answer**

The answer given on 6 June 2017 set out in broad terms the nature and origin of the role and duty of the Law Officers with respect to Ministers, Members and the Assembly as a whole.

The response to the further question given on 20 June 2017 listed some (but by no means all) of the legislation setting out the roles and duties of the Law Officers. There are many other statutes which are relevant in this regard.

As to this further question, the only additional legislation that is on point is Article 2(2) of the States of Jersey Law 2005 which provides that all members of the States shall have the right to speak in the Assembly.

The extent of that right in respect of the Attorney General and Solicitor General, that was confirmed by Order in Council in 1824, which directed that the Law Officers had a general right to speak in the Assembly upon any matter which was being considered.

**1.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING FUTURE SPENDING ON THE RENTAL COMPONENT OF INCOME SUPPORT: 1(387)**

**Question**

Further to the answer to written question 1(252) on 2nd May 2017, in which a cumulative total of approximately £12 million was given as required for additional support for the rental component of Income Support over the period up to 2019, will the Minister inform members what sums it is envisaged will be required for the decade 2020 – 2029, along with the total spend required in the three categories (Andium Homes; Other Housing Trusts; Private Sector) over this period; and will she state whether she considers those sums to be sustainable, and, if not, what action she intends to take to achieve sustainability?

**Answer**

The impact on the Departmental budget of the Assembly's adoption on 16th May 2013 of 'The Reform of Social Housing' (P.33/2013) and the agreement that rents in social housing would be charged at 90 per cent of market rents is set out in P.33/2013 and these figures were used to provide the answer given on 2 May 2017. It should be noted that the total figure of £12 million included an additional investment in the rental support available for private sector housing which was agreed by the States Assembly in parallel to the main social housing project.

The figures for the period 2020 to 2029 can also be found in the report accompanying P.33/2013 and this amounts to a total of £16 million for Andium and £4 million for other housing trusts. The additional costs for the private sector will be £10 million.

These figures relate to the additional cost to be borne by Income Support following the decision to move to 90% market rentals. They do not include inflation.

This ten year period spans 3 separate MTFP periods and at the start of each MTFP period, budgets and cash limits will be set to cover the coming expenditure. The States will agree these cash limits and take steps to ensure that income and expenditure is appropriately balanced over each period. This includes the significant income received from Andium each year. The MTFP process ensures that the envelope of public spending is well understood in each planning cycle and that the government's overall spending plans are sustainable. The Social Security Minister at the time will play their part in taking appropriate actions to ensure that benefit spending is sustainable.

**1.17 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING SPENDING BY THE DEPARTMENT AND LOCATE JERSEY IN RELATION TO HIGH VALUE RESIDENT APPLICATIONS: 1(388)**

**Question**

Could the Minister provide a breakdown of how much has been spent by his Department and Locate Jersey in each of the last 5 years on entertaining prospective High Value Resident applicants and how much has been spent entertaining High Value Residents whose applications have been successful?

**Answer**

	Prospective	Approved	No. of approvals per year
2012	£3478	£1425	12
2013	£449	£633	14
2014	£1602	£1577	20
2015	£970	£1887	20
2016	£1274	£1193	17

HNWI's are also regularly invited to participate in Locate Jersey's programme of events throughout the year. On boarding and aftercare are recognised by Inward Investment agencies across the world as an integral and important part of the work carried out to ensure businesses and HNWI's investing into an economy continue to invest and grow and where appropriate, bring their business to the island. Consequently, Locate Jersey continue to support and engage businesses and HNWI's after they have relocated to Jersey to ensure that their investment continues on a long terms basis. This can help the local economy, have a multiplier effect on local businesses and ensure continued local

job creation. Additionally, happy, settled and successful HNWIs act as great ambassadors for the island as a whole.

In the last 3 years, High Value Residents that have relocated to Jersey have contributed approximately £12.5m in income tax and over £13m in stamp duty to the public purse, a significant return on the States of Jersey's investment.

I would encourage Members to meet with our Director of High Value Residency to better understand this important and highly successful activity.

#### **1.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EMPLOYMENT OF INWARD MIGRANTS IN 2016: 1(389)**

##### **Question**

Following the publication of the Jersey resident population estimate 2016, will the Chief Minister publish a breakdown by employment sector of the 200 net licensed employees and dependants along with the 1,100 registered employees and dependants who comprise the inward migrants in 2016 alongside average earnings by sector and state whether the figures support his government's stated aim to grow the high-skill, high-earning sectors of the economy thereby increasing tax revenues to support the economy?

##### **Answer**

This information is not collated by the Statistics Unit as part of the production of "Jersey Resident Population 2016 Estimate". However, a breakdown of employment by residential status and sector is published in the "Jersey Labour Market" Report for December, 2016; and earnings by sector are available in "Average Earnings Index", as also published by the Statistics Unit. This is extensive and valuable statistical data.

As to whether the results align with strategies, the focus of our population policies, as clearly outlined in the Strategic Plan, is to secure migration that is targeted and delivers the greatest economic and social value.

It is clear that employment growth in 2016 occurred most strongly in two sectors – construction, and private education, health, and other services, and these are priority sectors.

Construction has a GVA of £51,000 per worker, which is the fourth most productive sector of our economy, and delivers vital improvements in housing, office space, and infrastructure on which to build future productivity improvements; and private education, health, and other services delivers social value as our society ages and we need more workers in our care sector.

Furthermore, it is not the case that growth in registered workers does not support productivity growth – many registered workers are employed in high value businesses, including in the financial services sector, and other sectors which employ registered workers are seeking to grow their profits and productivity. Indeed, productivity is a challenge that most economies face, and Jersey needs to approach this challenge in many ways, in particular through skills and education, and not just through migration flows.

#### **1.19 DEPUTY G.P. SOUTHERN OF ST. HELIER ASKED A QUESTION OF THE CHIEF MINISTER REGARDING THE PAY OFFER TO PUBLIC SECTOR EMPLOYEES: 1(390)**

## **Question**

Does the Chief Minister consider that the £24 million additional tax revenue revealed in the Financial Report and Accounts 2016 (R.67/2017) is sustainable in the short to medium term? If so, for what reasons has the Chief Minister sought to make a below-inflation pay offer to public sector employees rather than engage in a less constrained negotiation? If not, what factors does he consider are in play to suggest that such a revenue boost is merely temporary?

Can the Chief Minister point to research undertaken by his advisors or others which suggests that the imposition of wage restraint on the public sector will raise economic growth?

## **Answer**

The revised income forecasts for March 2017 show that the £24 million additional tax revenues in 2016 are not sustainable, but reduce to only £5 million in 2017 and £2 million by 2019, when compared to the Budget 2017 forecasts.

This is due to a significant drop in company tax revenues from 2017 and there was also a windfall of £5 million on stamp duty in 2016 from high value property

Maintaining pay restraint over the period 2015-2019 remains an important part of the package of measures agreed to enable the essential investment in strategic priorities while still achieving the objective of broadly balanced budgets by the end of this MTFP.

The Fiscal Policy Panel (FPP) and Income Forecasting Group (IFG) identify local and global economic uncertainties and the improvement in the 2016 Accounts will provide greater flexibility to address these uncertainties in the short and medium term.

However, there are still a number of measures to be implemented, including non-domestic waste charges and additional revenue raising measures to replace the health charge, these are still required if we are to follow the advice of the FPP to stick to our plans and achieve the objective set by the Assembly of a balanced budget by the end of 2019. In March, after assessing the latest economic outlook for the Island the FPP were clear that rapid progress in achieving structural balance was still important and that it was imperative to deliver the same degree of fiscal tightening as set out in the MTFP Addition.

The States Employment Board remains in active negotiations with Trade Unions over the implementation of Workforce modernisation, which has significant investment to create a revised reward, terms and conditions framework for the c 5000 employees in scope. These negotiations have taken place over the last sixteen months and constructive progress has been and is being made. The Trade Unions, at their request, will be meeting the States Employment Board on 11<sup>th</sup> July as part of that process.

## **1.20 THE DEPUTY OF ST. JOHN ASKED A QUESTION OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE REPAYMENTS MADE BY INCOME SUPPORT CLAIMANTS FOLLOWING OVERPAYMENT: 1(391)**

### **Question**

Could the Minister advise how many current or former Income Support claimants are currently required to pay back funds due to overpayment? How many of these people receive in-work Income Support compared to the number not in work?

### **Answer**

The Department is currently refining the methodology used to extract statistics in respect of the number and type of overpayments within the Income Support system. This work will be complete in the next few months and at that time data will be available on the breakdown of overpayments by type of claim. This project does not affect the administration of individual claims and overpayments continue to be agreed with claimants and repaid on a weekly basis.

The Department has invested heavily in improving the customer experience and the ability to deal with customer contact on a “right first time” basis, including an increase in staff capacity in customer facing areas, the introduction of online forms for benefit changes, and the allocation of key officer contacts for third party partner organisations. These improvements have led to a reduction in the time taken to process changes to existing benefits which are now often made within one working day, reducing overpayments.

The income support system makes payments in advance. This ensures that vulnerable claimants can be supported immediately without any “waiting period”. Moving to a system that made payments in arrears would reduce the number of overpayments but would also deny vulnerable claimants access to benefits at a time of need.

## **1.21 THE DEPUTY OF GROUVILLE ASKED A QUESTION OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE ADMINISTRATION OF THE CONTRIBUTION TO THE EASTERN CYCLE NETWORK: 1(395)**

### **Question**

Since the States Assembly agreed to introduce a contribution to the Eastern Cycle Network (E.C.N.) in the Island Plan, will the Minister set out how much has been collected as well as the dates on which, and from whom, it has been collected?

As the States agreed to a contribution towards the E.C.N. and did not specify how the mechanism was to be applied, will the Minister also explain who devised the mechanism, how it has been applied, whether it has been consistently applied, and, if not, why not?

Furthermore, as the States decision referred to a contribution to the E.C.N., will the Minister state whether the contribution has ever consisted of building work or material for the paths, and if not, why not?

### **Answer**

*Policy TT3: Cycle Routes* of the Revised 2011 Island Plan states that

*Applications for large new developments, such as housing, shopping, employment, health or leisure proposals in the Eastern Cycle Route network area, as defined on the Proposals Map, will be assessed to determine their potential to contribute towards the further development of the Eastern Cycle Route network and may be required to contribute directly through the provision of a section of cycle path, or to enter into an agreement to make an appropriate financial contribution to the development or enhancement of the network.*

It is incorrect to state that the mechanism for contributing towards the development of the ECN through the planning system was not agreed: the Island Plan policy explicitly states that a contribution to the ECN can, where appropriate, be made directly through on-site provision, or through a financial contribution. The preamble to Policy TT3 also sets out the thresholds for the scale of development that will likely trigger application of this policy requirement.

*8.58 Within the defined Eastern Cycle Route network area, and in accordance with the stated policy objective of seeking to reduce reliance on the private car, applications for new*

*developments, such as housing or employment-related uses will be assessed to determine their potential to contribute towards the further development of the Eastern Cycle Route network: this will apply to residential developments of five or more homes and employment-related uses of 250sqm and above. In appropriate circumstances the sponsors of such applications will be required to contribute directly to the development of the Eastern Cycle Route network through the provision of a section of cycle path, in accord with adopted standards and guidelines, or to enter into an agreement to make an appropriate financial contribution to the development or enhancement of the network.*

The Island Plan further states, at Policy GD4, that the provision of off-site infrastructure and/or financial contributions for facilities such as cycle paths, will be managed through the use of Planning Obligation Agreements (POAs).

To date, a total of 31 planning applications have POAs attached to them requiring financial contribution to the development of the Eastern Cycle Route Network with a total value of £621,720: a list of these is set out at appendix 1. The details of these POAs, in relation to the nature of the agreement and the parties involved, are in the public domain and available in the Register of Planning Obligation Agreements held by the Department of the Environment and published on the States website<sup>1</sup>.

The release of monies associated with POAs is linked to the uptake of planning permission and the implementation of works. In this respect £424,720 has been paid in relation to the development of the ECN associated with POAs and a further £197,000 remains payable from those developments that are yet to commence.

Some development proposals will have included a direct contribution to the development of the ECN through the provision of a section of cycle path within or adjacent to a development site: information about direct provision is contained within individual planning application files and is not currently monitored. There are also several instances where direct provision and a financial contribution, through a planning application POA, has been secured, such as Le Squez Phase 4, Samares Nurseries and Former De La Mare Florist Site.

## **APPENDIX**

### **POAs secured under the auspices of Policy TT3: Cycle Routes in respect of the development of the ECN**

2012 Jersey Dairy Site, St Saviour - £71,820. Collected 31/01/12

2012 Jersey Potteries, Grouville - £10,000. Collected 11/03/14

2013 Keppel Tower, Grouville £17,000. Works not commenced.

2013 Field 433, Grouville - £2,000. Collected 23/09/13

2014 Former Beach Hotel, St Martin - £6,000. Works not commenced.

2014 Slate House, St Clement - £3,000. Collected 11/03/14

2014 La Haute Pierre, St Clement - £3,000. Collected 13/06/14

2014 Le Squez Phase 3, St Clement - £21,000. Collected 04/11/14

2014 Jersey Dairy Site, St Saviour - £14,000. Collected 18/05/15

2014 Luxicabs, St Helier - £8,000. Works not commenced.

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<sup>1</sup> See: <https://www.gov.je/government/departments/planningenvironment/pages/planningobligationagreements.aspx>

2014 Old Sail Loft, St Martin -£2,000. Collected 07/11/14

2014 Samares Coast Hotel, St Clement - £29,000. Collected 20/12/16

2014 Field 142, Grouville - £3000. Collected 17/11/15

2014 Silver Sands, St Clement - £6000. Collected 20/06/15

2015 Tevielka, Grouville - £5000. Collected 02/02/15

2015 32 Roseville Street, St Helier – £6,000. Collected 22/004/15

2015 L’Industrie, St Clement - £9,000. Collected 02/11/16

2015 L’Avenir, Grouville - £3000. Collected 16/07/15

2015 Fort D’Auvergne Hotel, St Helier - £37,000. Works not commenced.

2015 Metropole Hotel, St Helier - £179,000. Collected 25/10/16

2015 Westbury and Fairfield, St Clement - £8,000. Works commenced and funds due.

2016 Shakespeare Hotel, St Clement - £17,000. Works commenced and funds due

2016 Highstead, St Saviour - £17,000. Works not commenced.

2016 Silver Sands, S Clement - £6,000. Collected.

2016 Lyndhurst, St Clement - £5,000. Works not commenced.

2016 Old Court House Hotel, Grouville - £25,000. Collected 12/10/16

2016 De La Mare Nurseries, Grouville – £26,900. Collected 25/10/16

2016 Les Arches Farm - £45,000. Works not commenced.

2016 Le Squez Phase 4, St Clement - £10,000. Works commenced and funds Due

2016 Le Havret, St Martin - £5,000. Works not commenced.

2017 1-4 Hastings Terrace, St Helier - £22,000. Works not commenced.

## **2. Oral Questions**

### **2.1 Deputy G.J. Truscott of St. Brelade of the Minister for Education regarding a structural inspection of Les Quennevais School: 1(401)**

Following a major roof leak at Les Quennevais School last week, resulting in the school being closed for 2 days due to safety concerns, will the Minister agree to instruct Jersey Property Holdings to carry out a thorough inspection of the school to ensure that it is safe and fit for purpose?

#### **Deputy R.G. Bryans of St. Helier (The Minister for Education):**

I think most Members are aware of the situation that occurred last week. I can confirm the school is back and operating under normal circumstances from yesterday. But just to give some background. A water ingress problem occurred on the evening of Tuesday 27th and morning of Wednesday 28th June at Les Quennevais School. The situation could not have been foreseen. No water ingress issues on this scale had been experienced at the school during the winter months. The school’s caretakers and Jersey Property Holdings team worked closely together to implement an action plan to resolve the issue as quickly as possible to mitigate the impact on the school staff and students. The decision to temporarily close the school was made by the head teacher and it was reopened, as I say, just yesterday. In view of this incident I just wanted to assure the Deputy that

Property Holdings will undertake a review and inspection of the school building and produce a report on their condition. The report will identify any items to be addressed in a prioritised action plan that recognises the school is scheduled to be vacated by 2020. I can confirm that the school, while in need of replacement, is fit for purpose with its inherent constraints and will remain so until it is replaced.

**2.1.1 Deputy G.J. Truscott:**

I would like to thank the Minister for his assurances regarding the school's maintenance and sincerely hope that we can get through the next few years without a similar incident occurring. The head teacher and her staff and pupils do deserve better, does the Minister agree?

**Deputy R.G. Bryans:**

The Minister totally agrees. I think the head teacher and the teachers have done a remarkable job with the number of students they have within that school, and I repeatedly say to people who ask me about the school and how it is continuing to carry on in the circumstances they find themselves in, it is completely down to both the head, the teachers and the students, who work so well within the school. I think there is another question coming later in the questions relating to the school itself. I can confirm that we are on course.

**2.1.2 Deputy M. Tadier of St. Brelade:**

Before the incident occurred when was the last time that the roof at the school was inspected?

**Deputy R.G. Bryans:**

That is not really a question I can answer at this point in time. I would have to refer to my colleague, the Minister for Infrastructure. Jersey Property Holdings, I am sure, could provide that information.

**2.1.3 Deputy M. Tadier:**

Would the Minister circulate that information and if there was a recent inspection of the roof tell Members what the result was and whether any reparatory work took place? But a supplementary. What funding has been put aside, not just for this reparatory work, but for ongoing maintenance work between now and when the future school may open?

**Deputy R.G. Bryans:**

Once again, I would refer this question to the Minister for Infrastructure, who I believe has got questions without notice later. But I am sure between the 2 of us we can provide the answer the Deputy wants.

**2.1.4 Deputy R.J. Rondel of St. Helier:**

I was going to ask the Minister: does he have a timeline for when the inspection will take place?

**Deputy R.G. Bryans:**

No, I do not.

**2.1.5 Deputy M. Tadier:**

Insofar as it is relevant to how much maintenance is likely to take place on the current school, could the Minister give us a timeline for the start date and completion date of the new Les Quennevais School?

**Deputy R.G. Bryans:**

Yes, I can. I know his colleague from the Reform Party is asking a question later in this questions with notice referring to this very thing. But I can confirm that we are on track to start in 2018 and completion due in 2020.

**2.1.6 Deputy G.J. Truscott:**

We all agree Les Quennevais School has passed its sell-by date and I am delighted to hear that new design and plans will be unveiled on the 17th. We obviously have to wait another 2 to 3 years before the new one is ready. Does the Minister agree it is time to press on with the new build?

[9:45]

**Deputy R.G. Bryans:**

Yes, I would love to say it is time to press on, but I think the Deputy is aware, because he is equally on Planning, the next stage will be that it goes before the Planning Panel and we have to go through due process. This is a £40 million build and it is important we get everything right.

**2.2 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the sustainability of the Income Support rental component under the Housing Transformation Plan: 1(404)**

Is it the Minister's assessment that the current sums required for the income support rental component, under the Housing Transformation Plan, are sustainable in the medium to long term; if so, will she explain why; and if not, will she inform Members what measures she has under consideration to ensure that taxpayers' money is not used to support high rents?

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

Members who were here in 2013 will recall the significant detail that was provided to support the Housing Transformation Programme and the decisions that the States made in 2013 and 2014. The full business plan that was prepared at that time ran to 122 pages and set out in detail the financial impact on the income support system of the proposals. Since 2014, my department has been fully funded to meet these costs. They are included in our base budget for the current Medium Term Financial Plan and I am confident that this will continue to be the future case for future M.T.F.P.s (Medium Term Financial Plan).

**2.2.1 Deputy G.P. Southern:**

There may have been over 100 pages to the document but,, certainly, I was not aware, and I do not think Members were aware, that the total additional bill, by chasing 90 per cent rents, is, according to these figures given on the answer to question 16, a total of an additional £30 million over the 10-year period 2000 and 2009. Can the Minister justify this and is she confident that this rapidly increasing sum is sustainable in the long term?

**Deputy S.J. Pinel:**

The question that the Deputy has asked is relating to 2 different timeframes and we have answered the written question, which is a different timeframe from the numbers that have now been projected for the 10 years from 2019 to 2029, which are 2 different questions. The cost of rental support within Income Support is rising and the 2 components that have been consistently increased are the rental component and the childcare component, as the Deputy will know.

**Deputy G.P. Southern:**

Point of clarification, if I may.

**The Deputy Bailiff:**

There is not an opportunity for a point of clarification ...

**Deputy G.P. Southern:**

The Minister has not answered the question. She says there are 2 different timeframes and they are not. The question says “in the medium to long term”. Can she give us an answer on sustainability in the medium to long term now?

**The Deputy Bailiff:**

Well, the Minister has answered in the way that she has chosen to answer, Deputy. You do have a final supplementary question when you come to ...

**Deputy G.P. Southern:**

And we have a new ruling in the House, Sir, that answers to questions are supposed to address the question, do we not? In this particular case the answer given is to avoid the very question.

**The Deputy Bailiff:**

There is no change to Standing Orders in that regard, Deputy. That is in the pipeline, I understand it, but there is none at present.

**Deputy G.P. Southern:**

I do apologise then, Sir, for implying that you are failing in your duty.

**The Deputy Bailiff:**

It did take me by surprise to find there was a Standing Order that I did not know anything about.

**2.2.2 Deputy T.A. Vallois of St. John:**

What role does the Minister play in ensuring that private rentals meet decent homes before handing over taxpayers’ money, especially with the bill reaching an extra £10 million by 2029?

**Deputy S.J. Pinel:**

The Treasury have indicated in the Medium Term Financial Plan that they will support the increasing costs of the States social housing into the future. Obviously, the next Medium Term Financial Plan will tackle that, but Treasury have indicated they will continue to support the increase in the rental component.

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

My question was referring to private dwellings, not social housing. My concern is is that there is no particular framework around the way that we provide this money to private rental sector and I am asking the Minister for Social Security what her role is in ensuring that these private rentals are meeting decent homes standards before this money is handed over to private landlords.

**Deputy S.J. Pinel:**

Social Security and Income Support do not control the private rental sector. Sorry, I am getting a conversation from my right. It is very difficult to answer the question. The work being done by Andium and the other housing trusts are improving the quality of social sector accommodation, providing warmer, better insulated homes with better facilities and outdoor space. The average price is assessed on that, the rent is not controlling the private sector.

**2.2.4 Deputy M. Tadier:**

The Social Security Department put conditions when they hand over money to unemployed people. They make a condition that they have to be a job seeker. Why is it that rich landlords are allowed

to be handed over millions of pounds of taxpayers' money in Jersey with absolutely no condition and regard for the state of the property to which the taxpayer is subsidising that property?

**Deputy S.J. Pinel:**

I am not quite sure I understood what the question was there, but as I have said before, Social Security does not control the private sector. The rental component is capped at a rate that is the average cost across the board of rental accommodation, which is broken down into units, as the Deputy will know, and the figures are there for anybody to see as to what the average cost of these units are.

**2.2.5 Deputy M. Tadier:**

Does the Minister accept that conditions can and are used when handing over benefits and that rental benefit, which ultimately benefits the landlord, can come with conditions? Does she agree that conditions are a reasonable mechanism for her department to use? If she does, why is it not something that can be considered to be linked to private rental subsidies?

**Deputy S.J. Pinel:**

There are many conditions why people are in the homes that they are in and they are allocated when it is social housing on a basis of the requirements of the particular household, be it one, 2, 3, 4 bedrooms. The costings of all of those are summarised and available in the annual report for everybody to see. These figures do not include inflation, the projected figures, and the Deputy well knows that they are regulated with a cap and if people choose, in the private sector, to have something that is beyond the cap that is allowed to them on the income support then that is their choice.

**2.2.6 Senator S.C. Ferguson:**

I am a little confused. Do we have any work that has been done on the private sector relating to the rent that is being charged to the state of the properties and whether they are at a reasonable standard? There used to be a Rent Control Tribunal, which did that sort of work. Who does it now?

**Deputy S.J. Pinel:**

I think that is probably more a question for the Minister for Housing. But certainly from the point of view of Income Support, which this question relates to, it is across the board what Andium are doing, and as the Senator will well know, people do not have to pay an increased rent, which is up to 90 per cent of the market value, which is assessed as an average across all rental incomes, be it a one-bedroom flat or a 6-bedroomed house for a large family. These houses that Andium are producing now are including refurbishment, which, as I said in answer to an earlier question, now are reducing the amount of money that is paid out by Income Support in household bills, because of the insulation and increased suitability of the accommodation.

**2.2.7 Senator S.C. Ferguson:**

Yes, but in the theories of charging 90 per cent of the market rent, does the Minister not realise that the States are probably the major rental agent in the market and, therefore, is the 90 per cent of market rent dependent on the rents that the States are charging, so it is an ever increasing circle?

**Deputy S.J. Pinel:**

It is no doubt that with refurbishment of these properties, or building of new properties, the quality and valuation of the properties will increase. Therefore the rents will increase. But there is no question that the income support rental component will increase to cover those increased rentals.

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

While understanding the points made that subsidies that go into the private sector could increase rents, in relation to only the income support paid to housing tenants, in other words the associations and other such bodies, does the Minister agree that the current arrangement is in fact far more transparent and does have the significant advantage of showing the real cost of social housing provision, as opposed to the previous arrangements where effectively there was a hidden subsidy of millions of pounds or, even worse, that in fact there was a massive backlog of maintenance which was otherwise hidden? Does she agree?

**Deputy S.J. Pinel:**

I thank the Senator for his question. Of course it is much more transparent. The Deputy asking the question will have had all the tables and breakdown of the costs in the answer to the written question.

**2.2.9 Deputy G.P. Southern:**

I welcome Senator Ozouf back to the Back Benches. Could I ask the Minister, in an effort to clarify for all Members exactly what we have let ourselves in for with the new arrangements for rental support, could she (a) inform the House what the previous figures up until 2008 were, so we can examine what is happening now and what will happen in the future? Will she also reveal what will happen to the rental subsidy, through income support, in the period 2019 to 2030 and, therefore, truly look in the medium to long term? Will she undertake to give those figures to the House?

**Deputy S.J. Pinel:**

The figures from 2008 bear little relevance to the rental costs today.

**Deputy G.P. Southern:**

Is that a no?

**The Deputy Bailiff:**

If you would like to continue your answer.

**Deputy S.J. Pinel:**

The Deputy is well aware that we have provided figures which are and can only be estimates for rental increases in the future, but there is a guarantee from the Minister for Treasury and Resources, be it now, or in the future, that these rental components, at 90 per cent of market value, will be met, but it is a question for the next Medium Term Financial Plan.

**Deputy G.P. Southern:**

Point of clarification, if I may.

**The Deputy Bailiff:**

I am sorry, Deputy, a point of clarification is a point that you can raise during the course of someone's speech, if they are prepared to give way. This has to be dealt on a question and answer basis, otherwise there can be no sensible end to it.

**Deputy G.P. Southern:**

I do apologise, Sir.

**The Deputy Bailiff:**

Not at all.

### **2.3 Deputy A.D. Lewis of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the promotion of the ‘buying local’ concept: 1(400)**

Will the Minister advise what initiatives, if any, his department has to promote the concept of “buying local” to ensure that local businesses have the best possible opportunity to compete in the local market place?

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

My department seeks to help local businesses in a number of different ways. E.D.T.S.C. (Economic Development, Tourism, Sport and Culture) grants funds to Jersey Product Promotions Limited and through it the Genuine Jersey programme, of which currently there are approximately 178 members producing, literally, hundreds of goods and products across a number of different ranges. These are generally small, local producers and the department’s support helps them access and benefit from the local market a number of different ways, including providing trading opportunities, marketing and promotional advice and support, plus access to reduced costs, insurance and other benefits. In recent years E.D.T.S.C. has provided additional support, via Jersey Business and the Retail Development Group, to the retail sector supporting initiatives such as Shop Jersey, Love Jersey and the Retail Ambassador Scheme. Small Business Saturday is something that has also been a great success and hopefully we can grow upon, and digital literacy programmes all aimed at supporting the local economy and local businesses. My department is currently in the final discussions with a new Jersey Retail Association regarding a proposed support package, which will help deliver a business plan designed once again assisting local retailers.

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

Will the Minister not consider bringing back the Think Twice Buy Local successful campaign that his department ran a number of years ago. It was high profile. It really got people thinking about buying local. Would the Minister consider that initiative should be repeated?

[10:00]

**Senator L.J. Farnham:**

I will certainly give it consideration. We will discuss it at a forthcoming meeting. It has been considered at one of our earlier meetings. In fact, recently, after taking office the Assistant Minister and myself went writing to our departmental managers. We asked that they spend as much of our budget in the local economy as possible. Our programmes are aimed at helping businesses become more efficient, provide better service and provide better value. While I think there is some merit in that sort of campaign I simply think that the modern consumer really does not want to have banners, or adverts, telling them to buy local. I think they have got to want to buy local and we are trying to help businesses make their offering more attractive. But we will certainly consider it.

**The Deputy Bailiff:**

There is time for a final supplementary, if you wish.

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

I am slightly disappointed that Members are not quite as concerned about this as I thought they might be, but I thank the Minister for his answer. The other question I did have for him was: is he satisfied that the States itself has an adequate procurement process that does give opportunity for local businesses to always compete on a level playing field when tendering, for example, for work in the States of Jersey?

**Senator L.J. Farnham:**

Yes, I am satisfied that that is the case.

**2.4. Connétable C.H. Taylor of St. John of the Minister for Home Affairs regarding the safety of the cladding used on all high-rise residences in Jersey: 1(394)**

Will the Minister confirm, and provide for Members written confirmation from the Chief Fire Officer, that the cladding used on all high-rise residences in Jersey has been tested; and that the Chief Fire Officer is satisfied that the cladding used is not flammable?

**Connétable D.W. Mezbourian of St. Lawrence (Assistant Minister for Home Affairs - rapporteur):**

The Connétable has agreed that I may answer this, as I have responsibility for the fire service.

**The Deputy Bailiff:**

In fact, the Connétable, although present, is still *en défaut*, I think, so if someone could ...

**Male Speaker:**

If we could raise the *défaut* on ...

**The Deputy Bailiff:**

Sorry, Minister for Home Affairs, I beg your pardon. It is the Minister for Home Affairs.

**The Connétable of St. Lawrence:**

I am able to answer, am I?

**The Deputy Bailiff:**

Yes.

**The Connétable of St. Lawrence:**

The Chief Fire Officer has confirmed that no cladding on any of Jersey's residential high-rise buildings has been identified as A.C.M. (aluminium composite material), the type that was used on Grenfell Tower. The Fire and Rescue Service continues to undertake surveys of other buildings in Jersey to identify if A.C.M. has been used elsewhere. The Chief Fire Officer is in regular communication with the U.K. (United Kingdom) National Fire Chief Officers' Council, which has confirmed that the Department for Communities and Local Government requires only aluminium composite material samples found by local authorities to be sent for testing. Consequently, no cladding material inspected, or collected, by our Fire and Rescue Service has been sent for testing. The Chief Fire Officer is reassured, by confirmation from the Department of the Environment's Building Regulations team, that all cladding on Jersey's residential high-rise buildings, installed in the last 20 years is constructed and installed in accordance with the fire safety standards set out in the Jersey Building Bylaws. This includes independent fire testing and certification. The Fire and Rescue Service is continuing to work with the Strategic Housing Unit, Building Control and with housing providers to improve fire safety standards in high-rise residences in Jersey.

**The Deputy Bailiff:**

Connétable, could I ask you to bring your answer to a close, please, because you are well over the one minute 30 seconds?

**The Connétable of St. Lawrence:**

Beg your pardon, Sir. I am always being told I talk too much.

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

I thank the Assistant Minister for her response. I am, however, a little concerned that they have checked with the Planning Authority that the materials used pass the necessary fire tests because, in reality, so too did the cladding on the tower referred to in London. This is why I would specifically ask that tests be carried out independently on all cladding to ensure that it is fire safe and not just rely on the testing that has been proved inadequate in the case of Grenfell Tower.

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

Yes, what I can confirm is that J.F.R.S. (Jersey Fire and Rescue Service) have undertaken an inspection of the 11 high-rise buildings in Jersey and I can confirm that Andium Homes has not used the cladding or insulation systems installed at the Grenfell Tower, or any similar cladding made of A.C.M. It is currently subject to testing by the Building Research Establishment in the U.K.

#### **2.4.2 Deputy R. Labey of St. Helier:**

The cladding may conform locally to U.K. standards, but those standards are being challenged daily. We have a very fine Chief Officer of the Fire Service. Does he have the autonomy and the budget to keep up-to-date with changing standards?

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

Absolutely. What I can say is that the Fire Service is meeting regularly with Andium Homes and housing providers, as I mentioned earlier, to review the situation in light of the information coming from the U.K., which I think is what the Deputy is referring to. As lessons are learnt from the U.K., so they will be applied over here. If that means that we have to bring regulations to the States to bring standards up to the current U.K. standards, then we will be doing that. But that would, I believe, be led by the Department of the Environment under Building Regulations.

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

Does the Chief Fire Officer have the authority, if he is concerned about the safety of the cladding, to instruct its removal?

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

I know of no reason why he would not have that authority. But what I am able to do is reassure the Assembly that the A.C.M. material has not been found on any of the high-rise buildings that we have in Jersey, the 11 high-rise buildings. However, ongoing investigations are being undertaken by the Fire Service to ensure that the A.C.M. has not been used on other buildings.

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

I understand that it was not just the materials used at Grenfell Tower, but it was also the method of application of the insulation. Has that also been checked over here? As I understand it, there was an airgap between the insulation and the wall of the building. Has that been checked?

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

What I can repeat, for the Senator, is that in the words of the Chief Fire Officer: "All insulation and cladding used on Jersey's high-rise flats does meet the fire safety standards set under the Jersey Building Bylaws and is independently fire tested and certified." All insulation and cladding.

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

But the Connétable has already said that we look to the U.K. for standards. Surely we should be using our common sense, as well as just following the U.K. slavishly when their standards have been found to be wanting.

**The Connétable of St. Lawrence:**

If the Jersey Fire and Rescue Service had any concern regarding the standard for the use of cladding they refer to the Building Research Establishment in the U.K. They are in dialogue with the B.R.E. (Building Research Establishment) about all standards for fire safety.

**2.4.6 Deputy G.P. Southern:**

I am afraid that the answer given by the Assistant Minister reminds me of that given by Kensington and Chelsea officials, in the early days, when they kept referring to building regs. They satisfied building regs and there has been no question about whether those building regs are fit for purpose, or should be updated. Is the Minister prepared to undertake testing under the new stringent test, which has produced 100 per cent failure in the samples tested ... is the Assistant Minister prepared to engage with U.K. authorities to independently test all of the materials under the new flame test available and is she prepared to examine building regs, to see if they are fit for purpose and need updating in Jersey?

**The Connétable of St. Lawrence:**

Fire safety, fire prevention, is paramount with the Jersey Fire and Rescue Service and I believe for every Member of this Assembly. The Chief Fire Officer and his officers are in constant dialogue with colleagues in the U.K. They are following the lessons that are being learned from the Grenfell fire tragedy closely. Anything that needs to be done over here to improve our fire safety standards and regulations will be done. As I referenced earlier, the reference to building regulations falls under the remit of the Minister for the Environment. However, the Chief Fire Officer, I think we should all, and we do all, have full and utter confidence in our Chief Fire Officer. I am not sure whether I have answered everything that the Deputy asked. I am sure he is going to ask me more.

**2.4.7 Deputy G.P. Southern:**

Indeed, as predictable as night follows day. Two issues: will there be a review, inter-departmental if necessary, over the fitness for purpose of the building regs as they exist now? Do we need to revise them? Secondly, is she prepared to submit all materials for the new testing which has presented 100 per cent failure rate in the U.K., so something is wrong?

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

I am very sorry, I just want to clear up something. The questions being asked of the Assistant Minister should be directed to me and not to her. Building Regulations fall under my control.

**The Deputy Bailiff:**

That is obviously a sense in which the Assistant Minister can answer that question.

**The Connétable of St. Lawrence:**

I do need to repeat what I have just told the Deputy. That Building Regulations fall under the remit of the Minister for Planning. I have every confidence that if the Chief Fire Officer felt that all of these materials needed to be sent for testing, he would do that. What I can do, and what I will do, is put the Deputy's question directly to the Chief Fire Officer and I will come back with a response for all Members.

**2.4.8 The Connétable of St. John:**

My original question was: have all high-rise residences in Jersey been tested? Not whether they comply with building regulations - because Grenfell Tower complied with building regulations - but the material used was inadequately tested. Can I please have an undertaking from the Assistant Minister that the materials will be tested to ensure that they are fireproof?

**The Connétable of St. Lawrence:**

The Chief Fire Officer has been working to the guidelines of the Department for Communities and Local Government, which has required that local authorities, who find that cladding consisting of A.C.M., aluminium composite material, be sent for testing. As I said in my opening comments, no cladding found in Jersey consists of A.C.M. Therefore, they have not been sent for testing, because that is not a requirement. Again, this is an operational question that the Constable is asking me and I will refer it to the Chief Fire Officer for his response and I will send that to all Members.

**2.5 Deputy C.F. Labey of Grouville of the Minister for the Environment regarding pharmaceutical crops grown in Jersey: 1(399)**

Given that work has previously been undertaken on advancing the concept of pharmaceutical crops being grown in Jersey, will the Minister explain if this matter is still being researched and, if so, whether any progress has been made in this respect?

[10:15]

**The Deputy of St. Martin (The Minister for the Environment):**

In 2015 my department commissioned the National Non-Food Crop Centre to research the viability of producing high value, low volume but not specifically pharmaceutical crops in Jersey. This work was borne out of concerns over potato production sustainability, rising potato cyst nematode levels, marketing and water quality issues and my own desire to diversify the viability of our countryside. Consequently, 3 reports identified a list of crops, suitable for production in Jersey, for which there is a demand in the market. As a result, it was agreed to include alternative crops research in the Rural Economy Strategy approved by this Assembly earlier this year. A number of initiatives are currently underway, although none are specifically pharmaceutical at this stage.

**2.5.1 The Deputy of Grouville:**

Does the Minister envisage ... I mean he has just said none are pharmaceutical at this stage, but there is a particular need in the Island for medicinal cannabis of which it should include C.B.D. (Cannabidiol) and T.H.C. (Tetrahydrocannabinol) elements that provide particular relief to those who suffer pain on a daily basis and, in some cases, is used to treat certain cancers. Can he give some comfort to those people in the Island that this is being advanced - medicinal cannabis is on his agenda - and if he envisaged, or if he can give this Assembly a timeframe when it could be introduced?

**The Deputy of St. Martin:**

I did mention earlier that we have some initiatives ongoing. Those include honeyberry, haskap berries, which I think are going to be the new superfruit. We have a small plantation at the Howard Davis Farm. We currently have 2 new tea producers on the Island. Tea consumption is on the up and I am very confident that that is going to be successful. Members will also know that we are currently growing hemp as a trial in the Island. Hemp is a constituent to what the Deputy is referring to. I am grateful for the Minister for Health and Social Services for granting that permit to grow hemp. I think that could be very good in the future. But the hemp that we are growing does not have the T.H.C. involved in it that the Deputy refers to. I can say to her that, yes, I have discussed this with officers. It is not quite as simple as: "Can we grow the crop?" because

obviously, yes, we can. It is security issues and it is other issues around that that need to be addressed before we could move that forward. But I understand her concerns. There is a need for this type of product and I will undertake to get back to her again with some more thoughts. But I can assure her that we have thought about it although at the moment it is not moving forward.

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

Can I have an assurance from the Minister that we shall not be growing oil seed rape?

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

Oil seed rape is not one that has been identified as part of a long list of crops which we might grow as alternatives in the Island. Certainly, oil seed rape is grown extensively in the U.K. and the economies of scale will apply. I think it very unlikely that it would be economical to grow that product on the Island.

### **2.5.3 The Deputy of Grouville:**

I welcome the Minister's offer to be kept informed, as I have some constituents who are very concerned about this, very keen to advance medicinal cannabis, obviously because some are, as I alluded to in my first supplementary, in pain on a daily basis. So, I would be very grateful to be kept in the loop and possibly have a meeting with the Minister, at some time, to help advance this.

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

I will just reiterate to the Deputy. I will confer, not only with the Minister for Health and Social Services, but also the Minister for Home Affairs and see how we can move this forward.

## **2.6 Senator P.F.C. Ozouf of the Attorney General regarding whether the legal requirement of collective responsibility applied in respect of a vote of no confidence proposition in the Chief Minister: 1(412)**

Does the legal requirement of collective responsibility apply to the Council of Ministers in respect of a vote of no confidence proposition in the Chief Minister?

### **Mr. M.H. Temple Q.C., H.M. Solicitor General (rapporteur):**

Collective responsibility is a constitutional convention, rather than a rule of law. Paragraph 4 of the *Code of Conduct and Practice for Minister and Assistant Ministers*, which is R.11/2015, provides that: "Ministers should uphold the principle of collective responsibility, save where it is explicitly set aside by the Chief Minister in relation to a free vote (most commonly on an issue of conscience), or an agreement to differ (as the Chief Minister may determine in exceptional cases)." So, a vote of no confidence in the Chief Minister where, if the motion was carried, that the Chief Minister and the Council of Ministers would both fall, is not a free vote, or an exceptional case of an agreement to differ. So, the consensus is that the convention of collective responsibility applies to a no confidence proposition in the Chief Minister.

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

I understand absolutely the point that ... I am grateful for the Solicitor General's answer and his clarification that it is a convention, not in fact a law, but he cites the Code of Conduct of Ministers. Would he make any comments about a theoretical situation where, effectively, Ministers might say to the Chief Minister that they are not going to support a vote of no confidence? Ministers that do not normally abide by collective responsibility, my understanding is it is a convention elsewhere is they should resign. Is that not normal and in the event of a Minister not supporting a Chief Minister, that is the most fundamental thing, or the Council of Ministers, would the Solicitor General agree that that would be the sort of area in which a Minister would be expected to resign?

**The Deputy Bailiff:**

Are you able to help on unconventional matters?

**The Solicitor General:**

This is a theoretical matter and obviously it may be transgressing more into the realm of politics rather than the law. As a matter of looking at the convention, in its classic form, of collective responsibility, if a Minister is unable to support a confidence motion, in principle, yes, the normal expectation would be for the Minister to resign.

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

May I understand from the Solicitor General - understanding that this transcends law and effectively custom and practice and convention that has been built up - where might one get a more definitive answer on the issue, because it seems to me a fundamental issue that has never been tested? We might have had a situation whereby this is exactly the situation that has happened where Ministers said they were not going to support the Chief Minister for another matter and then, effectively, they did not support the Chief Minister, except if he did certain circumstances. I am just uncomfortable about this and I just would wish to have more guidance of where one could get that guidance from.

**The Solicitor General:**

I found helpful, when looking at this matter, a briefing paper from the House of Commons library, which is dated 14th November 2016, and there is a section, section 2, on conventions of collective responsibility, and looking, in particular, at 2.1, it says: "Collective responsibility is a constitutional convention, rather than a constitutional requirement. Academic commentators have identified 3 implications of the convention: confidence, unanimity and confidentiality." As regards confidence, the briefing paper states: "A Government can only remain in office for as long it retains the confidence of the House of Commons [obviously in this case the Assembly], a confidence which can be assumed unless and until proven otherwise by a confidence vote. A Government's failure to command a majority on one issue need not mean that it cannot do so in other areas of policy; however, defeat in an explicit no confidence motion implies that the Commons, or Assembly, considers the Government wholly incompetent." I found it helpful.

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

Can I thank the Solicitor General for his answer?

**2.7 Deputy R. Labey of the Minister for Education regarding measures to enhance staff confidence in the management of Highlands College and the Education Department: 1(392)**

What measures is the Minister considering to enhance staff confidence in the management of Highlands College and the Education Department, including external, independent intervention?

**Deputy R.G. Bryans (The Minister for Education):**

I hope I can offer the Deputy some words of comfort while being observant of the fact that there are areas here which I cannot address, as they breach protocols relating to the H.R. (human resources) processes. We have 2 live cases currently running. The staff questionnaire, which the Deputy enquired about in his written question, related to the satisfaction of 79 per cent, which would appear very positive. Further to that, we work very closely with the unions on these matters and it is a matter of fact that the largest teachers' union representative is working in the college. So we have a clear picture of the Highlands landscape in terms of the staff. We live and operate on the

same campus. Without breaching protocols, I can also relate I attended the recent prize giving and was unaware of any tensions. Other indications are results from the college are still consistently high. Recently, Highlands has moved from languishing about halfway down U.K. tables to now being in the top 10 per cent. If the Deputy has any specific concerns can I suggest that he visit us at Education, as did Deputy Tadier recently, to address those concerns?

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

I would rather address these concerns on the floor of this House, in a public forum, because there are staff at Highlands College who have been gagged and do not know which way to turn, because they want to speak out. I would like the Minister to address Education Department policy and procedure, not individual cases. Has it been accepted procedure for teachers, who instigate grievance procedures for bullying and harassment at the college and have their original complaints upheld by investigators, then have to sit before a panel, chaired by a senior member of the Education Department, who overturns that decision?

#### **Deputy R.G. Bryans:**

As I said at the beginning, this is very difficult because we have 2 live cases at the moment. I am unaware of what the Deputy is referring to. As far as I am aware, no member of the Education Department has chaired a panel, but that in itself is going into the area of the cases, so I would be reluctant to say anything other than I am aware of the cases at the moment.

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

Can the Minister be absolutely clear in stating whether, or not, in any appeal process about bullying, or other grievance matter that comes before the department, no member of the department is involved in adjudicating on that particular grievance and that he has a totally independent system in place, ready to go?

#### **Deputy R.G. Bryans:**

As far as I am aware, through the States Employment Board, this is the case. That it is totally independent. As far as I am aware, no member of the Education Department has chaired such a panel.

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

The question was not “chaired”. That is a nice easy slip out. The question was “been involved in”. Is there a completely independent, separate system that members, when they make a grievance claim, can be confident is exactly that; independent. Not necessarily the chair, but membership.

#### **Deputy R.G. Bryans:**

I apologise to the Deputy. The “chair” was from the previous speaker, Deputy Labey. As far as I am aware, the cases that he is referring to are treated totally independently.

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

Could the Minister advise whether there is an issue with policy and procedure in terms of bullying and harassment, or grievance procedures? Whether it is just a culture of fear that stems across the States and whether the Minister will take these issues up with the States Employment Board, in order to try and stem this culture and try to create a more open and transparent view from people who work for the States?

#### **Deputy R.G. Bryans:**

I am unaware of a culture of fear that exists within the States. I think that the question the Deputy was asking me is a fair one. I think if there was any consideration I would be quite willing ... in my

way, I have always treated everything with as much openness and honesty I could, in terms of transparency. I would be quite willing to talk to the States Employment Board about policy.

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

Is the Minister confident that the employees of the Education Department are fully aware of the procedures and policies that are in place for grievance and bullying and harassment? Whether they understand the difference between formal complaints and just a complaint?

#### **Deputy R.G. Bryans:**

Yes, I think the people that work within our department are the most professional individuals that I have honestly met with in my time in the States. I am sure they are fully aware of that situation.

[10:30]

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

A number of Members want to ask about this. We have time for Deputy Higgins and Deputy Mézec and then the final supplementary.

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

I was just thinking about the Care Inquiry, listening to those answers. "I believe", "I was told" ... many Ministers were saying things were wonderful then. They do not know what their officers are doing. Can I ask the Minister: he has heard concerns expressed by Members in this Assembly about what is going on at Highlands College, will he look at it and come back and make a formal statement to this House saying what is going on and whether people are being treated with natural justice?

#### **Deputy R.G. Bryans:**

I am always observant of what my colleagues are doing within the department. In fact, I suppose, I spend most of my time up in the department on a daily basis. So I am fully aware of what they do. I will, as I say, we have got 2 live cases. Once those 2 live cases have run their course, I will look at the situation and come back.

#### **2.7.7 Deputy L.M.C. Doublet of St. Saviour:**

Can the Minister just describe the mechanisms whereby staff can raise concerns, the processes that happen, please?

#### **Deputy R.G. Bryans:**

Yes, to some extent. I think I could provide a more detailed answer to the Deputy away from the Assembly in terms of getting more information, but as far as I am aware, the protocols that relate to information of this kind would be that you would then relate it to a line manager, or somebody further up the scale and let known your situation and that would escalate up, as would be the norm.

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

Can the Minister provide some details for the Scrutiny Panel how many of these types of complaints are received per year, please?

#### **Deputy R.G. Bryans:**

Yes, I can.

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

Would the Minister report back on that point of procedure that I asked in my first supplementary? Would he investigate and report back on the possibility of lifting the gagging order on staff, with

the threats of dire consequences if they do not comply with that? He has stated himself he is unaware of the tensions at Highlands College; would he go and speak to some staff, because I think that comment will be met with utter disbelief by a lot of the staff, and would he submit the results of the staff survey to, say, the Education Scrutiny Panel, so it can be independently assessed?

**Deputy R.G. Bryans:**

I think, if I just pick my way through that. Firstly, I am not aware of a gagging order of any kind, but I will consider that, look at that situation. Sorry, if you could repeat the second part of what you said, Deputy?

**Deputy R. Labey:**

The staff survey: would he submit the staff survey to the Education Scrutiny Panel, so they can assess it?

**Deputy R.G. Bryans:**

Certainly yes, I can.

## **2.8 Deputy M.R. Higgins of the Chief Minister regarding Human Rights audits undertaken by the Judicial Greffe, or other public authority: 1(407)**

Further to Oral Question 1(290), will the Chief Minister confirm whether any human rights audits, undertaken by the Judicial Greffe, or other public authority, explicitly included all of the courts and tribunals listed in the answer to Written Question 1(260)? If so, will he request the Judicial Greffe to publish the audits that were carried out and, if not, can he explain why not?

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

I would like to ask Senator Routier to answer this question.

**Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

The Attorney General has previously outlined that all courts and tribunals, whether civil or criminal, are required to act in a way that is compatible with the rights protected by the European Convention on Human Rights, and all legislation, insofar as possible, must be read and given effect in a way which is compatible. Any audits covering these matters are available on request.

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

Supplementary. I am requesting them, now. I have been requesting them for months. These reports seem not to exist. I have even asked the Judicial Greffe for them. I am not only just concerned about the courts, but it is about the procedures that are being used. Unlike many Members, I have been attending many court cases over the last few months and observing procedures. The actions of lawyers ... I find in some cases, we find that lawyers are communicating with the judge through a back door.

**The Deputy Bailiff:**

Deputy, could you focus this into a question?

**Deputy M.R. Higgins:**

Yes, Sir, I know I am getting close to the bone on this. I will say that I am concerned about the procedures and processes. I know that when the Human Rights Law came into being, all States departments, and I assume the judiciary and all the other bodies, were expected to do an audit. Those audits were supposed to be published. I am asking the Minister now: will you publish all the

human rights audits of the court and court procedures and, if not, will you come back to the House and explain why you cannot? Thank you.

**Senator P.F. Routier:**

I am informed that the Judicial Greffier has informed the Deputy that he can have access to those copies that he has been asking for. With regard to this Assembly, any States Member trying to influence the Judicial Greffe - we have to respect that they are independent from this body here and we are not in a position to be able to direct them to do anything.

**Deputy M.R. Higgins:**

Just for the Assistant Chief Minister's knowledge, the Judicial Greffe have told me that they have 2 documents; one covering the audit of the Judicial Greffe itself and the other, the Data Protection Office, which was part of the Judicial Greffe at that time. They were the only documents that they say they have.

**The Deputy Bailiff:**

Deputy, the process is to ask a question and have an answer, not provide information.

**Deputy M.R. Higgins:**

Yes, Sir, but the Minister gave a misleading answer to the States and I think that is wrong.

**The Deputy Bailiff:**

You mean, of course, an unintentional misleading answer, do you?

**Deputy M.R. Higgins:**

Yes, the Minister is well-known for not really checking his facts, so I can believe it was inadvertently misleading the States.

**The Deputy Bailiff:**

I think you must withdraw that; it is not correct to impute a slapdash approach.

**Deputy M.R. Higgins:**

I will take it back, Sir, but I will tell the Minister his nickname out of this States Assembly.

**The Deputy Bailiff:**

Deputy, will you please ask a question or sit down?

**2.8.2 Deputy M.R. Higgins:**

Yes, Sir, I will ask the question. Once again, the Minister says that we are interfering with the courts if we ask for copies of audits; we are not. We are doing our job. It is the role of the Assembly to pass the Human Rights Law and make sure it is enforced. Will he please ask the ...

**The Deputy Bailiff:**

Deputy, I asked you to ask a question and you again made an assertion.

**Deputy M.R. Higgins:**

Well, I just asked for it to be ... would he ...

**The Deputy Bailiff:**

Please sit down.

## **2.9 Deputy K.C. Lewis of St. Saviour of the Minister for Infrastructure regarding the maintenance of Liberation Square: 1(409)**

What action, if any, is the Minister taking to repair and maintain Liberation Square?

### **Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):**

Firstly, may I say that I agree that Liberation Square does require some attention to improve the visual appearance and enhance the area. The square is highly utilised by both visitors and Islanders alike and we want to ensure that this important public space continues to be used and enjoyed. Maintenance of the square is the responsibility of my department, the Department for Infrastructure, in conjunction with the Parish of St. Helier who, I believe, are responsible for cleaning all public space areas within the ring road. The department undertakes a maintenance regime on the square. However, I believe that there is scope to improve the square and make it a better place to be enjoyed by Islanders and visitors alike and I am working with the Constable to look at the longer term plans for the square, including public realm areas that do not belong to my department, such as the Weighbridge Square and, indeed, the area around the Steam Clock. I can advise Members and, more importantly, the public that I have instructed that a site condition survey be undertaken which will consider works that need to be undertaken from a structural, mechanical and electrical perspective, and this has not been done for a number of years. This survey will be completed by the end of the summer and will provide a detailed list of prioritised works to be undertaken over the remainder of the year and into 2018. While this is happening we will, with the Parish, review the public area and the existing square design to increase the public usability on a day-to-day basis and for such important events as Liberation Day.

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

I thank the Minister for his comprehensive reply. I am referring, of course, obviously, to our heritage which, yearly, we have on Liberation Day, which is based in Liberation Square, as the Minister has just said. It is falling into disrepair, so I really appreciate the fact that it is being repaired. It is also a focal point for tourists coming over. I also note that West Centre is in need of T.L.C. (tender loving care) and also, dare I mention the Steam Clock, love it or hate it, I have done an appraisal and in my personal, humble opinion, it is fast approaching being beyond economic repair.

### **The Deputy Bailiff:**

I wonder, Deputy, is there a question coming?

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

There is a question coming up right away, Sir.

### **The Deputy Bailiff:**

I wonder if it could come straight away, please.

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

The question is: will the Minister agree to work with other agencies - I know that the Ports of Jersey are responsible for the Steam Clock now - and Jersey Heritage, and the Parish, to maintain our Island's heritage? Thank you.

### **Deputy E.J. Noel:**

I am afraid that Deputy Lewis obviously was not listening to my first answer. I said that I am working with the Parish and I am sure the Parish and I will be also working with the 2 other landowners of the adjacent public spaces, being the Jersey Development Company and Ports of Jersey.

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

We have had a long and convoluted response to Deputy Lewis's question. It is not rocket science to get somebody down to Liberation Square with a steam cleaner. Surely, between the Department for Infrastructure and the Parish of St. Helier, they can do that, within a matter of hours, I would have thought. Does he not agree with me?

### **Deputy E.J. Noel:**

Absolutely. Obviously, the frequency of that activity, that cleaning, taking place, is something that we have to discuss with the Parish of St. Helier.

### **2.9.3 Deputy S.M. Wickenden of St. Helier:**

Could the Minister please confirm that access to the area, to be able steam clean it, is through Property Holdings that look after it, and would he ask his officers to allow the Parish to have a key so they can access it when they require?

### **Deputy E.J. Noel:**

I heard about this this morning, so I have checked with my department and I believe that the Parish is provided with keys. Unfortunately, it appears that when the locks were changed, recently, they did not have a key for access. There is plenty of access for those contractors working to maintain the square to do their work.

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

Following the large-scale outsourcing from his department, does the Minister have enough staff remaining in his department under his control to increase the frequency of such cleaning in this particular area?

### **Deputy E.J. Noel:**

We have not done the cleaning of the inner ring road for a number of years now. It is covered by an S.L.A. (Service Level Agreement) with the Parish of St. Helier and I do not believe that any of our direct labour staff, certainly to my knowledge, have been involved in maintaining that particular area for a considerable amount of time.

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

Is it not the case - or can the Minister assure Members that it is not the case - that since he has reduced his own workforce, jobs are not getting done around inside the ring road and therefore the demand on Parish workers has increased, because of his outsourcing?

### **Deputy E.J. Noel:**

I can only repeat again: the cleaning within the ring road has been subject to an S.L.A. with the Parish of St. Helier for a number of years now.

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

I would like to thank the Minister for his initial answer, which I did not think was convoluted at all. Would he not agree with me that, between his department and the Parish, we are addressing all issues around the cleanliness of our public spaces and, in particular, does he share my view that steam cleaning does raise a number of problems, including it affects the pointing in the Royal Square, for example. It does push harmful substances into the air. We need to look at a low-tech solution, such as is practised in many European towns, where you simply wash your precincts every day if you can. Is it not agreed that more pavement washing would be a good thing throughout St. Helier?

**Deputy E.J. Noel:**

I agree with much of what the Constable has said, and I would really add to that that it is quite nonsensical that at the moment we have effectively 3 different bodies looking after one area and it would make sense, as I have already indicated, to work with the Parish for those particular squares to be transferred across to the Parish for them to co-ordinate and look after them in the round, and in a joined-up way.

**2.9.7 Deputy K.C. Lewis:**

I appreciate Deputy Southern's point. It is a shame that at Glencoe tomorrow another tranche of former T.T.S. (Transport and Technical Services) equipment is being sold off, as the staff are no longer there. I am aware of the S.L.A. with the Constable of St. Helier, because I signed it when I was at T.T.S. Yes, I do appreciate the Minister's reply, and I urge him to step up all his efforts to maintain the Island's assets as soon as possible. Thank you.

**Deputy E.J. Noel:**

I am not sure if there is actually a question there.

**The Deputy Bailiff:**

There was not. "Does he not agree?"

**Deputy E.J. Noel:**

I agree that we need to work in partnership with the Parishes and in the case of St. Helier we are doing so on a daily basis.

[10:45]

**2.10 Deputy S.Y. Mézec of St. Helier of the Minister for Health and Social Services regarding fees for local mental health nurse trainees: 1(398)**

In the light of the Minister's commitment to parity of treatment for mental and physical health problems, will the Minister state whether local mental health nurse trainees are charged fees when other nurse trainees are not, and if that is so will he explain why?

**The Deputy of St. Martin:**

Sir, before we start, I think we are not quorate at the moment.

**The Deputy Bailiff:**

No, we are not quorate. Could I ask Members to return to the Chamber, please? We do not appear to have an Usher. Very well, we are now quorate again. Yes, Minister? Deputy, you had asked your question; it is for the Minister to answer. Minister, yes?

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

I was just about to go into full flow and had to sit down again. Can I thank the Deputy for this really interesting question? The answer is that any nursing and midwifery training undertaken off-Island is subject to charges by the university responsible. As with all degree courses off-Island, financial support with fees, if appropriate, is available through the Education Department. Where practical, though, we do offer training on-Island, but this is very dependent on the demand, the number of students, our ability to have specialist skills for the required lecturers on the Island, and available resources.

**2.10.1 Deputy S.Y. Mézec:**

I do not know if I just did not hear the answer properly, but I am not sure which part of that answered the main part of the question I was after. It was about the distinction between the support that is provided for people going into nursing to treat mental health issues, as opposed to nurses who are training to go into other specialist areas. Is there a distinction between the support that is provided, or is it equal across the board?

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

Sorry, I was not clear, was I? The difference is because we have sufficient registered general nursing students we can run courses on-Island. We have insufficient numbers at the current time, despite our focus on recruiting mental health nurses, to practically run a course in Jersey.

**2.10.2 Deputy G.P. Southern:**

The question must be: is the Minister for Health and Social Services prepared to commit that trainees for mental health should not pay greater fees whether at home, or elsewhere, compared with physical health trainee nurses, whether on-Island or off-Island?

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

I am not prepared to commit to that directly, but I am prepared to commit to looking at it. The problem is that with the registered general nurses that we train, we train them on-Island; they work on our wards and immediately they fully qualify they become staff nurses on our wards. The difficulty is that if we just fund the course in the U.K., we may never see those students back as registered mental health nurses in Jersey. I am prepared to look at whether there is something we could do better.

**2.10.3 Deputy G.P. Southern:**

Does the Minister not accept that in choosing which specialism to go for, trainee nurses may look at the potential costs of that training and thereby be put off and therefore perpetuating the need and the dearth of trainee mental health nurses that we appear to have on our Island, because that is one of the shortage areas, is it not? Does the Minister agree?

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

Yes, it is one of the shortage areas and that is why I said I was prepared to look at it. If we had more people coming forward to register to train as mental health nurses in Jersey, then we would run the course. We ran a course in the past, but we only get single figures, one, 2, 3 people coming forward at the moment. I think it is that that we need to change; the rest would be easy.

**2.10.4 Deputy S.Y. Mézec:**

It sounds a bit chicken and egg to me that there is not the support provided, because people are not coming forward for it, and people are not coming forward for it, because there is no support provided for it. The Minister says that he is prepared to look at this. Does he accept that if greater incentives were provided to these people, we would see a higher take-up and that could include partial funding of courses in the U.K., or perhaps even full funding, but with that extra element which says there should be an agreement to come back and work in Jersey, so that we know that the health system here does benefit? Does he consider that that could be a potential way forward and, if not, could he give an idea of what he would see as a potential way forward to address this issue?

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

I am not going to try and cobble an answer together on the hoof. What I am prepared to do is to look at this. We have a good record of training; we train registered general nurses. I think we had 14 go into our system as qualified nurses last year. We have a scheme coming forward to train 12

local social workers. I just want to have a look if there is something we could do that would enable us to train mental health nurses.

## **2.11 Deputy D. Johnson of St. Mary of the Attorney General regarding the user pays charges for liquid waste services: 1(405)**

Will H.M. Solicitor-General indicate whether the term “non-household” appears in the Drainage (Jersey) Law 2005 and, if not, whether the Minister for Infrastructure will have legal power under Article 4 of that law, once brought into effect, to levy what the Council of Ministers describes in Report P.38/2017 as “non-household, user pays charge for liquid waste services?”

### **The Solicitor General (rapporteur):**

The term “non-household” does not appear in the Drainage (Jersey) Law 2005, but it does not need to appear in this case. If enacted, Article 4 will empower the Minister for Infrastructure to prescribe fees and charges payable to that Minister by the following 4 categories of persons: First, persons to whom the Minister provides sewerage services, or facilities; second, applicants for trade effluent discharge consents - I do not need to read the rest of that particular bit. Three, the holders of discharge consents that are, for the time being, in effect, and four, persons to whom the Minister provides any other services, facilities or materials under the law, or for whose benefit the Minister takes any other measures under the law. On this basis, the Minister for Infrastructure may lawfully prescribe, or levy, fees and charges as non-householder, user-pays charges for liquid waste services, as this is a category of persons to whom the Minister and his department provide services or facilities.

### **2.11.1 The Deputy of St. Mary:**

I thank the Solicitor General for that clarification. Could I ask him to further clarify though? The concern I have is simply that, in the absence of a statutory definition to that term, the extent to which reliance can be placed on comments and information, helpfully provided in the report accompanying the proposition, could the Solicitor-General clarify whether in any future debate, or dispute, concerning what does constitute non-household, reference can be made to the points of interpretation disclosed in the report accompanying the proposition?

### **The Solicitor General:**

It is a little difficult for me to do that as a matter of theory in this debate. It may be a matter more for when the question comes before the Assembly, I think on 18th July, and the Minister’s report can be considered in detail then. In principle, the definitions in Article 4 are broad and I am satisfied that they do encompass the proposed charge for liquids services.

## **2.12 Deputy M. Tadier of the Chief Minister regarding the recommendations made by the Independent Jersey Care Inquiry: 1(402)**

Before I start, may I ask if you are content to remain in the Chair in the regard that one of my supplementaries may stray into talking about the separation of powers? If you are happy with that, then I, also, am.

### **The Deputy Bailiff:**

This is a question and answer session in which no decision will be made by the Assembly in ordinary business.

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

Thank you, Sir; I just wanted to check. Does the Chief Minister accept all of the recommendations made by the Independent Jersey Care Inquiry and if not, why not?

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

I am grateful to the Inquiry for its work and for the recommendations made. Yesterday I committed myself to acting upon the report and delivering the recommendations. It will, however, be for this Assembly to collectively determine if it accepts the Inquiry's recommendations, not solely a matter for me alone. We will have an opportunity to start discussing this on Thursday. I will, in due course, bring to the Assembly a detailed assessment of each recommendation and the resource implications for approval.

**2.12.1 Deputy M. Tadier:**

I appreciate the Minister, like all of us, will have had limited time to read through, although I know, no doubt, he will have already started work to digest the recommendations and he will, no doubt, have his own thoughts. Would he give a global assessment of the recommendations, whether he thinks that they are what he expected? Does he think that they are reasonable, on the face of it? That does not, obviously, negate any further detail that he may give on Thursday.

**Senator I.J. Gorst:**

The Deputy knows that, in the executive summary document, there are 8 global recommendations. They seem to me sensible, reasonable and I think that this Assembly and our community can get behind them. Underneath those 8 global recommendations are 600 recommendations. They are going to take more time for all of us to understand how we can deliver on them and what mechanisms we need to put in place, in order to deliver on them. One of them, for example, says that children in our care, children should be loved. I hope that nobody in this Assembly would not accept that recommendation. The challenge will be how we ensure that those children in our care ... we are their parents, in law. Every single Member of this Assembly is a parent of those children. How are we going to love them, as if they were part of our family? It is that detail that will be more difficult and need much more work on.

**2.12.2 Deputy G.P. Southern:**

I hate to come down to such mundanities, but I think I noticed a marked hesitation on the Chief Minister's part last night, when he was interviewed specifically and asked whether Haut de la Garenne should be knocked down. It certainly symbolises much of the past. Will the Chief Minister commit to doing just that?

**Senator I.J. Gorst:**

The Deputy knows that the Inquiry said that, in order to deliver on the recommendations, we needed to engage with the community and get buy-in from the community and consult with the community. I dedicated myself, yesterday, to doing that and engaging with care leavers around what they want for that particular recommendation. If care leavers and the community agree, I will absolutely support it. I think it is a good recommendation. I think that on that site we could build a new building for the benefit of the young people of our Island into the future, but I am mindful that one of the themes throughout this report is that we must listen to what those who have suffered want. We must engage, right across the community, rather than just going off and delivering what we think is best. That is what I am committed to doing.

**2.12.3 Deputy G.P. Southern:**

It is all very well for the Minister to talk about consultation, as he often does, but consultation takes enormously long times. Does his desire to consult on all 600 recommendations mean that nothing will be done, in the traditional Jersey way?

**Senator I.J. Gorst:**

We are just short of 11 months until an election. I believe I will be judged on whether I have given my wholehearted support to endeavouring, to the best of my ability, to deliver on these recommendations.

[11:00]

I believe the whole of this Assembly will, likewise, to be judged. Now, detailed work needs to be undertaken upon how, as I say, some of those recommendations will require practical application: what money will be required, what people will be required. That detailed work has to be brought back to this Assembly for approval. I am proposing that it is brought back after the summer recess, probably in October, in a detailed Children's Plan, so that this Assembly can approve it. That is the right process. I am dedicated to delivering on these recommendations.

**2.12.4 Deputy R. Labey:**

The full report is going to take time to read, let alone implement on many of its recommendations. But the most worrying statement is that children in the care of the state are still at risk. That cannot be left to take time to remedy. What confidence can the Chief Minister give us that that will be addressed immediately? Can there be an independent look, outside of the current Civil Service, an independent look, at Child Services in the Island?

**Senator I.J. Gorst:**

The report says that children may still be at risk. That is unacceptable. I am not prepared to accept it. The report, I think, accepting that none of us in the Assembly have had time to really understand the detail of the 800-page document, but I think that the panel came to that conclusion, because of the work of the Interim Social Services Director. Her name may be in the public domain, but I will not refer to it. The 4 independent audits that she requested to be undertaken, and it was agreed by the then Minister for Health and Social Services and myself that they should be undertaken. Those audits, in 2015, showed that Children's Services were not providing in the way that every Member of this Assembly would wish them to be providing. I believe that that is why the panel said children may still be at risk. Since that time, millions more pounds have been spent in Children's Services. They are redesigning the way that they deliver services. If Members want a detailed briefing of the work that has been undertaken since those audits - like setting up the Children's Improvement Panel, like bringing in independent people from the United Kingdom to challenge officers on that panel - then I am happy, as I know the Minister for Health and Social Services will be happy, to do so. Independent inspection ...

**The Deputy Bailiff:**

Chief Minister, if you could bring you answer to a close, please, because you are 20 seconds over the normal allocated answer time.

**Senator I.J. Gorst:**

I do apologise, Sir. I accept entirely the panel's finding that we need to have independent inspection in legislation.

**2.12.5 Deputy R. Labey:**

Can we see the audits to which the Chief Minister refers?

**Senator I.J. Gorst:**

Those audits are already in the public domain. They were submitted, as evidence, by the Health and Social Services Department to the inquiry.

### **2.12.6 Deputy S.Y. Mézec:**

I appreciate it is early days and so it may take longer to think of these issues, to see what the clearest way forward is. The report talks quite a bit about the Jersey Way and how, for many people in this Island, both now and historically, there have been attitudes towards the States of Jersey, its institutions, its politicians and its Crown Officers that have meant many people do not trust the States, or like engaging with it. Recommendation 7 talks about addressing this issue. Does the Chief Minister share my concern that, in going to consultation on many of these recommendations, it would be important to attempt to address that element of recommendation 7 in an early stage, so that ordinary members of the public will have confidence that these consultations are worth taking part in and will achieve good results? Does he accept that part of recommendation 7, which talks about looking at our institutions and reforming them to make sure that the public can have confidence that they are dealing with things in an objective way and where vested interests take no hold in them?

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

It is not often that the Deputy and I agree, or his party and I agree, but when it comes to reforming our institutions, to make them fit for purpose into the future, because I value them, we do agree. I think that the publication of the report, yesterday, is a continuation - for members of the public I think it is a start - of seeing a cultural change in how our institutions will respond and react to those stories. It has been a difficult journey. I ultimately think we will not deliver on those recommendations as an Assembly unless every Member of this Assembly commits themselves to taking the amount of time it is going to take to read and consider this review and really try and understand and listen to those stories. I think it is that that will galvanise us into action. For me, the Jersey Way, as described in this report, is about having appropriate oversight, having appropriate independent review, appropriate challenge of systems ...

### **The Deputy Bailiff:**

Chief Minister, could I ask that you bring your answer to a close? You are again over the one minute 30 seconds.

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

It is that that this report helps us to start to address.

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

Throughout the report there are criticisms of a lack of investment both financially and in terms of political will, both now and in the past, when it came to Child Services. Indeed, in 6.3, Ministers who served with the Chief Minister, including former Senator Le Marquand, the Minister for Home Affairs, said that the priority of the States was, and remains, the maintenance of a low tax status. Similarly, Senator Kinnard, when she was Minister for Home Affairs, said that legislation relating to the finance industry would definitely take priority over other types of legislation. Given these facts, does the Chief Minister acknowledge that there is a stark choice to be made; that is whether or not the Council of Ministers and he sees his prime job as maintaining Jersey as a low tax, low spend jurisdiction, without sufficient funds to fund these services properly, or whether we have properly funded, modern, valued services, which cost money and require political will to achieve?

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

Of course these services cost money. That is why we produce the M.T.F.P. that we did, reprioritising current expenditure. We know that departments underspent last year. We know that income is greater than expected. We are in a position to be able to properly analyse the financial cost of delivering on the recommendations and having the ability to say: "Yes, we are going to

allocate the money. We are going to recruit the people to deliver on these recommendations.” I think we are in a unique position, the day after this report is published, to work together, across the Assembly, because despite the temptation for political divide, I think that the Member that has asked this question and his party agrees with me that it is really important that we now work together to deliver on these recommendations. I think he is committed to it. I am committed to it. Let us deliver together.

**2.13 Deputy G.P. Southern of the Chief Minister regarding the extent to which the 2016 estimates for population, along with net migration, supported efforts to grow the economy and increase productivity: 1(406)**

To what extent, if any, do the 2016 estimates for population, along with net migration, support his efforts to grow the economy and, in particular, to increase productivity?

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

Our economy is growing, but in common with many other economies we have a productivity challenge. This can be helped by bringing in new workers. Last year we saw, in particular, growth in construction with new workers building homes, offices and infrastructure. But productivity, of course, is much more than this. This is why our Strategic Plan focuses on education, skills, healthier lifestyles and supporting our economy: more visitors spending more, digital initiatives, helping financial services, a new Rural Economy Strategy and entrepreneurs moving here. This is how we will really improve productivity. But it will take time.

**2.13.1 Deputy G.P. Southern:**

The Chief Minister, in his response to question 18, as he just did now with his answer, focused on the construction industry. Is he aware that the construction industry earnings are below the average for all sectors and that he quotes a G.V.A. (Gross Value Added) of £51,000 per worker, which corresponds to a weekly sum of £980, compared to £680 a week earned? Can he inform Members, what the difference is between G.V.A. and earnings in this particular sector that he is so proud of?

**Senator I.J. Gorst:**

I know the Deputy does not need me to describe the G.V.A. calculation, which is not only the earnings of individuals, but the profit delivered by the sector as well. He knows that, because he has attended many statistics presentations discussing G.V.A.

**2.13.2 Senator S.C. Ferguson:**

Surely the Chief Minister realises the additional plethora of regulations. The overall global economic outlook is preventing any improvement in productivity, which has not increased since the year 2000.

**Senator I.J. Gorst:**

The Deputy knows about the effect of low interest rates. The Financial Services Index, which was published last week, was not a surprise. I hope it was not a surprise to any Member of this Assembly, because we, in government, have been banging on about the change in financial services, away from banking, which was the highest productivity sector and underpinned our financial services into other sectors: trust, company service providers, fund administrators, accountants and lawyers, which from a mathematical and economic point of view are less productive. We have been working to offset the loss in banking jobs in other sectors. So, of course, we are going to see an overall reduction in productivity in the financial services sector. But we are still seeing a growth in the number of jobs, which is an important indicator.

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

The Chief Minister has not answered my question. The fall in productivity has been going on at least since 2000, probably before that, because of the increase in the number of cost centres, due to regulation and the extra regulations being imposed. What is he doing about those?

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

The Senator is right. That is another factor which is reducing productivity in the financial services sector. But is she seriously suggesting that we have a financial services sector that does not meet the very highest standards of international co-operation of transparency, of exchange of information and is reviewed and approved by bodies such as the I.M.F. (International Monetary Fund), the World Bank and Moneyval? I do not think she is. There is a cost associated with meeting those very highest standards. We have taken a policy position that that is how we should compete in Jersey and we are competing successfully, having taken that policy decision. But, of course, that does involve cost. It involves costs to our service providers here.

[11:15]

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

With respect, the Chief Minister is concentrating on financial services and totally ignoring the other industries in the Island.

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

I have not heard so much waffle for a long time. We could increase the productivity of this House by replacing half the Members with robots. Right? Believe it or not, productivity is concerned with a given level of input and seeing how much you get at the end of it. So, in other words, it is how you utilise resources. If there were robots in here, I think it would be far more productive. But what I would say is that we talk about productivity. For example, if employers are not training people ... I can remember years ago, at Highlands College, we had day release classes. We were training people with new skills so they could be more productive in their job. The industry withdrew day release ...

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

Deputy, please could you ask the question. You are making a speech.

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

Does the Chief Minister not accept that my definition of productivity is far better than anything he was trying to sort of explain?

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

The Deputy's definition of productivity explains what I have just said about banking. The Deputy's not seriously thinking that we can send bankers on day release and suddenly the interest margin will improve and productivity in that sector will improve. He knows that is not the case. He knows too that banking is changing, not only here in Jersey, but around the globe. Our challenge is to offset that loss in banking jobs, that decreasing productivity, because of interest rate margins and technology, as he alludes to, into other sectors, like trust and company service providers and fund administration. That is exactly what we are doing. But we know, in doing that, overall productivity in that sector is going to reduce, because we know we are moving because of what is happening in those sectors. I am pleased that, finally, the Deputy agrees with me that numbers in this Assembly could be reduced.

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

I wondered where this question was going to go when I wrote it. Interestingly, could the Chief Minister state what specialist skills are required in the granting of some 40 registered workers in the wholesale and retail sector, where wages are the third lowest in the Island and, therefore, the return, in terms of taxation revenue, must be reduced?

**Senator I.J. Gorst:**

I do not have the detailed assessment of individual applications in regard to the question that the Deputy has answered. Perhaps if he would allow the question to be answered by those individuals, my Assistant Minister, who will have been involved in granting licences to those particular companies. He would have the details that he is able to provide to the Deputy. In the absence of that, I am prepared to ask my Assistant Minister and the department to provide the information to the Deputy.

**Deputy G.P. Southern:**

That is very generous of the Chief Minister.

#### **2.14 Deputy M. Tadier of the Chief Minister regarding an analysis of the prospects for economic growth in the short to medium term: 1(403)**

Will the Chief Minister provide his analysis of the prospects for economic growth in the short to medium term, given the contrast between the £24 million of additional tax revenue revealed in *States of Jersey Financial Report and Accounts 2016* (R.67/2017) and the reduction in productivity revealed in the 'Survey of Financial Institutions' for 2016?

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

The F.P.P. (Fiscal Policy Panel) have forecast real economic growth of 1.5 per cent in 2016, 1 per cent in 2017 and 0 per cent in 2018. The revised income forecast for March 2017 also showed that the £24 million additional tax revenues in 2016 may not be ongoing. While the F.P.P. highlighted that the economy was performing better than expected, with the economy recording real economic growth and employment growth strong, challenges remain, most importantly how to improve, as we have been discussing, productivity.

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

Would the Chief Minister like to comment on written questions 2 and 3, which show that between 2007 and 2016 the actual contributions that are made, both in terms of tax and social security contributions remain the same, if not having gone down slightly? Is this clearly an indication that productivity is stagnating, rather than increasing?

**Senator I.J. Gorst:**

Recent reports show that to be the case. We have just had a number of questions about why and what is happening in financial services. We do not yet know what the overall productivity will be, of the overall economy, as that information has not yet been released by the statistics unit. But we know last year productivity was falling, the same trend is happening in financial services, while overall productivity levels in the economy were flat.

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

The Chief Minister just quoted the figures for economic growth, which he said were from the Fiscal Policy Panel. Can he tell us what date they were given and what the latest figures are and when we are going to hear from the F.P.P, because his figures were written years ago?

**Senator I.J. Gorst:**

That is right, they were forecast at the start of the M.T.F.P. period. The F.P.P. are asked to provide economic assumptions. The Income Tax Forecasting Group then look at what those economic assumptions might be on the bottom line numbers. The rest of his questions, though, he should be directing to the Minister for Treasury and Resources.

**2.14.3 Deputy M.R. Higgins:**

As the Chief Minister is answering the questions, can I just ask him again: when were those figures produced and when are we getting the latest figures, or latest report from the Fiscal Policy Panel?

**Senator I.J. Gorst:**

I do not have that information with me. That is a question which falls under the remit of the Minister for Treasury and Resources.

**2.14.4 Deputy G.P. Southern:**

The Chief Minister must be aware that the economy grows when there is more money circulating in that economy. Is he, therefore, in an attempt to stimulate the economy, prepared to abandon his sub-inflation impositions of the Public Sector Pay Bill and move towards honest, open negotiation, which more correctly reflects actual inflation?

**Senator I.J. Gorst:**

The Deputy knows that the States Employment Board is working with unions to deliver workforce modernisation. The unions, in recent days, have made a suggestion, as I understand it, about the 2017 pay round and officers are considering that suggestion with the view to making recommendations to the States Employment Board to consider the issues that the Deputy raises in his question.

**2.14.5 Deputy G.P. Southern:**

Is it not still the Chief Minister's and the Employment Board's policy to impose a pay restraint if necessary?

**Senator I.J. Gorst:**

The States Employment Board is endeavouring to deliver workforce modernisation within the budget that has been approved by the Assembly.

**2.14.6 Deputy M. Tadier:**

Does this trend in a reduction in productivity, but an increase in the population, not completely undermine the Council of Ministers' Population Policy which says: "We want to increase the population, for economic growth purposes, to have more productivity"? But the reality, which anyone knows, who has lived in Jersey for the last 2 years, who looks at traffic on the roads and who knows about the strain on infrastructure, is that we have many more people, even more than the Council of Ministers wanted, living in the Island, but they are contributing less overall. So, there is less money, more people. Is that not a complete abject failure of the Council of Ministers' Population Policy in this area?

**Senator I.J. Gorst:**

I think I have said and I do not want to repeat myself. You have pulled me up a number of times this morning about what is happening in productivity in the financial services sector. Productivity is, if I recall the figures correctly, improving in other sectors, therefore, showing across the economy, a flat rate. It is difficult and Ministers have to decide week-in week-out which licences to grant, which licences to remove from employers and they will continue to do so. It is not an easy

business when we are also trying to ensure that there are jobs and the unemployment number fall at the same time.

## **2.15 Deputy K.C. Lewis of the Minister for the Environment regarding the use of chemicals such as glyphosate in public areas: 1(410)**

What action, if any, is the Minister taking to dissuade people from using chemicals such as glyphosate in public areas?

### **The Deputy of St. Martin (The Minister for the Environment):**

Glyphosate is the active ingredient of many pesticide products approved for use in the U.K., the E.U. (European Union) and in Jersey. Domestically used products are widely available, while commercial products are purchased from premises licenced and inspected by my department officers. The use of commercial glyphosate products is permitted, if used according to the recommendations on the label, if applied by a suitably qualified person and if no pollution occurs and the water and pesticide codes are followed. This means that pesticides with the correct approval, including glyphosate, can be used in public areas. My department has fully qualified basis advisers that provide free training and advice to industry and to the public. Part of this basis approach is to consider alternative measures, before using pesticides, with pesticides only being used as a last resort. When a pesticide is required, the product with the least harmful profile is always recommended. In the case of use in public areas, the advice is always to consider other control methods first, but if pesticides are required, warning signs should always be used.

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

I thank the Minister for his reply. Glyphosate is sold and marketed as a professional strength weed-killer. It is very, very strong stuff. It is banned in several countries, including Malta, Sri Lanka, the Netherlands and Argentina and several European countries are reconsidering the use of glyphosate. The World Health Organisation has listed it as a probable carcinogen for humans. Will the Minister agree to restrict, wherever possible, the use of glyphosate, especially in areas where animals and humans have access? Thank you.

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

The initial classification of glyphosate came in March 2015, the International Agency of Research into Cancer and glyphosate is classed as 2A, which is probably carcinogenic to humans. But I would remind Members that category 2A includes red meat, processed meat and acrylamide, which is formed when cooking starchy foods, such as bread. There is no evidence that the use of glyphosate is in anyway harmful to the public, to dogs or, for that matter, any vertebrates. There are a number of other selective herbicides that could have been used in this particular area of ragwort control, but they would have constituted considerably more risk to the public and to animals. Glyphosate products are not prone to leaching and are not likely to pollute surface, or the ground, waters. I think was the best alternative to be used in this instant.

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

Yes, the Minister compares glyphosate to red meat but, presumably as the Minister for the Environment, he would want to be discouraging people from eating red meat, because of the significant environmental impact it has globally and that there are much more sustainable foods to be eating. But, to move back to the question of glyphosate, is it not the point that we know that glyphosate, like red meat, is a risky substance to have and to use and that if he will not consider banning it, would he consider, at least, some kind of additional taxation on its import at source, so

that part of that money can be ring-fenced for the clean-up when it comes to pesticides and ecocide pollution generally.

**The Deputy of St. Martin:**

I think the idea that the Deputy raises is a dangerous precedent to set, inasmuch as I have just explained to Members that glyphosate is the best alternative for this particular operation. If I was to put a tax on it, where would it stop? I mean, if one taxes, specifically, glyphosate people may then use other alternatives, which I have already explained this morning, would be more dangerous to all sorts of animals and the water table. I have said, again, using chemicals is not my first alternative, there are a number of other ways that one can control these weeds, but there are times when the amount of weed in areas is best controlled in this way. You cannot pull it, there is too much; you cannot flail it, it does not make any difference; and chemicals are the last resort. Occasionally, we do get to this last resort and glyphosate is, as I have explained, the safest option for this type of work.

[11:30]

**2.15.3 Deputy M. Tadier:**

I was just going to ask the Minister to follow up on that. Does the Minister then not accept the scientific community study right around the world, including leading it to some countries having to ban it or restrict it severely, that finds that it is a carcinogen and that it is a very risky substance, one that is in Jersey sold over the counter? You can buy this from B&Q, for example and people can use it without any training, whatsoever. Is that not a matter of concern to the Minister?

**The Deputy of St. Martin:**

I would like Members to consider that, if it was such a risky substance as the Deputy suggests, it would not be widely available, not only for commercial, but for domestic use, in the U.K., in the E.U. and in Jersey. Certainly, there will be some countries ... there are always some countries that may take different views of certain chemicals. I am satisfied that, at this time, glyphosate, if used properly, and according to the label recommendations by professional users, using equipment which has been calibrated that it is the safest option if you feel that is the one you want to go down.

**2.15.4 Deputy K.C. Lewis:**

I thank the Minister for his answer. Glyphosate works by shrinking the root ball of the weed, but it can also have the same effect on humans, apparently, including shrinking of umbilical cords, *et cetera*, in pregnant women, which is why it has to be used with extreme care. I believe Belgium has just banned its use for non-professional use. As has just been said, this chemical can be bought over the counter, which is quite worrying. It has turned up in reservoirs, obviously, very much diluted. But will the Minister agree to step up - it is not compulsory, as yet, to have training to use it in professional areas - but will he step up his campaign for training for people using this chemical, if nothing else?

**The Deputy of St. Martin:**

There are professional requirements for people using this chemical commercially. Before I get to that, I would just say to the Deputy that while glyphosate can be bought domestically, it is a much diluted form. If you buy it over the counter, without qualifications, it is not the same as the commercial operations. As I said earlier, if you want to buy commercial glyphosate it has to come from an authorised and inspected establishment/retailer. It has to be used by people who have qualifications and can demonstrate that they have and it has to be used in equipment which has been calibrated and certified for its use. So, I think we have plenty of restrictions in place to make sure commercial operators are suitably qualified.

**2.16 Deputy R. Labey of the Chief Minister regarding the recruitment of people with a broader, more diverse range of backgrounds to States committees and boards: 1(393)**

What assessment has the Chief Minister made of the efforts made to recruit people with a broader, more diverse range of backgrounds to States committees and boards and what measures, if any, is he proposing to ensure more diverse recruitment to such bodies?

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

Sir, could I ask Senator Routier to answer this question?

**Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

The Chief Minister and I wish to support greater diversity of board appointments and greater equality of opportunity. There is positive work being undertaken in a number of areas. There are some good examples, for instance, Jersey Heritage have open days to encourage people to become more involved; the use of social media to attract people to positions in the Arts Trust; and the Statistics Users Group. The work of others is also being improved to ensure that there is a wider cross-section of people from our community. There is also the Board Apprenticeship Scheme, which has also been in place for some time now.

**2.16.1 Deputy R. Labey:**

Nevertheless, a no negative inference is intended to any individual concerned. We meet them regularly and we are grateful to them for their work. But, this Government seems to be congenitally incapable of appointing a board upon which certain ex-civil servants, or States Members, do not sit. Politics is all about perception. It looks like an old boys' network and the worst excesses of the Jersey Way, does it not?

**Senator P.F. Routier:**

In a small community it is always difficult to find people, who are prepared to offer themselves to take on various roles. If we were to go along the route of excluding very capable people to do certain tasks, I am not sure whether the Island would be best served. But, certainly, the Appointments Commission are involved in the appointments of significant importance. If the Deputy is inferring that recent appointments, perhaps he has not been happy with that, I can assure him that the Appointments Commission has been fully involved and have endorsed the process which has gone forward.

**2.16.2 Deputy J.M. Maçon of St. Saviour:**

Does the Assistant Minister not agree that one way to achieve this diversity would be to limit the number of boards one individual can sit on at a time? Therefore that would open up a way for other people to come forward and apply. Will he not take that forward and present that to the Appointments Commission as something to consider and report back to this Assembly on?

**Senator P.F. Routier:**

I thank the Deputy for that comment, because it is something which I have been considering as well. I think it is something we should progress and take forward to the Appointments Commission into the way we appoint people, certainly.

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

Does the Assistant Minister agree that, perhaps, some fresh thinking is required in this area? Would he commit to providing some details on the work that is already happening in this area to

the Jersey Community Relations Trust, of which I am trustee, and to possibly work with us to make further improvements in this area, to increase diversity on the boards of States owned bodies?

**Senator P.F. Routier:**

Yes, I think the Deputy is suggesting something that would be very valuable. From my point of view, I want to ensure that we do the best that we can to get as much a diverse group of people on the various boards. The problem, that some people are highlighting, is that there are adverts placed for positions across the various media. The Appointments Panel can only make a selection from those who come forward. There is a dearth of really good, quality people who are prepared to work within our community. I would love to see a more diverse membership of boards. It is something, certainly, I would want to happen. But, as far as the Community Relations Panel is concerned, I would be very happy to work with them, very closely.

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

The Minister mentioned ways of advertising. Is there a possibility of looking at alternative ways, so we can avoid the “if you do what you have always done, you will get what you have always got”? Can we, perhaps, look at social media or other ways of advertising, so that people who are not seeing the adverts might then see them and consider the positions?

**Senator P.F. Routier:**

Yes, certainly. I think in my opening answer I mentioned that the use of social media was becoming more prevalent now and we need to break the mould. I believe that is what we need to do. We have to encourage as many people ... not only for the boards and all the rest of it, but also for this Assembly. We have to ensure that we have a good cross-section, a representation of our Island community in everything that we do.

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

Deputy Maçon took the words out of my mouth and asked the question I had written down.

**2.16.5 Senator S.C. Ferguson:**

Yes, the U.K. I.O.D. (Institute of Directors) do recommend a maximum number of N.E.D. (Non-Executive Director) positions to be held by people. We have a wide pool of talent in the Island and the Council of Ministers seem to fish in a very small part of it. Will the Minister commit to extending the size of the pool in which they fish?

**Senator P.F. Routier:**

Certainly we currently do do that. The net is as wide as it possibly can be within our Island community. If we want to ensure that people are from within our own community the adverts and the availability of people being aware of the positions, which are coming up, is wide. But the thing is there is a limited pool of people who are prepared to offer themselves for service. We have to make it a better thing for them to be able to do, something that they want to support in our community. We have recognised there are some people who are not prepared to serve our community, because of all the detractors that are around. They keep on getting knocked back all the time.

**The Deputy Bailiff:**

Senator, that brings the period allocated for questions of this type to an end. We now move on ...

**Deputy M. Tadier:**

A final supplementary, Sir?

**The Deputy Bailiff:**

No, because the time is ...

**The Deputy of Grouville:**

Sir, could we have a vote to extend the questions?

**The Deputy Bailiff:**

No, I am afraid there is not any option to have a vote to extend this particular period for questions. That has to be specifically provided for in Standing Orders, which do not apply in this case, Deputy.

**Deputy M. Tadier:**

Sir, there is a provision, I believe, in Standing Orders that says that any matter that is not provided for in Standing Orders can be put down to the discretion of the Presiding Officer.

**The Deputy Bailiff:**

The President has previously ruled, Deputy, on other occasions that you would have to suspend the effect of the Standing Order that currently provides that it is 2 hours and no more than 2 hours. If you suspend the effect of the Standing Order, you have no legitimate basis for question time in the first place and, therefore, we cannot extend it.

**Deputy M. Tadier:**

Could I just raise this last point - and it is not something I wish a ruling on now necessarily - other Parliaments around the world and Assemblies do suspend Standing Orders on a regular basis and continue to function. Could you direct P.P.C. (Privileges and Procedures Committee) to look at this to see if it could function in the Jersey context?

**The Deputy Bailiff:**

No, I do not think I can give any direction to P.P.C., Deputy, but there is no reason at all why you should not raise the matter with P.P.C. if you believe that would usefully add to the powers of the Assembly. We come on now to Questions to Ministers ...

**Deputy S.Y. Mézec:**

Sorry, just very finally, mine was one of those questions that could not be asked. Could I, therefore, ask the Minister for Education to circulate what would have been his answer to it to States Members, please?

**Deputy R.G. Bryans:**

I have no problem with that.

### **3. Questions to Ministers without notice - The Minister for External Relations**

#### **3.1 Connétable L. Norman of St. Clement:**

Would the Minister join with me in congratulating the Jersey Island Games team for the excellent ambassadorial role they carried out in Gotland recently? **[Approbation]**

**Senator P.M. Bailhache (The Minister for External Relations):**

It gives me great pleasure to join with the Constable and with all Members in congratulating the Island Games team on their many successes, in a number of different sports and on the splendid way in which they represented the Island in Gotland. Their haul of medals was truly impressive; all the more satisfactory to be slightly higher in the table than our neighbouring Island.

**[Approbation]** May I also take the opportunity of congratulating the Assistant Minister for Sport, whose energy and enthusiasm, I am sure, played a significant part in the success of the Jersey team?  
**[Approbation]**

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

Will the Minister update the Assembly on progress that has been made on the passporting of Jersey companies, following Brexit, to the companies in the finance sector, in particular, following Brexit? Has any progress been made and will he update Members?

#### **Senator P.M. Bailhache:**

As the Deputy and Members will know, there was considerable progress at a stage, before the referendum in the United Kingdom, where it was hoped that Jersey and Guernsey and I think 2 other countries were to be given passporting rights for financial services into the European Union. The result of the referendum was that the whole process of passporting was put on hold by the European Commission. I think it is very unlikely that any progress is going to be made until after the arrangements with the United Kingdom have been completed.

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

Is the Minister aware and is he concerned about the move of several - I believe it is several - institutions, based in London, to Ireland and does that have ramifications for our financial institutions?

[11:45]

#### **Senator P.M. Bailhache:**

The position of financial services companies in Jersey is not going to change substantially as a result of the United Kingdom's leaving the European Union. Jersey is already outside the European Union and businesses, that have established themselves in the Island, did so on the basis that the Island is a third country in relation to the European Union. So, I am not aware of the particular companies to which the Deputy is referring, but I think it is unlikely that any such moves are going to have any significant effect upon the finance industry in the Island.

### **3.3 The Deputy of Grouville:**

Is the External Relations Department assisting, or willing to assist, businesses, including fishermen, when they encounter difficulty in exporting goods, in the fishermen's case, to the U.K. and France, and businesses when they encounter difficulties exporting goods overseas?

#### **Senator P.M. Bailhache:**

The ministry, certainly, will do whatever it can to assist, although I am not aware that at the present time fishermen, or others, are experiencing any difficulties in exporting their catches to France. This is a matter which falls, of course, within the remit of the Department of the Environment and of the Minister for the Environment. His department and my ministry are working closely together, to see what can be done to protect fishermen's rights once the United Kingdom leaves the E.U.

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

Is it not the case, following up from the previous question, that financial services companies that are based in an E.U. country, like Ireland, will have, automatically, the regulations which govern them updated by the E.U.? Does that not mean that we, in Jersey, may be at a disadvantage in that we are going to have to make sure that our regulations are acceptable to the E.U. as a third country? Does that not lead to the possibility of significant numbers of civil servants having to be recruited to make sure we are up to speed?

**Senator P.M. Bailhache:**

The Island is, as I said earlier on, outside the European Union; it is a third country for the purpose of trade in financial services. It is true that we have to keep a weather eye upon European regulations so as to determine whether, or not, any changes are necessary to our own laws and rules in order to ensure that industry can, where appropriate, have access on the basis of the equivalence of our regulations. I am not aware of any significant problems at the present time.

**3.5 Deputy S.Y. Mézec:**

Could the Minister give an indication of which non-European Union countries he intends to meet officials from over the coming months?

**Senator P.M. Bailhache:**

The general policies which the ministry and indeed the Government of Jersey is following at the moment is to engage with the Gulf Council countries; that would be U.A.E. (United Arab Emirates) and other countries in that area and with a number of countries in Africa. Senator Ozouf and the Chief Minister have made considerable progress in developing relations with Rwanda and I hope, myself, to visit that region in the not-too-distant future.

**3.6 Deputy G.P. Southern:**

Has the Minister examined the latest proposals coming from the U.K. in terms of fishing rights and, in particular, the fact that that appears to have caused some disturbance in the E.U., which says that the attitude taken by the British Government, in their proposals, subverts E.U. conditions?

**Senator P.M. Bailhache:**

I am not sure whether the Deputy is referring to the notice given, yesterday, that the United Kingdom was to denounce the London Convention. The London Convention does not, so far as I am aware, extend to the Island, because our own fishing arrangements are embodied in a regional agreement between the United Kingdom and France, which was signed in 2000. Again, so far as I am aware, relations between Jersey and Breton and Norman fishermen and the respective administrators is good and will, I am sure, deal with any difficulties that may be experienced, as between the United Kingdom and its European partners.

**3.7 Deputy G.P. Southern:**

Does the latest attitude taken by the British Government inspire confidence in the Minister that fishing issues will not become a problem in the future?

**Senator P.M. Bailhache:**

Well, we know that the leaving of the European Union and the repeal of Protocol 3 will mean that we are no longer able to export goods to the European Union free of tariff and that will have some effect, clearly, upon our fishermen and upon the fishing industry. But, broadly speaking, the fishing industry is a local enterprise, a regional enterprise and, as I said in answer to the Deputy's earlier question, it is covered by a separate agreement between the United Kingdom and France.

**3.8 The Deputy of Grouville:**

Has the Minister ever considered aligning the countries his department focuses on with those supported by Jersey Overseas Aid? Obviously, it cannot work the other way around, because we do things according to need, but I just wondered if he has considered it.

**Senator P.M. Bailhache:**

I am sure that the Deputy is right, in that there ought to be an alignment, of some kind, between the work of the Ministry of External Relations to develop good relations with countries with whom we

have economic partnerships, or with which we wish to develop economic interests. The ability to do that, in the context of the separate work that is being done by the Overseas Aid Commission, I think is something to be encouraged. Certainly, I am aware that the work carried out by the Commission in Rwanda has been enormously helpful in developing governmental relations with that country and I hope that it may very well lead to better relations with a number of other African countries as well.

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

Concerning fisheries, would the Minister agree that one way of giving confidence to the fishermen that do export their fish to France, or outside of the U.K., would be to simply say to them that whatever tariff would be applicable, in the event of Jersey joining the W.T.O. (World Trade Organisation), which obviously is a requirement, simply that the Government of Jersey ask the Treasury just to pay the tariff, for a period of time, in order that those exports could continue to be made into the E.U. markets, without any difficulty to the local fisherman? Because my understanding is the number would be very great. Would he agree that that would be a solution?

### **Senator P.M. Bailhache:**

I agree it would be one solution. It would be a solution that would need to be discussed with the Minister for Treasury and Resources and, perhaps, other Ministers as well. I am not aware, as a matter of fact, that at the present time the fishermen have done anything other than benefit from the notice given by the United Kingdom, because the result of that has been adverse, so far as the value of the pound is concerned. As the fishermen derive their income in euros, that has been profitable to them. But the notion that the Senator puts forward is, certainly, one that needs to be kept under constant review.

### **3.10 Deputy S.Y. Mézec:**

In response to my previous question, the Minister referenced the United Arab Emirates as a country that he, and his department, occasionally engage with. Could I ask, in his department do they have any guidelines, or any policies, that suggest how he and his department engage with a particular country, depending on whether it is a proper democracy, like European Union countries are, or whether it is a nasty, human rights-abusing dictatorship like the Arab Emirates? Does his department have specific policies that look at countries on that basis, or does he act in a way which is blind to these issues?

### **Senator P.M. Bailhache:**

I do not share the view of the Deputy in his characterisation of the United Arab Emirates; very far from it, but I will say that in terms of generality the ministry certainly does take into account human rights records of countries with which we seek to do business. Our policy remains that which it has always been, which is to follow, in general terms, the approach of the United Kingdom which is that engaging with countries, which have a poor, or a relatively poor, human rights record is a better way of achieving change than simply ignoring them and having no truck with them.

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

### **The Deputy Bailiff:**

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

Will the Minister explain why he will not enter into mediation with the taxi drivers?

#### **Deputy E.J. Noel (The Minister for Infrastructure):**

As the Minister responsible for the taxi industry, I am responsible in a capacity as regulator. Senator Ferguson will be familiar with the Jersey Financial Services Commission, which is also a regulator. You would not expect the Jersey Bankers Association to enter into mediation with the Financial Services Commission; therefore, I would argue that you would not expect the Jersey Taxi Drivers Association to enter into mediation with their regulator.

**4.1.1 Senator S.C. Ferguson:**

But, is the current attitude of dictation really very helpful to securing an industry which serves, not only the finance industry, but also the tourism industry and that we need to be working properly as the tourist season looms upon us?

**Deputy E.J. Noel:**

I do not believe that the Jersey Taxi Drivers Association are being dictatorial. I know I am certainly not.

**Senator S.C. Ferguson:**

I did not say they were being dictatorial, it was the Minister.

**4.2 Deputy S.M. Wickenden:**

Could the Minister please update the Assembly on the progress and delivery date of the agreed 20-mile-an-hour zone around Havre des Pas? Our constituents in the district are concerned that the promised trees in front of the Energy from Waste plant will be fully mature before we get the 20-mile-an-hour zone. [Laughter]

**Deputy E.J. Noel:**

I can assure his constituents that will not be the case. As far as I am aware, we have written, or are in the process of writing, to the Parish, advising them, the same way that we treat every other Parish, that such a decision has to go back to a Parish Assembly.

**4.3 The Deputy of Grouville:**

How much has the taxi review so far cost the taxpayer and will the Minister take some responsibility for the stress, lack of investment in an uncertain future, that he and his department are causing the industry, which cost the taxpayer nothing?

**Deputy E.J. Noel:**

I think the Deputy may have answered her question there. I will get those figures of the costs of the review that started back in 2012, from memory, to date.

[12:00]

**The Deputy of Grouville:**

Also the second part of my question, about the stress and lack of investment that the uncertainty has created?

**Deputy E.J. Noel:**

I cannot account for stress that may be caused to individual members of the taxi cab industry, nor can I on the amount of stress that has been caused to officers at D.V.S. (Driver and Vehicle Standards). I am sorry, I missed the final part of the Deputy's question.

**4.3.1 The Deputy of Grouville:**

Well, I did not get answers to anything. I did not get the cost, so far, of the review. It is him and his department that are instigating this, so I do not really see that stress to his department can be the fault of the taxi drivers. So, will he take some responsibility?

**Deputy E.J. Noel:**

As the regulator of the industry, I take full responsibility for the taxi cab industry, but let me remind us what those responsibilities entail. It is about providing a service to the public; they are public service vehicles. It is about providing to make sure that there is adequate provision at the time of demand and at a reasonable cost to the public. That is something that myself and my department take seriously and that is what we are implementing.

**4.4 Deputy R. Labey:**

On the subject of the cycle and pedestrian path through St. Peter's Valley, I wonder if the Minister would be open to the suggestion of not putting post-and-rail fencing along the path that does not border the road, in other words, on the tree side, or through the meadows, to lessen the environmental impact of the path through that sensitive area. I know heritage groups are concerned about that. Would he be open to the suggestion of leaving the post-and-rail off those sections?

**Deputy E.J. Noel:**

This has been subject to a planning process and has received the planning permission to do so. We work hand-in-glove with the owners of that land and so very much listen to what their requirements are for us to be able to use their land. But, as I said, this has gone through a planning process and we are obliged to adhere to that process and what the conditions are of that permit.

**Deputy R. Labey:**

Is that a "no" then?

**Deputy E.J. Noel:**

No, it was a "we have to work with the land owners" and in some instances, if the land owner requests a certain type of fencing, then that is the type of fencing that we have to supply.

**4.5 Connétable J.E. Le Maistre of Grouville:**

Is the Minister aware that the new lights down at Gorey Village, which do do a good job on the bus stop, are considered very ugly by residents and they seem to be intruding into people's houses and lighting them up at night?

**Deputy E.J. Noel:**

I am not aware of that. Beauty is in the eye of the beholder. They are designed to have a minimum impact on the environment, while providing the maximum lighting, to make the areas as safe as possible.

**4.6 The Deputy of Grouville:**

Yes, to follow on from my Constable's question about the lights, I was a little surprised at the Minister's answer saying that he is not aware of that, when I have email correspondence with him to that effect. It is not the lights. What the residents wanted was a couple of low-level lights alongside the bus stops in Gorey Village. What they have got are football stadium-type lighting, that is not in keeping with the area, they are very ugly and they keep people awake at night.

**The Deputy Bailiff:**

Is there a question?

**The Deputy of Grouville:**

Sorry, what is he going to do about them? Can we have some decently-designed lighting rather than these huge, football stadium-type lights imposed on us?

**Deputy E.J. Noel:**

I disagree with the Deputy of Grouville. They are well-designed lighting. Their primary purpose is to ensure that the area is safe, by providing adequate lighting at night time. If they are interfering with residents in the area at night time in their bedrooms, *et cetera*, then we will look at that to see if there is any type of screening that can be provided for, but their primary purpose is to make those areas safe.

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

I wonder if the Minister could update the Assembly on the progress of the policing of fly-tipping on Island. Any moves towards improving that situation?

**Deputy E.J. Noel:**

As already announced, we will be implementing a taskforce by the end of this year. That is obviously subject to the waste charges for solid waste being approved by this Assembly, because we would not necessarily set up and incur costs to the public purse without that piece of legislation going through the Assembly. But it is something that we are taking seriously. We are working in conjunction with principal land owners, being the Parishes, the National Trust and obviously ourselves and encouraging Islanders to report any fly-tipping they come across using the Love Jersey app, so we can take speedy action to remove it.

**4.8 Deputy J.M. Maçon:**

*Rediscovering Fort Regent* was published on 12th September 2014 by one Deputy Eddie Noel. I wonder if the Minister could update us as to the progress of that report and what has been achieved to date.

**Deputy E.J. Noel:**

Unfortunately, I no longer chair the Fort Regent Steering Group, so it does not come under my remit. I do sit on that group, but I can advise with that particular fort nothing has happened, and nothing has happened because there was no funding made available in this M.T.F.P. for that.

**4.9 Senator S.C. Ferguson:**

There are some lights in St. Aubin, some L.E.D. (Light-Emitting Diodes) lights, and some lights at a zebra crossing in St. Brelade's Bay, are these the same, dreadful lights that the Deputy of Grouville was asking about? Because they do disturb people and they do not serve the purpose for which they were designed.

**Deputy E.J. Noel:**

They will be of similar design and they do serve the purpose of keeping those junctions safe at night.

**4.10 Deputy M. Tadier:**

Will the Minister look into the practice of cars being able to park on main roads, such as the Inner Road and also the St. Clement's Coast Road in such a way that other cars are forced to go over the white line in order to drive normally in those areas?

**Deputy E.J. Noel:**

That is a matter for myself, in conjunction with each particular Parish, to decide on the street parking within the individual Parishes. Admittedly, on the main roads, they do come under my

remit. The difficulty there is: do we really want to see yellow lines on every single road in the Island and where else would those vehicles park?

**4.10.1 Deputy M. Tadier:**

Given the Minister's tacit support for increasing the population, will he be considering introducing parking on Victoria Avenue to accommodate the additional cars that will find themselves on the road?

**Deputy E.J. Noel:**

I do not have a tacit support for increasing the population. What we do need to do, though, is to make sure that we have got an adequate working population to pay the income that we need, via taxes, to provide the services to all our community.

**4.11 The Connétable of Grouville:**

Just on the same subject, would the Minister work with the Minister for the Environment and make sure that new developments have got adequate parking, so they do not end up by making the problem worse?

**Deputy E.J. Noel:**

Absolutely. In particular in town, not my ministerial position but my personal position, is that where it is physically possible to put parking on a site, that parking should, again, as much as possible, have at least one space for every unit of accommodation.

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

I wonder whether the Minister could update the Assembly on progress for modernisation and "e-gov" parking scratch cards.

**Deputy E.J. Noel:**

Yes, we are in a process of issuing a mobile phone app, to allow Islanders and visitors to pay for parking, not only in our multi-storey car parks, but also on the street. That is due to come in towards the end of the year. It has been slightly delayed, because of the interface between some of our antiquated back office I.T. (information technology) facilities to allow for the payments to go smoothly from the user's phone directly to the coffers of the Minister for Treasury and Resources.

**4.13 Deputy M. Tadier:**

Has the Minister given any consideration to ban diesel in the Island?

**Deputy E.J. Noel:**

I do not really think that is a sensible question in terms of banning diesel in the Island. You would end up banning things like heating fuel for people's homes, the vast majority of domestic vehicles, the whole of our bus fleet and so on and so on.

**4.13.1 Deputy M. Tadier:**

So maybe the Minister can put it into context of his particular administration, then? Has the Minister given any consideration as to how we might reduce, or indeed cease, phase out, diesel vehicles in the Island, certainly when it comes to domestic users?

**Deputy E.J. Noel:**

I think that, maybe, Deputy Tadier has been listening in to conversations that I am having with the Minister for the Environment because, jointly, we are looking at making proposals to the Minister for Treasury and Resources about vehicle emissions duty and whether, or not, we can encourage

more Islanders to use electric vehicles and where they cannot use electric vehicles to use petrol vehicles, as opposed to diesel.

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

I wonder whether the Minister could update the Assembly on progress of the Office Strategy.

**Deputy E.J. Noel:**

The Office Strategy is effectively completed in terms of that we have an outline proposal for a central office building in La Motte Street, combining the current site for Social Security, together with the former La Motte Street School. We are working with colleagues in Treasury to find out what are potential funding streams that could be used for that central office hub.

**The Deputy Bailiff:**

That brings the time available for this Minister to an end. An urgent oral question has been permitted under Standing Orders. The question is to be asked by Deputy Tadier of the Chairman of the Privileges and Procedures Committee. Members should have a copy of the question in writing on their desks.

**5. Urgent Oral Question**

**5.1 Deputy M. Tadier of the Chairman, Privileges and Procedures Committee regarding action to be taken following the Independent Jersey Care Inquiry in relation to Deputy A.D. Lewis of St. Helier:**

Further to the finding of the Independent Jersey Care Inquiry (R.59/2017) that Deputy A.D. Lewis of St. Helier “lied to both the States and to us” (paragraph 10.42), what action will the Privileges and Procedures Committee be taking, if any, in relation to this matter and, if no action is proposed, why not?

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

I can advise the Deputy that the matter will be dealt with in accordance with the appropriate Standing Orders in relation to elected Members’ code of conduct. I have asked for this to be placed on the P.P.C. agenda for our next scheduled meeting, next week.

**5.1.1 Deputy M. Tadier:**

Was it not the case that a member of the public, last year, did raise this very issue with P.P.C.? They said that they had concerns that Deputy Lewis had lied to the States Assembly and asked P.P.C. to look at it back then. If that is the case - and will the Chairman confirm that - what was the answer that the Privileges and Procedures Committee gave to that individual?

**The Connétable of St. Clement:**

An individual did raise a matter suggesting that Deputy Lewis had been untruthful in the States. But, of course, under Standing Orders we could not deal with that, as a complaint made against a Member under the code of conduct for comments made in the States has to be made by a States Member.

**The Deputy Bailiff:**

I can afford you a final supplementary, Deputy, unless there are other persons wishing to ask questions.

**Deputy M. Tadier:**

Just the one?

**The Deputy Bailiff:**

Well, yes, a final supplementary. That is the way we proceeded if this question had been brought within question time.

**5.1.2 Deputy M. Tadier:**

That is fine. Can the Chairman confirm whether he has taken any soundings, either back when the original complaint was made, or recently, as to whether, or not, the finding by the Independent Jersey Care Inquiry may also involve perjury and a criminal offence insofar as ...

**The Deputy Bailiff:**

Deputy, those matters do not lie within the realm of responsibility of the Chairman of P.P.C. Those would be matters of a criminal nature.

**Deputy M. Tadier:**

It may be germane, insofar as if the Chairman has not considered ... he may need to consider whether it is a criminal matter in order whether P.P.C. can deal with it because ...

**The Deputy Bailiff:**

Well I think as you have made that observation, I do not think you can take the matter any further. It is clearly not within the area of responsibility to talk about matters that may, or may not, occur outside the Assembly.

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**6. The Chief Minister made a statement regarding the report of the Independent Jersey Care Inquiry**

**The Deputy Bailiff:**

Very well, the Chief Minister has given notice that he is to make a statement in connection with the Independent Jersey Care Inquiry and that is next on the Order Paper. Has the statement been circulated to all Members?

[12:15]

Well, if Members have now received the written version of the statement, Chief Minister.

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

Yesterday, the Independent Jersey Care Inquiry published its findings, following a 3-year investigation, during which it heard from hundreds of people. The report from this inquiry, which has given a voice to those who have suffered abuse, reveals the true extent to which Jersey institutions have failed our children and their families. The inquiry is a powerful reminder of the devastating consequences of child abuse. These revelations sadden and shock us all. Like many of you, I feel deep sorrow on behalf of those who were abused. They have been through so much. We, as Members of this Assembly, must face the truth. We must ensure that this never, ever, happens again. While the inquiry report is painful to read, we must do so. It allows us to better understand the pain and hurt experienced by children. It sets out what we must do to provide the greatest level of safety and protection for our children, in the future, in order that they flourish. I believe that we should look to implement all the inquiry's 8 core recommendations, but these are decisions we will need to take together. Before I go into more detail about some of these recommendations, I would like to reflect on the events that have led up to this moment. In

December 2010, the Island's then Chief Minister made a formal apology to all those who suffered abuse in Jersey's residential care system. It followed an investigation, by the States of Jersey Police, known as Operation Rectangle. Between September 2007 and December 2010, 533 alleged offences were reported to Operation Rectangle. Of these, 350 were reported to have been committed at Haut de la Garenne Children's Home. Eight people were prosecuted for 145 offences and 7 convictions were secured. The police investigation identified 192 victims. In March 2011, this Assembly formally requested that a committee was established to investigate issues surrounding historical child abuse. As a result, an independent inquiry was set up to find out what went wrong in the Island's care system from the Second World War up to the present day. The Independent Jersey Care Inquiry and its Terms of Reference were established under Standing Order 146 in March 2013. In December 2013, members appointed to the inquiry panel, led by Frances Oldham Q.C. (Queen's Counsel) as Chair, took their oaths of office. The inquiry began hearing evidence in April 2014 and by June 2016 had heard from hundreds of people. The inquiry acted with full independence. It worked to establish the truth about what happened in our institutions, how abuse of children remained hidden for so long and what happened when concerns were raised. Importantly, the inquiry considered what we need to do, in order to improve the current system of residential and foster care services in Jersey. Alongside the work of the inquiry, the States of Jersey Police have been conducting Operation Whistle, which was set up in June 2015 to address historical child abuse allegations. Operation Whistle formally closed at the end of 2016, by which time 96 allegations had been received. Of the 48 suspects, 22 have been arrested, or interviewed by police; 7 charged and 4 convicted. Two suspects are currently pending trial and there are 13 live investigations ongoing. The States of Jersey Police will continue to investigate all allegations of abuse, whether historical, or current, thoroughly and sensitively. Since yesterday's publication, 2 other people have come forward, to report the abuse they suffered. There is full commitment to bringing offenders to justice and to holding to account individuals and institutions for past failings. We, as an Assembly, must also hold ourselves to account for putting in place the measures needed to protect children in future. Subject to this Assembly agreeing the necessary legislation, we will appoint a new Independent Children's Commissioner to champion the rights of all children and young people. We will accelerate the modernisation of our children's legislation and deliver a Children's Plan, as recommended by the inquiry. We can do so as a result of decisions already taken by the Assembly to invest money into initiatives that support vulnerable children. In addition, I met yesterday with representatives of some of the care leavers. They have kindly agreed to work with us, to consider how best to deliver the recommendations that relate to a permanent memorial and the potential demolition of Haut de la Garenne. It will take some time to fully analyse the details that underpin the inquiry's core recommendations. As an Assembly, as I have already said, we will start this process on Thursday and I plan to bring a detailed response forward in October this year. Alongside consideration and delivery of the inquiry's recommendations, we must also continue to deliver improvements already underway. In recent years, since the inquiry commenced, we have invested in services and systems that help keep children safe. We have made additional resources available, embarked on a major programme of service improvement and greatly enhanced our ability to work together across different services. We will, however, need to continue to put new resources into protecting the most vulnerable in our society, but if children are safer, as a result, the cost of this inquiry, and the costs associated with implementing its recommendations, will be worth every penny. I know that yesterday and days to come will be difficult for all those who suffered abuse. To those who came forward to have their voice heard, I would like to say: thank you. We apologise to you for the shocking failure of care you experienced as children. At a time when you should have been cared for and protected, you were subject to abuse and hurt. Your stories will not be forgotten; children will be safer as a result of your testimony. I would also like to thank all those who worked to produce this report, in particular the inquiry's Chair, Frances Oldham Q.C. and panellists Sandy Cameron and Alyson Leslie. The

report's recommendations are wide-ranging and will require a full commitment of everyone involved, if they are to be implemented speedily. We will need to be persistent and tenacious. We must invest and we must be prepared to challenge ourselves, in order to create a new culture; one that is truly open and transparent and which engenders trust. It must be our shared goal to deliver lasting change. I would like to assure the people of Jersey that we will work together to ensure the future safety of all our children. We need to do better and we will. This inquiry will help us to do so.

**The Deputy Bailiff:**

There now follows a period of questions that Members can ask of the Chief Minister for 15 minutes.

**6.1.1 Deputy M. Tadier:**

First of all, can I congratulate the Chief Minister on the speech and the continued work that he has already shown [**Approbation**] for the inquiry? It is not an easy question, but it is one I will ask anyway. Will the Chief Minister be making any changes to his personnel in the Council of Ministers, given the fact that some Ministers could be said to have a questionable record when it comes to child protection matters and certainly did not support the establishment of the inquiry, in the first place, but did all they could to impede its establishment?

**Senator I.J. Gorst:**

I, since being elected to this position in 2011, have sought to support this inquiry for all the reasons that I have been saying over the last 24 hours. Others have taken a different view and we have had robust conversations around the Council of Ministers' table about whether such a far-reaching public inquiry, delivered in the way that it has been delivered, was the right approach, or whether we should have followed a more "truth and reconciliation" approach. My view has been that the approach we have taken was right and is right. It may be that, in future, there is time for a truth and reconciliation process for us as a community. I stand by, wholeheartedly, the support that I have given for this inquiry and the cost that it has been. It is for others to give an account to this Assembly and to the public why they took a different view. If the Deputy has questions of others, he should rightly ask them.

**6.1.2 Deputy G.P. Southern:**

Will the Chief Minister, having committed himself to the 8 recommendations, select one to publicly commit himself to deliver now, which is to deliver the recommendations, made in the Clothier and Carswell Reports, on the separation of powers between the judiciary and political, which comes with the quote focused on by the committee: "This brings with it the lack of trust, the fear factor that many have spoken about and contributes greatly to the 'Jersey Way'"? The "Jersey Way", in that case, is not used positively.

[12:30]

**Senator I.J. Gorst:**

I have just committed myself to one of the recommendations and I will, during the in-Committee debate, provide more detailed information to the Assembly about the proposal to deliver in statute an independent Children's Commissioner and that has my absolute support. I am on record of supporting the separation of powers, probably the only executive report which supports such a separation; it is produced in my name. I stand by that position. I have to be tempted this morning not to get into too much detail about how those recommendations might be delivered, but when it comes to the separation of powers, my initial thoughts are that it would, potentially, be the right approach to set up in very short order - although I understand there may be a proposition coming - a

group of 2 or 3 Back Benchers, to work together to deliver that separation. Because the problem we have always had - I support it - but it has not had support in this Assembly. I hope that this report will show Members why it is so important, but there still needs to be work with those Members who, perhaps, remain to be convinced of its need. That work needs to be undertaken very, very quickly and in very short order to deliver that change alone.

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

A supplementary, if I may, just quickly? The Members of this Chamber are fully aware of your support, will you commit to deliver separation of powers?

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

I will commit to delivering on the recommendations. It is this Assembly that will have to vote *pour* or *contre* to whether that separation takes place. I will be voting for that separation to take place, as I believe the questioner will. But let us, when we agree, not argue across the floor of the Assembly about whose commitment is strongest. Let us come together and do something, absolutely, not just talk. Let us do something that convinces the Members of this Assembly that that separation is the right approach and, therefore, this Assembly votes for it.

### **6.1.4 Deputy J.M. Maçon:**

I would also like to align myself with the comments that the Chief Minister made in thanking those that have come forward. Certainly, I think all of our thoughts are with the victims throughout this process and also those children, who are in our care at the moment. The report states that there was no political interest in defining and promoting standards of care and performance in residential care and no will to invest the resources required in child care services. A consistent theme throughout the report is a lack of funding to vulnerable children to enact all the recommendations. Shuffling current budgets alone will not meet the costs and tax increases will, therefore, be inevitable. What work will the Council of Ministers do, in order to prepare our community for the resources required, so that the recommendations are implemented speedily and we will be seeing them in the upcoming budget?

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

This is one of the difficulties that we face: that some Members may go off and say: “The only way we can deliver on these recommendations is changing our tax structure because that gets the political yah-boo going again.” It is not right. We have to commit ourselves to delivering the resources to deliver the recommendations. We know that the Minister for Treasury and Resources will not like us opening his purse and prising out the money that is required, but I am committed to doing it and I think that Members of this Assembly are committed to doing it. £24 million extra income than what was forecast in 2016 due to economic growth; £30 million underspend in 2016 from what we expected. It is currently sitting in various, we use the word “reserves”; it can be used. We can make a convincing case for it to be used to deliver these recommendations. We cannot wait until we have had a political debate and argument about our existing tax structure. We have got to get on and use the resources that we have got to deliver these recommendations.

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

I know the Chief Minister sometimes thinks that I am always criticising him; I am going to say I am very pleased with the statement he has made and his commitment to do what is right [**Approbation**] and I will give him my full backing in everything, to make sure the recommendations are brought into force. However, there is a question here, which I would like him to explain about: “There is full commitment to bringing offenders to justice and to holding to account individuals and institutions of past failings.” There were at least 2 people, who were named by many victims, who have not been brought to justice to date. I hope the Chief Minister

will encourage the police to keep on investigating those cases and make sure that, if they have got sufficient evidence, they will be brought to book. Can he explain what he means by that statement in terms of “individuals and institutions”?

**Senator I.J. Gorst:**

The Deputy will see, and I really do not want to tread on operational issues, that there are 13 cases continuing to be investigated; overnight, 2 other individuals have come forward. The report, from my early reading of the report, says that the police have handled those individuals, who have come forward to give evidence and talk about what has happened to them. They have handled them well and they have handled them sensitively. A particular police officer, who deals with these areas has had extra resource put into her area to deal with these issues. I think it is praise for the way that she has handled these cases and I have confidence that she will continue to handle them in the same way [**Approbation**]. Also, I, personally, have not yet read all the 800 pages, but from the Executive Summary I see that the independent Q.C., that the inquiry brought to look at those prosecution files, said that they were reasonable decisions. The decisions that had been made about prosecution were reasonable. As I say, I have not looked at all the details, so I do not want to overstate it, but my reading is that they were reasonable as well and can give us confidence - perhaps where some Members have not had confidence - in those bits of the process.

**6.1.6 The Connétable of St. Lawrence:**

As we all know, this is a disturbing report and it is concerning to us all to learn that children may, even now, be at risk. Will the Chief Minister confirm whether any of those States of Jersey employees, who were criticised in the report, are still in post and, if so, what action is to be taken?

**Senator I.J. Gorst:**

There are a small number of employees, who are mentioned in the report. Those who might be considered to be in frontline service have, this morning, been removed from that frontline service and disciplinary processes are being started.

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

The report did find that children are still at risk in Jersey, or may be still at risk in Jersey; what advice does the Chief Minister have for parents, carers and those working with children in the Island as to how they can prevent, or stop, the abuse that may be happening today?

**Senator I.J. Gorst:**

The report did, indeed, say children may still be at risk. As I said earlier, I think - I may be wrong - but I think that the panel reached that conclusion, based on the evidence of an individual that the former Minister for Health and Social Services brought in on a temporary basis to undertake independent audits of the Children’s Service in 2015. But, as I also said, many millions of pounds have been spent since then and future millions of pounds have been allocated. I remember that individual coming to a Council of Ministers’ meeting and getting agreement for that future money, which we are now spending on reorganising and redesigning the service, putting in place processes that individuals, who have got concerns about abuse, or children at risk, could use to ensure that early intervention took place. As part of that, only a few weeks ago, we announced family support workers. That is part of the early-intervention process where people, who have concerns about families, or they are known to the system, workers will go in and help them with what some of us may consider more mundane tasks, but are fundamental in early intervention and making sure that those issues do not grow out of proportion and spoil people’s lives.

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

But what specific action should people take ...

**The Deputy Bailiff:**

Excuse me, Deputy. That brings the period of 15 minutes to an end. It is open to any Member to propose that that period is extended by a further 15 minutes.

**Deputy J.A. Martin:**

I would like to make that proposal.

**The Deputy Bailiff:**

Is that the general agreement of the Assembly? Very well, you can ask your supplementary.

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

So what specific action should people take, if they are concerned that abuse is happening?

**Senator I.J. Gorst:**

They should get in contact with M.A.S.H (Multi-Agency Disciplinary Hub) and that is the multi-agency body, a safeguarding body, that will deal with their concerns. They will deal with them sensitively and they will ensure that the necessary intervention takes place.

**6.1.9 Senator L.J. Farnham:**

Yesterday has been described by some as a momentous day for child protection, not only here in Jersey, but in the rest of the U.K. During the process that lies ahead, in implementing the recommendations, we will, I am sure, also look at and learn from other jurisdictions, who are ahead of us on this and whose guidance we will need. Will the Chief Minister also confirm that we will offer the findings of our inquiry both generously and freely to those other jurisdictions that face similar problems and challenges in the future?

**Senator I.J. Gorst:**

This inquiry report shows very clearly and puts beyond doubt the challenges that we, in this community, face. We should focus on meeting those challenges, on delivering those recommendations for the safety of children in our Island, but the Senator is right; sadly, abuse is happening across the globe and other communities are facing similar challenges to the one that we face today. The U.K. inquiry has already asked for a copy of our inquiry's findings, recommendations and the full report. We have to commit ourselves to learning from best practice, not only in the U.K., but from around the globe and bringing in, where necessary, expertise. It is my hope that others, also, in the fullness of time, will learn from our inquiry and from the stories of those who suffered abuse in our community.

**6.1.10 Deputy R. Labey:**

Following on from the question of the Constable of St. Lawrence - I have no individuals in mind, I was out of the loop when I was away from the Island for 25 years, but I have heard disquiet in significant quarters on this issue - is there a possibility that people, formerly in post in Children's Services, who have been moved elsewhere in the Civil Service, also need to be held to account for past failings?

**Senator I.J. Gorst:**

They do, and action will be taken in that regard as well.

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

The report highlights a political approach that, in the past, too often failed to ask questions and failed to recognise the importance of learning from evidence from outside, the world beyond Jersey.

[12:45]

While we have much to be proud of in Jersey, to the extent that this does describe what many people describe as “the Jersey way”, does the Chief Minister commit to delivering an Executive in the rest of his term that consigns this pejorative comment about a political approach in not questioning also to the history books?

**Senator I.J. Gorst:**

I do not like the term “the Jersey way”, because it is largely used in a negative fashion. The Bailiff has made a number of comments about how he views the Jersey way. My view is this: the report indicates what it considers to be the Jersey way. I am concerned about doing things the correct way and for the benefit of children in our community. That is what we should be focusing on. The Senator is often criticised for asking questions and holding people to account. I make no comment about that, but we, in this Assembly, as corporate parents, we are the parents of the children currently in care. They are called “looked-after children”. Who is supposed to be looking after them? We are. We are supposed to be looking after them, and I ask and I challenge myself: am I looking after those children today? Do I know exactly the conditions in which they are living? Can I read recommendation 100 and whatever number it is and say: “Yes, those children are being loved today”? Is someone eager to get home and go into their room and give them a goodnight kiss, like I want to do with my own girls? That is how we should be looking to care for the children in our community, not thinking about processes and worrying about money, but with love.

**[Approbation]**

**6.1.12 Deputy S.Y. Mézec:**

The report talks about many examples of bad decisions being made, where people did the easy thing, rather than the right thing. It also speaks about instances, in the past, where there has been a lack of political leadership and it speaks about how part of the perceived Jersey way has been about not tackling vested interests. In the Chief Minister’s pursuit of his aim now, which is to see the recommendations implemented, it is likely that he will come across people, who will be obstacles to that aim. I know that he wants to take people with him in as much of this as possible, but does he accept that there may well be occasions where people present themselves to be such obstacles that he will not have the option of working with them, but rather, he may have to ask people to support his efforts to see these recommendations implemented, or resign, and if it comes to that, will he be willing to do so?

**Senator I.J. Gorst:**

I will. I have had to make some really tough decisions over these last months. They have been difficult for me personally, but trying to do the right thing is really important. I will be focusing, yes, on children, on delivering the recommendations, but I will need 25 votes and I ask Members this morning, are they going to count themselves among those 25? I hope they are.

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

My question really touches on something that I think follows on from Deputy Mézec. Obviously, it is very difficult to find the right words to speak about this report and its conclusions, but some of the things that it has highlighted are not new. I think we must look at the way that some of the recommendations here - for example, the Children’s Commissioner - kind of come up time and time again in the past and yet we have got to a stage where we still have not had it. Is the Chief Minister firstly going to perhaps assign someone to - I do not know how to really put this - be the person who keeps their eye on these goals right now? I know the Chief Minister is going to be bringing them forward, but we have seen in the past how the force to move forward can be lost simply because there are so many things to be considering at once. Somebody must be the

champion of this report. I think the Minister could answer that. Will he acknowledge that, as a consequence of this report - a completely, at this moment in time, insignificant, perhaps, consequence, but vital nonetheless to consider - we need to examine how our current system of government has not been able to grasp this nettle before and how we have let the Children's Commissioner slip, through reports from Scrutiny in 2008, through the Williamson recommendations? We need to address these failings in our system alongside implementing these recommendations.

**Senator I.J. Gorst:**

The report talks very clearly about culture, it talks about listening to children. We, in this Assembly, over past weeks, have spoken about the failures of the machinery of government and the Constable, I know, is committed to delivering on changes in that regard. I was reminded, this morning, by a fellow Constable about the Scrutiny report and recommendation to look at a Children's Commissioner. Somebody is already designated, in my department, to deliver a Children's Commissioner and, as I said, I will be speaking more about that on Thursday, with other projects as well. A fortnight ago I was making difficult speeches as well, and during that sitting I undertook to work more with Back Benchers. I am pleased to say that last week I was able to meet with Back Benchers on at least 3 occasions on various important political issues. I think that, in delivering those 25 votes, there will need to be a Back Bench Committee, holding Ministers to account - not a formalised Scrutiny Committee that is going to work like that - but that can work quickly with Ministers to deliver on these recommendations and that, again, will help improve the inclusivity and the deliverability of this Assembly.

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

I would like to thank the Chief Minister for the hard work with regards to this report and thank all those that contributed. I would like to ask the Chief Minister: there is a theme again with regards to culture here and I would like to understand, from the Chief Minister, because he is not the only one responsible here, how we, as a whole Assembly, can work together, not just based on votes, not just based on committees, but how do we entrench a new culture going forward to have that openness, have that transparency and make sure it filters through everyone in the departments?

**Senator I.J. Gorst:**

Some thought that this report would be the end. For me, it is the start of the beginning and it is the start of the beginning, because it opens up, to public scrutiny, the way that our institutions have let children down. It will allow the public to hold us to account. The failings are clear; the stories of suffering are clear; the 8 recommendations are clear. We, in October, will have a clear understanding of the costs and the people involved and it is that, I think, and the publication of the report yesterday that starts, with other work that departments have been doing, to deliver a new culture. It will not be easy. We live side by side, we have personalities. Some people are our friends and we always want to think the best of them; others we always think the worst of. We have got to move away from that and deliver proper accountability, so that people do not suffer abuse in the way that they have in the past ever again.

**The Deputy Bailiff:**

The Deputy of Grouville. There is approximately one minute left.

**6.1.15 The Deputy of Grouville:**

So to touch on a similar theme - I think I am hearing in this Assembly - is we now have what went wrong and what we need to do to improve the current system, but what I really want to get at is why: why was it allowed to happen, why was it allowed to continue to happen decade after decade? I think that is what we have got to grapple with here, why and how was it allowed to happen? So,

whether it is further discussion on Thursday and Friday, or whether it is going to form part of the Chief Minister's October listing of what is going to happen, this to me is the nub of the issue, why was it allowed to happen?

**The Deputy Bailiff:**

I am sorry, Deputy, you have run out of time to ask your question - whatever that was to be - and the time has expired for the second period of 15 minutes. Accordingly, that brings the maximum time for questions that can be allocated to this issue, this statement, to an end and I am to ask the Members whether they move the adjournment.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy Bailiff:**

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

[12:57]

**LUNCHEON ADJOURNMENT**

[14:16]

**PERSONAL STATEMENT**

**7. Senator P.M. Bailhache made a statement regarding the Independent Jersey Care Inquiry**

**The Deputy Bailiff:**

I do not think we are quorate, if I could ask Members who are waiting outside to enter the Assembly. Before we move on with Public Business, I have given leave pursuant to Standing Orders to Sir Philip Bailhache to make a personal statement in the Assembly. That has not yet been reduced to typed form, so it will be handed around to Members by the end of the sitting, but Sir Philip will make his statement now.

**7.1 Senator P.M. Bailhache:**

In the report of the Independent Jersey Care Inquiry, I have been criticised for a sentence in my Liberation Day speech on 9th May 2008, where I stated: "all child abuse, wherever it happens, is scandalous, but it is the unjustified and remorseless denigration of Jersey and her people that is the real scandal". The context of the speech was important and will be remembered by all who were in the Island in early 2008, but it was never my intention to compare the evil of child abuse with the scandalous misreporting of the Operation Rectangle investigation. I accept that looking at the words in cold print in retrospect, the juxtaposition was unfortunate. I think, however, that very few people listening to that speech as a whole in Liberation Square would have imagined that I was asserting that child abuse was less important than the Island's reputation. I certainly did not intend to give that impression. I have spent most of my professional life trying to do justice and bringing criminals, including child abusers, to book for their crimes. Anyone who knows me would know that I regard the abuse of children as one of the gravest of crimes. It is not a matter for comparison with the reputation of the Island. I accept the panel's criticism that those words were ill-chosen and I am sorry if they caused distress to anyone who heard them.

**PUBLIC BUSINESS**

**8. Draft Official Publications (Amendment No. 2) (Jersey) Law 201- (P.32/2017)**

**The Deputy Bailiff:**

We now move on to a matter of Public Business and the first matter of Public Business is the Draft Official Publications (Amendment No. 2) (Jersey) Law 201- (P.32/2017), lodged by the Chid Minister, and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Official Publications (Amendment No. 2) (Jersey) Law 201-, a law to amend further the Official Publications (Jersey) Law 1960. The States, subject to the sanction of her most Excellent Majesty in Council, have adopted the following law.

**Senator A.K.F. Green, M.B.E.:**

Deputy Wickenden is going to take this.

**The Deputy Bailiff:**

You are the rapporteur for this proposition? Very well. Yes, Deputy.

**8.1 Deputy S.M. Wickenden (rapporteur):**

This law amendment will enable the *Jersey Gazette* to be published online, rather than as it is currently by the Official Publications (Jersey) Law 1960, which necessitates it being published in one English language newspaper circulating in Jersey, with this being prescribed by order as the *J.E.P. (Jersey Evening Post)*. The aim of this amendment is to ensure that the arrangements for publishing official notices are cost effective and efficient as a way of informing the Islanders. While the amendment removes the legal requirement to publish the *Gazette* in a newspaper, Parishes and Government departments are still able to advertise in printed and online publications as they see fit. They could also use other ways of informing Islanders, such as posting notices in the Central Library, Parish Halls and Government buildings. This amendment is therefore about removing the obligation to publish the *Gazette* in one newspaper, creating an online *Gazette* instead and the choice as to what ways may be used to promote the news. I think that is enough to say about that, so I propose the ...

**The Deputy Bailiff:**

So you propose the principles?

**Deputy S.M. Wickenden:**

Yes, Sir.

**The Deputy Bailiff:**

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

**8.1.1 Senator S.C. Ferguson:**

Now, some of you may have read my article in last night's *J.E.P.* and some of you may not. For those you have not, I was going to circulate a copy of my article and then I thought: "No, they can jolly well go out and buy their own copy or scrounge one from somebody else or even look online." But the whole point is that as Patrick Henry said: "The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them." It is a duty of a Government to communicate with its citizens, particularly if it wants to portray itself as a modern, transparent Government. I am protesting at the high-handed way Government has decided not to communicate with those of its citizenry who do not have access to computers, either through inclination or through lack of budget. I would like to know how much consultation there was. Was it suggested that there might be a degree of compromise on cost and was a full cost benefit analysis done? It is not just the cost of the *Gazette* in the *J.E.P.*, but the cost of the alternative and additional methods of communicating with the public. In the report to the proposition, it talks of

banners and posters. Well, anyone who has stood for election knows how much those cost and the States supplying terminals in Parish Halls, so where are the costings? We need a cost benefit analysis before you start deciding to change everything. There is no evidence even that the Government has even attempted to bargain with *J.E.P.* to get a reduction. In my article, I mentioned the economic justification for using a commercial publication to keep the citizenry informed and that is the important principle that we must keep in mind. The whole point is that removing the *Gazette* from the *J.E.P.* discriminates against a whole section of the population who are not online. Many of them are the older generation. If the Parishes are not compelled to advertise in the *J.E.P.*, will they advertise Assemblies and Parish matters anywhere but in the Parish Halls and on the church noticeboards? The Law Officers' Department states that no human rights issues are relevant in this case. Well, are they sure? Discrimination on this scale must be a human rights issue. I ask them to think about that. Suppose I do not have a computer and I want to find out what is happening in the far-flung corners of St. Martin and I do not drive. It is a day's safari by bus from St. Brelade and unless I can phone my uncle, Hedley Ecobichon, who happens to live in St. Martin. As I have said, citizens have a right to know and Government has a duty to inform. Furthermore, the right to know is implicit in the right of free speech and expression. Secrecy can be justified only where the strictest requirement of public interest so demands. Ever since the days of the American Revolution, it has been recognised that a well-informed and educated citizenry is one of the best bastions against dictatorship. The *J.E.P.* may not be a publication to everybody's taste, but it does serve the same valuable purpose as a central communications hub. As a central hub, it is accessible and its location known to all. It is an easily available document electronically or in hard copy and it provides a vital service for the Government by ensuring that all the citizenry are kept informed. I urge Members to reject this ill-thought out proposition and to come back to the States with the evidence for the costings and a better plan rather than this rather rule of thumb effort that we have got in front of us.

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

I would echo everything that Senator Ferguson has just said and would reiterate that we have a duty to inform the people of Jersey exactly what is happening. It is not as if we are turning people away from Parish Halls and Parish meetings at the moment, but this is something that, as has been said, has not been well thought out. We have a duty to inform people exactly what is going on and I would reiterate the fact that this works both ways. We need to inform the people of Jersey what is happening; likewise, people purchase the *J.E.P.* because they want to know the news of the Island and what is happening in the Island, so it is in both our interests to come to possibly a new agreement that is equitable to both parties. Even if it was run as an editorial in the *J.E.P.*, people want to know what is happening in the Island. As has been said, a lot of people do not have computers, do not have access to the internet, so sadly I will be voting against this proposition.

### **8.1.3 Deputy K.L. Moore of St. Peter:**

I would just like to raise 3 points that were raised by Senator Ferguson previously. She raised the matters of concealment, discrimination and cost. I would suggest that to choose one sole publication to disseminate information about the States of Jersey would in fact be a greater concealment and discrimination to the people we are trying to reach. It is much fairer to our society if we use the variety of methods we have at our fingertips nowadays to communicate; also that thus becomes a matter of cost. This evening the good parishioners of St. Peter will be asked to agree the Constable's accounts for the forthcoming year, and if I remember correctly, £8,000 of those accounts are dedicated to advertising the Parish's notices for the forthcoming year. On a rough estimation, that cost could be greatly reduced by employing on a part-time basis, for example, 2 mornings a week, somebody who could solely use social media, which is free for those who access it, and the Parish website, which already exists, to upload the information that the Parish wants to

tell parishioners about. Also that person could quite easily put together a database of those parishioners who wish to receive their information and notices in the post and they could print out some letters to those people, because I do not imagine that they would number more than 100 or 150 in a Parish the size of St. Peter perhaps, and they could issue those notices through traditional methods if people so required. Thus we would be informing the public as they wish to be informed and reducing costs.

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

Can I begin this by congratulating Help the Aged, who have a fantastic website, a brilliant website, a website that I believe might have been helped and rebranded by lottery money, a website which offers beginner and intermediate computer training, a website that offers training for beginners and intermediates on iPads, on Word, on emails, on Windows and calls upon all of its silver surfers to enjoy the joys of online?

[14:30]

I am sure that that can be of great help for them when they are looking up their *Gazette* in the future. Can I also point to the fact that there was a resounding no from this Assembly from the amount of people that had not read Senator Ferguson's note that was in the *J.E.P.*? It may be some indication that maybe not so many are reading it and perhaps were it online, they might be able to read it, and of course they can read the *J.E.P.* online, which is what they actively promote more than anything else these days, because they know where their readership is going. Can I also point out that Deputy Kevin Lewis is absolutely right that Parish Halls are not brimming with people following a *Gazette* note? There is a reason for that, because perhaps they just do not know about it and perhaps they might know about it if it was also online. I think this is an entirely sensible proposition and it is one that I for one will be supporting.

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

Can I make a correction, Sir? I do not know which website the good Deputy has been looking at, but the one I am concerned with is Age Concern.

#### **Deputy M.J. Norton:**

May I just clarify that position, if I may, Sir? [ageconcern.je](http://ageconcern.je) is the website, I understand, and that is for Age Concern Jersey, so I do not think there can be any confusion of what they have on their website. I can happily pass those details on to the chairman of Age Concern.

#### **8.1.5 Deputy J.M. Maçon:**

Yes, just briefly, and again I thank the *J.E.P.* for providing perhaps the other side of the story, although I am less grateful for the picture they decided to choose to use. Never mind. Yes, it is just 2 points that I want to pick up, which I did point out. This change does not prevent the *J.E.P.* from printing any notices within its publication if it so deems the readership wants that information. All it does do is remove the cost from the taxpayer burden and the ratepayer burden. That is what it does. Not only that, but an advantage of this, if the Plain English Campaign were to get hold of some of the notices that we have in the *Gazette*, I think perhaps a change to perhaps a more liberal approach to how these things are reported could be a benefit, because sometimes the language used in the *Gazette* is not always the most accessible to everyone. Finally, something else which I want to support is because we need to change and we also need to embrace the digital way forward, the digital culture that we need to take root within our society. While this is not a seismic change, it is just one way in which this Assembly can show that we want to move in that way, that it is something which we support and want to move and therefore I am entirely supportive of this proposition.

### 8.1.6 Senator P.F.C. Ozouf:

This Assembly often speaks and has debates about targeting universal benefits or targeted benefits and I have risen on a number of occasions to advance the case of targeted benefits as opposed to scattergun. In the 18th and 19th century, gazettes were the way that people got information, both in this jurisdiction and elsewhere. The printed newspaper was how people were informed and that is where they got their information. Nowadays we have a whole proliferation of different types of media and it is the reality that newspapers around the world are falling in terms of distribution. I do not know what the actual distribution of the *J.E.P.* is now. I know that there are claims of reaching 50,000 readers a day, but if you look at the official numbers, I think the circulation of the *J.E.P.* - and I will be obviously admonished by the *J.E.P.* ... oh, they can see us now, so perhaps they are not up in the gallery - is in the region of 13,000 copies. The time has come for us to reflect the changing society. This draft law and the preamble to this law does not prohibit the States of Jersey, or the parochial authorities or other authorities that will be affected like the J.F.S.C. (Jersey Financial Services Commission) and other statutory bodies from placing information in the *J.E.P.* and paying for it. Of course, as the previous speaker said, it does not also stop the *J.E.P.*, who is supposed to be, they say on their front page, at the heart of Island life. If they really think that information is important and that is going to improve the circulation of their newspapers, then they will print this information for nothing. I was on the Planning Committee when the *J.E.P.* moved from the situation of printing planning applications for free to one of charging them. I regretted that additional cost to the public. It does not really matter anymore because you can have a look at them on the very good website that the States has. I do understand Senator Ferguson's concerns about those people in our society who do not have internet use or smartphones, although I have to say that the statistics, when I last looked at them, indicate that we are massively in advance of other jurisdictions in terms of ... I do not dare use the words "silver surfer" because I am getting a bit that way myself, but you know what I mean. But the silver surfer generation is becoming much more online, and in Jersey it is absolutely fantastic that we have such an online senior citizens' generation. If there is an issue of the hard to reach groups that need to be dealt with, then they can be, and they can be through the good offices of the Parishes and in other innovative ways, as the Deputy of St. Peter has explained. Let us identify who are those perhaps 1,000 or 2,000 people maybe in Jersey who would wish to have written posted information if they need to. Let us find an appropriate way in order to make those people who do not have access to the internet have freely available information, because one thing that has not been said, my last 2 remarks are this: the *J.E.P.* is not free, it costs. I think the cover price is 65 pence ... 70 pence. I am out of touch, obviously. That is because I get it online, I pay now £14.99 monthly subscription. But nevertheless, it comes at a cost. It is not free. The *Evening Standard* is now free. The other issue is cost, so let us not be in any sense delusional about having to pay 65 pence. I think that is less than a stamp, or is it twice as much, probably 3 times as much as a local stamp, so let us have some sense of proportion. If there are issues, if there are people that need to have information printed and sent to them, then we should arrange to do it in an organised way, but not in a scattergun approach. The other issue is one of fairness and competition. It has been often said by other media organisations that this represents effectively an unfair subsidy for one media organisation versus another. That I know is a challenge, I know that there is a challenge for the *J.E.P.*, as in all media that rely on advertising, of how they fund their newsgathering, and of course the third estate and the media is vitally important. But a hidden subsidy of keeping the *J.E.P.* alive by effectively subsidising this kind of information is, I am afraid, not going to stop King Canute and the change in the media world that is upon us. We really should be thinking about how we think about getting information and accurate information into the hands of Islanders, not only just in terms of the *Gazette* but in terms of what is going on in the political life or social life, the civic life of Jersey in a different way. This is the removal of a legal, statutory, mandatory requirement of a bygone age. It is not appropriate for us to have such a compulsory requirement. Certainly it is not just an issue for

the costs of the States of Jersey, it is all the other organisations such as J.F.S.C., statutory authorities, the Parishes, *et cetera*, that bear this cost. So we are not only talking about £100,000, £250,000, we are talking about a lot more in terms of what the total issue and the total costs that are borne by other organisations. These issues have to be paid for. The *Gazette* is expensive and we should effectively find a better, cheaper and more accessible - dare I say it - free, not a 75 pence per day ability for information to be ... and I will be supporting the proposition.

#### **8.1.7 The Solicitor General:**

The Senator asked a question about the law officers' advice, so answering that question. In terms of human rights, there are obviously various rights that are protected by the human rights law, such as the right to life, right to a fair trial. The right to read the *J.E.P.* is not among the protected rights. It may be that the Senator was thinking of the Employment Law and age being a protected characteristic under the employment law and while, yes, age is a protected characteristic under the employment law, I am not sure that it arises in this context. This is not an employer/employee relationship. In any event, looking at page 6 of the proposition and the paragraph that is 4 lines down, which begins "nevertheless", which points out about the various usage statistics for internet usage in Jersey. As I understand it, what is proposed by this proposition is that there will still be use of newspapers to bring information to the attention of all sections of the population, both young and old. I am confident in the Law Officers' advice about human rights.

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

I would thank the Solicitor General, and I apologise as if it looked as if I was casting aspersions on the Law Officers.

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

I think my observation on this then, in fact, I would like to just dwell on the paragraph that Solicitor General has just pointed out, which says: "Nevertheless, while internet usage in Jersey is high, usage does vary according to age." They quote social media is used by 92 per cent of 16 to 34 year-olds - so Deputy Maçon will be delighted to know he is in the majority - whereas only by 19 per cent of people over age 65. I think that is my concern, because I fully support the whole principle that we are trying to go to digital technology and all that type of stuff, and it is all very well having these sort of glib remarks: "Oh yes, they can go out and learn how to use a computer." I am thinking the manpower returns - and I will use word - debacle from about 2 years ago, where the system that was introduced was a complete disaster area. There were massive delays, because they had not taken into account or made any allowance for people, including businesses, who did not have access to a computer. You think: "How can they do that?" Well, that is how people used to do it X decades ago and they have kept going. Those people of course will no longer be a problem in about 30 years' time because they will be dead, and obviously of course they do not matter. I do not think that works, because that is the message that people are starting to get, that if you do not have a computer, you do not matter. I will cite ... I will not say who, but I will talk about certainly an elderly ... an older member of the family, I should say, perhaps, who used to subscribe to a particular club. They have all gone online, so it is only sent by email now. They do not have email; they do not have a computer; they do not want a computer. Therefore they are no longer a member of the club and they do not subscribe, because the club is no longer able or does not have the facilities to put a stamp on an envelope and send out the stuff that they used to do 10 years ago. That is my concern about how we deal with this, because we have got the classic example of manpower returns and absolutely, as I said, 92 per cent or whatever it is of the population, brilliant, it was so far advanced compared to the U.K., as has been said. But how do we deal with those people who do not want a computer or do not have a computer or do not have the capability to learn how to use a computer in their, shall we say, last years? Because, for example,

and it is being said it is the people who are the stalwarts of the Parishes, that sort of bedrock of the community, all that sort of stuff, because generally they are retired. For example, planning applications. Now, those are published weekly and, yes, I am not going to focus on which medium they use. I regret some of the observations that have been made about this debate, because they seem to be focusing on the merits or otherwise of *J.E.P.* - some of them probably fall in the otherwise category - but that is a very convenient medium for getting it to their door, because it is delivered through the letterbox and people do not have to leave the house.

[14:45]

Are Members who are saying: “We have got to go digital” - agree with that - expecting people who do not have computers to trot up every week to check the planning applications just in case something happens to appear in their area that might concern them? You see, that is my concern, that I fully understand where we are going, but we have got to make allowance - and I have said to the Chief Minister in the past - we have got to make practical allowance for the people who do not have computers. I believe ... I do not think it is 2,000 or 3,000 - this is memory, I hasten to add - I think it is 6,000 to 7,000 at least of people that we are talking about. People say: “Oh yes, we have got to find another way” and they say: “If there are hard to reach groups.” Well, if people do not have computers, these will be in the hard to reach groups, not an if, they are there, but there does not seem to be a mechanism to have been thought about to deal with it. Hopefully Deputy Wickenden is going to leap up and say all the things that I have got wrong at some point about that, but that is my concern on this, is that it is the right way to go, but that does not mean you should stop doing what we are doing, but it is basically effectively a parallel run, it is an overlap, and you have got to have that transitional arrangement, or however you do it, but one has got to cater for, in my view, what I am going to say is mainly the older residents of the Island who do have access to computers. But that cannot be: “Oh, you can pop to the library” or: “You can pop to the Parish Hall.” It has got to be convenient. Now, I know on speaking with one other Member, we were doing a back of a fag packet calculation conversation the other day. If you sent a leaflet once a week out with all the *Gazette* notices and that sort of thing through Promail or whichever it is, that is probably going to cost us more than the costs we are incurring at the moment. That was a guess, it was a bit of a fag packet calculation. Yes, you cannot base your decisions on that, but the point is we have got to know what mechanism is going to be in place to cater for those people who will not be I.T. connected and will never be. I think on that basis, I do not know which way I will vote, but that is my main concern on this.

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles? If not, then I shall call on Deputy Wickenden to respond.

**8.1.9 Deputy S.M. Wickenden:**

Thank you to everyone that has taken part in this debate. I did read the *J.E.P.* article that Sarah Ferguson was in and I thank her for that ...

**The Deputy Bailiff:**

Senator Ferguson.

**Deputy S.M. Wickenden:**

Senator Ferguson. And I thank her and Deputy Maçon for their well-balanced views on either side of the argument. I also liked what the editor of the *J.E.P.* said and I agree with some of the things he said entirely: “Effective government, good government, demands a flow of information so that people are aware of what is being done in their names.” This is not just about the Council of Ministers engaging with Islanders in a constructive conversation about how to secure the future we

all want for Jersey. It is also about ensuring that we are well aware of planning applications, road closures, school announcements, waste services, the kind of stuff that really affects our day-to-day lives. I could not agree more and I think that is great that the editor of the *J.E.P.* feels that that is a necessity for the Islanders. We will be sending the same notices from the *Gazette* to the *J.E.P.* as we always do and there is nothing to stop, as Deputy Maçon said, the editor of the *J.E.P.*, who in his power can publish it for the betterment of the Island, because he thinks that that is very important. Was there consultation? It was before this came in my area, but there were conversations with the *J.E.P.* They have been aware that this was coming for over a year and a half, maybe more they were aware. In fact, they put their prices up for us 6 months ago because they said we were getting a discount that we no longer can have, so it has already got more expensive for us. We are not turning people away at the Parish meeting. It is true, as Deputy Lewis of St. Saviour said, but maybe this would help bring people more into the Parishes in some way as well, which cannot be a bad thing. I thank Murray Norton for his ...

**The Deputy Bailiff:**

Deputy Norton.

**Deputy S.M. Wickenden:**

Deputy Norton. Terribly sorry, Sir.

**The Deputy Bailiff:**

Three strikes and you are out. [Laughter]

**Deputy S.M. Wickenden:**

Right. Deputy Norton, who talked about there is some great work being done by the likes of Age Concern, Digital Jersey, the library in trying to upskill the older generation that have not grown up with technology. I think it is important to say that I think the statistics are 9 out of 10 adults in Jersey have a computer. That is great and that is really quite leading in other places that you look around the world, but not everyone uses just a computer to access the internet and access information. People use phones now more than anything else or tablets or iPads. I know my grandfather does, I know many others will say that their grandfathers, rather than having a P.C. (personal computer) with a keyboard, they will have a mobile device that they can access the internet from. So it is not just the P.C.s, so we need to be aware of that. They use remote controls and that is easy and it is just as easy with modern technology on smart devices these days. This proposition though is about a law change. Currently we have a law that stipulates that we have to give money, taxpayers' money, ratepayers money, to a private organisation in law, and that is not right. There is no place in current law to have it protecting or stipulating a private company for money of taxpayers and ratepayers. If we brought in a law today that said all government departments and Parishes have to use this particular gardening service for all of their parks and gardens then we would not pass it, we just would not stipulate one company to be the sole provider of the services that the Government are asking for the betterment of the Island. Also this proposition does not stop departments or Parishes from using printed media, and it is has always been up to - and it is very important that each department and each Parish uses the right medium to get the information to the right people. That does not stop, which is why we have got savings of up to £100,000. It might not get near there because it is right that we sometimes use printed mediums for this. I would rather see for the betterment of the Island the *Jersey Evening Post* just publishing this because it is a community paper and this is good for the community, as the editor says. Planning advertisement, that is very important, I agree. Certainly being on the Planning Applications Panel I know how important that is, but you are required to put a sign up outside your house when you have planning in place, so it is not just digital, it will always be right next door to

house. With that I think hopefully I have made all the points and I really would like you to support me in this proposition and with that I ask for the *appel*.

**The Deputy Bailiff:**

The *appel* is called for. I invite Members not in the Chamber to return to their seats. I would ask the Greffier to open the voting.

<b>POUR: 39</b>		<b>CONTRE: 6</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf		Connétable of St. John		
Senator I.J. Gorst		Deputy of Grouville		
Senator P.M. Bailhache		Deputy J.A. Hilton (H)		
Senator A.K.F. Green		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Helier		Deputy K.C. Lewis (S)		
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Deputy Bailiff:**

This matter falls within the Corporate Services Scrutiny Panel, do you wish to ...

**Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):**

No, thank you, Sir.

**The Deputy Bailiff:**

How do you wish to propose the Articles in Second Reading?

**8.2 Deputy S.M. Wickenden:**

*En bloc.*

**The Deputy Bailiff:**

Are they seconded? **[Seconded]** Does any Member wish to speak on the Articles *en bloc*?

**8.2.1 Deputy K.C. Lewis:**

Just very briefly, it is on page 7. The Chief Minister I believe - correct me if I am wrong - has made his opinion very clear, he is not in favour of collective responsibility yet collective responsibility has been invoked for this proposition where all Ministers and Assistant Ministers will be voting with this. The second point I would like to make is we are all on electronic yet we all have Order Papers in paper. Not everyone can read for a great deal of time so I would ask people to vote against it.

**The Deputy Bailiff:**

Does any other Member wish to speak on the Articles? I call on the rapporteur to respond.

**8.2.2 Deputy S.M. Wickenden:**

I believe collective responsibility has to because that is part of the code and rules for the Council of Ministers. Again, it is not my choice and I cannot answer for a particular Minister in that way but, again, it has to be, it is part of the code of the Council of Ministers.

**The Deputy Bailiff:**

The *appel* is called for. I invite any Members not in the Chamber to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 38</b>		<b>CONTRE: 6</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf		Connétable of St. John		
Senator I.J. Gorst		Deputy of Grouville		
Senator P.M. Bailhache		Deputy J.A. Hilton (H)		
Senator A.K.F. Green		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Clement		Deputy K.C. Lewis (S)		
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Trinity				
Deputy M. Tadier (B)				

Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Deputy Bailiff:**

Do you propose the matter in Third Reading? Well will you please stand up and do so then?

**8.3 Deputy S.M. Wickenden:**

Yes, I do.

**The Deputy Bailiff:**

Is it seconded in Third Reading? **[Seconded]** Very well. Does any Member wish to speak in Third Reading?

**8.3.1 Deputy J.A. Hilton:**

Just very briefly I just really wanted to express my concern, particularly from the planning point of view that people need to know ... it is all very well saying notices are put up outside premises, but we are not all spending our time driving around the Island looking for notices outside premises, so I have real concern that if the Planning Department or the panel decide that: "Well, we are going to stop advertising" I for one look at plan and when it appears I am checking it to see what is happening in St. Helier. So I have real concern about that. My other concern, briefly, is the Parish of St. Helier, I have expressed my concern previously about letting parishioners know about what is going on in the Town Hall. I just think this makes the situation even worse, especially as only 19 per cent of over-65s are using social media. So I just wanted to put that on record, thank you.

**The Deputy Bailiff:**

Does any other Member wish to speak in Third Reading? I call on Deputy Wickenden to respond.

**8.3.2 Deputy S.M. Wickenden:**

I agree with the Deputy that we have to do everything in the right way. As far as notifications for planning, I believe that will be up to the Planning Department to choose what they were and I suggest that the Deputy speaks to the Minister for Planning to make sure what his intentions are. As I said, again, this proposition is not stopping anyone from using printed media; it will be up to the departments to choose how they want to interact. With that I am going to maintain the proposition and ask for the *appel*.

**The Deputy Bailiff:**

Very well, the *appel* is called for. I am sure any Members who were going to return to their seats have done so. I ask the Greffier to open the voting.

<b>POUR: 37</b>	<b>CONTRE: 6</b>	<b>ABSTAIN: 0</b>
Senator P.F. Routier	Senator S.C. Ferguson	
Senator P.F.C. Ozouf	Connétable of St. John	
Senator I.J. Gorst	Deputy of Grouville	
Senator P.M. Bailhache	Deputy J.A. Hilton (H)	
Senator A.K.F. Green	Deputy J.A.N. Le Fondré (L)	
Connétable of St. Peter	Deputy K.C. Lewis (S)	
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Trinity		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy of St. John		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy R.J. Rondel (H)		
Deputy S.Y. Mézec (H)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy S.M. Bree (C)		
Deputy M.J. Norton (B)		
Deputy T.A. McDonald (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy P.D. McLinton (S)		

**9. Draft Health Insurance (Performers List for General Medical Practitioners) (Amendment) (Jersey) Regulations 201- (P.33/2017)**

**The Deputy Bailiff:**

The next item is the Draft Health Insurance (Performers List for General Medical Practitioners) (Amendment) (Jersey) Regulations lodged by the Minister for Health and Social Services. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Health Insurance (Performers List for General Medical Practitioners) (Amendment) (Jersey) Regulations 201-. The States, in pursuance of Article 27A of the Health Insurance (Jersey) Law 1967, and following consultation by the Minister for Health and Social Services in accordance with paragraph 13 of that Article, have made the following Regulations.

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

This is a relatively minor amendment, but a very important amendment to the Health Insurance (Performers List for General Medical Practitioners) (Jersey) Regulations 2014. Before starting I would like to thank the Minister for Social Security and in particular the Minister for Social Security's officers in helping us bring this forward. This has been proposed in order to allow qualified doctors - and I stress qualified doctors - to further train as G.P.s (General Practitioner), to be able to prescribe and to be able to claim the medical benefit while attached to a local G.P. practice. They will be supervised by the doctors in the practice but overseen by the Wessex Deanery of Health Education England.

[15:00]

The Regulations currently state that any medical practitioner in general medical practice has to be on the performers list if they are to be permitted to access the Health Insurance Fund for the purposes of claiming rebates for consultations and prescription fees. At present there is no provision for qualified doctors who wish to further qualify as G.P.s, known as foundation year 2 trainees and speciality trainees, to be on that list. Therefore, there is a need to change the Regulations. Going on I would like to say a little bit more about the 2 groups of doctors referred to in this amendment. The first group, FY2s, doctors in their second year of a foundation programme that occurs after they have qualified as a doctor and places them in a series of accredited posts to give a general post-graduate medical grounding. Such posts include hospital and community placements with trainers that have met H.E.E. (Health Education England) standards. ST2s, doctors who have succeeded in their application to join a training programme to obtain a C.C.T. (Certificate of Completed Training) in general practice. The first year usually involves 2 6-month hospital posts, and year two, 6 months in a G.P. surgery, and 6 months in a hospital with a final third year based in a U.K. G.P. surgery. We are aware that we have requests from trainees to undertake G.P. placement on the Island with a view to becoming Jersey G.P.s upon completion of training. There are also a number of G.P. practices that are keen to play a role in such training activities but the inability to access the Health Insurance Fund rebate has effectively prevented this up to now. Trainees will be monitored. They will be coached both educationally and by clinical supervisors who will review their academic progress and the quality of the patient care provided. Trainees will always be under the supervision of their G.P. trainer who will either be in the room or review the clinical records or conduct discussions on learning afterwards. This initiative will help to develop Jersey's medical educational ethos and grant wider exposure to our unique healthcare system which in turn will help to attract both trainees and G.P. trainers to the Island. On that basis I maintain the principles.

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

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Very well, those in favour of supporting the principles kindly show. Those against? The principles are adopted. Does the Health and Social Security Scrutiny Panel wish to scrutinise this matter?

#### **Deputy R.J. Renouf (Chairman, Health and Social Security Scrutiny Panel):**

No Sir

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

How do you wish to take the Regulations, Minister, in the Second Reading?

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

Can I test the mood of the Assembly and take them *en bloc*?

**The Deputy Bailiff:**

Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak to the Regulations? All those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted in second reading. Do you propose the matter in Third Reading, Minister?

**Deputy A.K.F. Green:**

Yes, sir.

**The Deputy Bailiff:**

Is it seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? The *appel* is called for, I invite any Members not in the Assembly to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 32</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator I.J. Gorst				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy of St. Ouen				
Deputy S.M. Bree (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**10. Draft States of Jersey (Transfer of Functions No. 9) (Health and Social Services to Environment) (Jersey) Regulations 201- (P.34/2017)**

**The Deputy Bailiff:**

The next item is the Draft States of Jersey (Transfer of Functions No. 9) (Health and Social Services to Environment) (Jersey) Regulations lodged by the Chief Minister, and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft States of Jersey (Transfer of Functions No. 9) (Health and Social Services to Environment) (Jersey) Regulations 201-. The States, in pursuance of Article 29 of the States of Jersey Law 2005, have made the following Regulations.

**Senator I.J. Gorst:**

Sir, I wonder if I could ask the Minister for Health to act as rapporteur, thank you.

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

This proposition proposes that all relative legislative functions administered by the Environmental Health team now transfer from my department to the Minister for Environment. In particular, these Regulations transfer the Food Safety (Jersey) Law and the Statutory Nuisances (Jersey) Law to the Minister for Environment. Environmental Health will continue to liaise obviously with my department, particularly around broader public health matters and smoking regulations. But this move represents a culmination of a process that began early in 2016 when the budget for the Environmental Health function transferred to the Department of Environment. This included a budget transfer of £680,000, 11 full-time staff who are now integrated into the line management structures of that department. This move has taken advantage of a number of natural synergies at both strategic and operational level. Between the work of the receiving department and the Environmental Health teams, by bringing the work together of the 2 bodies there is an opportunity to realise operational efficiencies, benefit from shared knowledge and experience, but also to make clearer the work being done to protect the natural and built environment from wider influences, as well as the public environmental factors. In practical terms the team can now work with the States Vet, for example, to make food safety better, food safety from the farm to the fork; to work with environmental protection and planning and building control to ensure better, consistent standards. I would like to end by thanking the Environmental Health team for all their efforts so far. Their work has been much appreciated in my time as Minister and I would particularly like to mention the success of the Eat Safe initiative which Members may recall gave a star rating to Island restaurants, cafes, takeaways, based on the premise of food safety and food hygiene standards. A great success, I am pleased to say that 99.6 per cent of our 1,000 plus food businesses reached the largely compliant standard used in England and Wales, where their figures are 93 per cent and 94 per cent respectively. The team's success in this and other areas have been heavily influenced by the approach that they take with a stress on partnership working and referral mechanisms. The service now works with over 20 different agencies across all sectors, ranging from charities to consultants, to customs and excise, citizen's advice, and other professionals. The team's general approach is one of persuasive compliance, I think they call it 'nudging' these days, but it has payed dividends and its success means that they seldom need to wield the big stick. Long may this continue and I look forward to seeing their work continuing in with the Environment Department.

**The Deputy Bailiff:**

Are the principles seconded? **[Seconded]**

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

The Minister has left me absolutely nothing more to add other than to say to Members that this move is aiding with efficiencies and we will continue to have further cross-warranting to prevent

the duplication of visits and ensure continued efficiency and improvements. Can I just add my own thanks to the Minister for transferring Environmental Health over to my own portfolio. In the short time that I have had responsibility I have immensely enjoyed working with the team. They are a group of devoted, hard-working, proactive officers who are doing a really good job of making Jersey a safer and better place for all our people. I urge Members to support this proposition.

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles? I call on the Minister to respond.

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

I thank the Minister for Environment for his words and ask Members to accept this.

**The Deputy Bailiff:**

All those in favour of adopting the principles ... the *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 35</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 0</b>
Senator P.F.C. Ozouf	Deputy M. Tadier (B)	
Senator I.J. Gorst		
Senator P.M. Bailhache		
Senator A.K.F. Green		
Senator S.C. Ferguson		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy K.C. Lewis (S)		
Deputy E.J. Noel (L)		
Deputy of St. John		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy R.J. Rondel (H)		
Deputy S.Y. Mézec (H)		
Deputy of St. Ouen		
Deputy S.M. Wickenden (H)		
Deputy S.M. Bree (C)		
Deputy T.A. McDonald (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy P.D. McLinton (S)		

**The Deputy Bailiff:**

Does the Corporate Services Scrutiny Panel wish to scrutinise that?

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

No, we do not.

**The Deputy Bailiff:**

How do you wish to deal with the matter in Second Reading then, Minister?

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

*En bloc* please.

**The Deputy Bailiff:**

Are the Regulations seconded *en bloc*? **[Seconded]** Does any Member wish to speak on the Regulations themselves? All Members in favour of adopting the Regulations, kindly show. Those against? The Regulations are adopted. Do you move the matter in Third Reading?

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

Yes, please.

**The Deputy Bailiff:**

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

**11. Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 4) (Jersey) Regulations 201- (P.36/2017)**

**The Deputy Bailiff:**

The next matter of Public Business is the Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 4) (Jersey) Regulations lodged by the Minister for the Environment. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 4) (Jersey) Regulations 201-. The States, in pursuance of Articles 2, 5 and 29 of the Sea Fisheries (Jersey) Law 1994, have made the following Regulations.

**11.1 The Deputy of St. Martin (The Minister for the Environment):**

Members will remember that last June I brought to this Assembly a package of measures to protect one of our most iconic fish, the bass. As part of that package this Assembly approved an amendment to the Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 2001 in order to limit the length of net that could be set on the beach to 100 metres. A further amendment to those Regulations was approved in November 2016 to allow the Minister to set the length of net by order. This was done to provide the best mechanism to ensure timely and efficient management to fish stocks. I hope Members will remember I indicated my intention to set the length of nets at zero. Subsequent to that amendment, upon receipt of further advice, another amendment is required to allow for the length of net to be set at zero, in other words to prevent or prohibit the setting of nets on the beach. It is this amendment that I am proposing today. It simply provides the correct legal mechanism to allow for the closure and opening of the beach net fishery

when the stock assessment indicates that it is an appropriate management measure. The closure is provided by this amendment and the opening provided for by the ability for the Minister to do so by order. This gives the correct structure in the law. I have already been clear that I am convinced that the current bass stocks require prudent management and I was quite explicit about that in my speech in November. It was my intention, as I have already said, to set the length at zero. It is my intention to not table an order at this time and, therefore, the season will not open later this month. Some Members may feel that the House has already debated these matters and agreed almost unanimously, and I would have to agree with that. However, I gave the commitment to Members that I would return to this Assembly if regulations concerning our fisheries management could be improved, and I am delivering on that commitment. This amendment provides a better legal framework but, nevertheless, it provides a simple and structured process to allow for timely management of inshore stocks. It is a simple amendment, in principle it has already been approved by this Assembly and I urge Members to support this proposition.

**The Deputy Bailiff:**

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

**11.1.1 Deputy M. Tadier:**

Just to make it clear that I know this is a matter which I have spoken on before and many people are interested in; could the Minister just clarify, is this an enabling amendment today that he is bringing, or does it mean that after this that no nets will be able to be put on the beach? Or does it simply give the Minister the ability to say that if he wants to there will be no nets on the beach?

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles? I call on the Minister to reply.

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

I am grateful for the opportunity to explain this, and also P.37, which is an identical amendment which comes after this one.

[15:15]

What I am doing here is quite simple and I need to probably explain it a bit better to Members. When I first came forward with an amendment I said that I had powers by order to set the length of nets that could be set on the beach to any length, and I indicated that I wanted to set that length at zero. The fishery was open but I was setting the length of net at zero. What I am doing here is - and after advice from Law Officers - it has been recommended that it is much simpler to close the fishery and then by order open it in the future. So what we are doing here today is getting to zero by another mechanism. A few months ago the fishery was opened but I set it at zero so nobody could fish. What we are doing now, and after advice, we are closing the fishery and when in the future the stocks recover I will reopen it at that time, so that is all I am doing.

**The Deputy Bailiff?**

All those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Does the Environment, Housing and Infrastructure Scrutiny Panel wish to scrutinise the matter, Deputy of St. Mary?

**The Deputy of St. Mary (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):**

No, thank you.

**The Deputy Bailiff:**

How do you wish to deal with the matter in second reading, Minister?

**The Deputy of St. Martin:**

I will deal with them *en bloc* please.

**The Deputy Bailiff:**

Are they seconded *en bloc*? Does any Member wish to speak on any of the Regulations? All those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you wish to propose the matter in Third Reading?

**The Deputy of St. Martin:**

Yes, please.

**The Deputy Bailiff:**

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

## **12. Draft Sea Fisheries (Inshore Waters) (Amendment No. 3) (Jersey) Regulations 201-(P.37/2017)**

**The Deputy Bailiff:**

The next item is the Draft Sea Fisheries (Inshore Waters) (Amendment No. 3) (Jersey) Regulations, lodged also by the Minister for the Environment. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Sea Fisheries (Inshore Waters) (Amendment No. 3) (Jersey) Regulations 201-. The States, in pursuance of Articles 2, 5 and 29 of the Sea Fisheries (Jersey) Law 1994, have made the following Regulations.

### **12.1 The Deputy of St. Martin (The Minister for the Environment):**

The principles of what I proposed in the last proposition are exactly the same here. Slightly different regulations, these are the Sea Fisheries (Inshore Waters) Regulations 1998. Previously we have debated this and agreed the way forward. I proposed a further regulation, and that was approved in November 2016, to allow in this case the setting of hooks and the number of hooks that could be set. Again I indicated that I would like that limit to be zero but on further advice I am now closing the fishery and in the future if we decide to reopen it I will make that decision about the hooks. So it is absolutely the same principles except this time we are dealing with hooks and not length of net. So I propose those Regulations.

**The Deputy Bailiff:**

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? All those in favour of adopting the principles kindly show. Those against? Does the Environment, Housing and Infrastructure Scrutiny Panel wish to deal with that matter?

**The Deputy of St. Mary (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):**

Sir, again not.

**The Deputy Bailiff:**

How do you wish to deal with the Regulations in second reading?

**The Deputy of St. Martin:**

Can I do it *en bloc* please?

**The Deputy Bailiff:**

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

**The Deputy of St. Martin:**

Yes, please.

**The Deputy Bailiff:**

Is it seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour ...

**Deputy M. Tadier:**

I will ask for the *appel*, just to test the mood of the electronic devices.

**The Deputy Bailiff:**

The *appel* is called for, I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				

Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

### **13. Draft Air Navigation (Rules of the Air) (Jersey) Regulations 201- (P.40/2017)**

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

The next item of Public Business is the Draft Air Navigation (Rules of the Air) (Jersey) Regulations, lodged by the Minister for External Relations. I ask the Greffier to read the citation.

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

Draft Air Navigation (Rules of the Air) (Jersey) Regulations 201-. The States, in pursuance of Article 46 of the Air Navigation (Jersey) Law 2014, have made the following Regulations.

#### **13.1 Senator P.M. Bailhache (The Minister for External Relations):**

As part of the “Single European Sky” initiative, a common set of rules for airspace management has been introduced across Europe, known as the Standardised European Rules of the Air, or S.E.R.A. S.E.R.A. was introduced in France in December 2014 and in the United Kingdom in April 2015, where they replaced the “Rules of the Air” upon which our current Jersey rules are based. S.E.R.A. brings Europe fully into line with the international rules of the air, laid down under the Chicago Convention. Throughout the implementation period in Europe the Director of Civil Aviation of the Channel Islands has been monitoring the reaction of the aviation industry, and with the assistance of Ports of Jersey it was decided to build a stakeholder workshop in 2016. It was decided after that, that although some changes to procedures would be required, the effect on airspace users would be small, but in some cases would allow air traffic controllers to take a more permissive approach. The Director of Civil Aviation approached me to recommend that Jersey should make regulations to give effect to the new rules of the air in order to maintain common rules with neighbouring jurisdictions and to facilitate air navigation. It is planned, if the Assembly adopts these Regulations, to bring them into force contemporaneously with Guernsey. The Air Navigation (Jersey) Law of 2014 makes provision under Article 46 for the States to make regulations regarding rules of the air which are compatible with the Standard European Rules of the Air. So I move the principles of the Regulations.

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

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy Brée, does the Corporate Services Scrutiny Panel wish to scrutinise this matter?

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

No, we do not.

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

How do you wish to propose the Regulations, Minister?

### **13.2 Senator P.M. Bailhache:**

If I may I will propose the Regulations *en bloc* together with the rules which are attached as a schedule to them. I do not think I need say anymore on the rules than that they have few significant differences to the existing rules. They change the weather limits for visual flight rules to bring them into line with the internationally agreed standards. There are associated changes to some air traffic control clearances to facilitate access to air space in deteriorating weather, and they introduce a requirement to fly at a minimum height of 500 feet in general. At present, as I understand it, if you are flying over water with no watercraft in the vicinity you can fly pretty much as low as you like. There are also changes to terminology in the rules, again with a view to falling into line with I.C.A.O. (International Civil Aviation Organisation) standards. So I move the Regulations and the schedule with the rules.

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

Are the Regulations and schedule seconded? **[Seconded]** Does any Member wish to speak on the Regulations?

#### **13.2.1 The Deputy of Grouville:**

I would just like to ask if any of this covers drones and the dangers of drones. I could not see anything in here. If not, is anything going to be brought forward to alleviate the situation that we saw in Gatwick over the weekend?

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

Does any other Member wish to speak on the regulations? I call on the Minister to reply.

#### **13.2.2 Senator P.M. Bailhache:**

There are, in answer to the Deputy of Grouville, existing provisions in the rules regarding drones which prevent drones from being flown in the immediate vicinity of the airport, and I have been assured that they are satisfactory.

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

Very well, those Members in favour of adopting the Regulations in Second Reading, including the schedule, kindly show. Those against? The Regulations and schedule are adopted in Second Reading. Do you propose the matter in Third Reading?

#### **Senator P.M. Bailhache:**

I move the Regulations in Third Reading.

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

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

### **14. Medium Term Financial Plan 2017 - 2019: amendment to funding for fee-paying schools (P.41/2017)**

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

The next item is the Medium Term Financial Plan 2017 - 2019: amendment to funding for fee-paying schools lodged by the Minister for Education. 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 refer to their Act dated 30th September 2016, in which they approved, in principle, minor adjustments to subsidies for States and private fee-paying schools, as set out in Appendix 1 of the Draft Medium Term Financial Plan Addition for 2017 - 2019 (P.68/2016 as adopted as amended), and their Act, dated 14th June 2011, in which they agreed that changes to the financial arrangements for such schools should be the subject of a separate proposition to the States before implementation; and to approve the implementation of the adjustments to subsidies for those schools agreed in principle on 30th September 2016 by reducing the percentage of Age-Weighted Pupil Unit (A.W.P.U.) States funding payable to private fee-paying schools (Beaulieu Convent, De La Salle College and FCJ Primary) and States fee-paying schools (Victoria College, Victoria College Prep, Jersey College for Girls and Jersey College Prep) by 1.5 per cent in 2018 and by a further 1.5 per cent in 2019.

#### **14.1 Deputy R.G. Bryans (The Minister for Education):**

Most Members will be aware that the Assembly has already approved this during the Medium Term Financial Plan debate back in 2016. Members will also be aware that usually the Assembly would not be required to consider this again. However, proposition P.72/2011 brought by the previous Senator Shenton asked that matters relating to school funding are brought to the Assembly separately so that the rationale for any changes can be explained. I think the proposition explains in great detail the rationale behind the saving, but it is worth taking a little time to put some flesh on the bones and address some of the concerns you may have.

[15:30]

There are 3 points to consider: vision, impact and fairness. Firstly the vision; I want to stress as strongly as I possibly can that this is not the same proposal that Deputy Reed brought in 2011. This is not the same battle, in fact I would say there is not even a battlefield. Quite the opposite. We have moved on. From where I am standing there is no “them” and “us” in Jersey education anymore. I expect there is no one here who wants to go back to those days. I am not sure if there was a clear vision for education back in 2011 but there certainly is now. I see it as one system made up of different kinds of school but all united under one business plan and one set of priorities, which you have heard me talk about many times. We are all standing on the same side now and moving in the same direction towards the same aim, that is for every student to have the best opportunities, for them to do their best no matter wherever they are educated and irrespective of whether their parents pay fees for their schooling or not. We all benefit when the people in our society have a good, solid education. As Minister for Education I also want to stress that the department and I hold our fee-paying schools in high regard. We truly value the high standard of education they provide and we recognise the contribution these schools make to the Island. Not only do they provide excellent opportunities for their students but their partnership with the Government helps to finance education in Jersey and means the cost of schooling overall is reduced for our taxpayers. This is unique to Jersey. It gives more families more choice and is something we should be proud of. Over the past few years all our schools have had to deal with huge changes imposed from the outside: a new curriculum, new assessment systems and new exams. We worked through this period together with teachers and with unions to make this happen. Results are improving and we have new initiatives like the Jersey Premium to help our students, and there is a real positive feeling we are moving in the right direction. With all that as the backdrop, I have absolutely no desire to unsettle the current offerings or structure. Senator Shenton’s proposition was designed, I believe, to prevent change by the back door, but it is no longer needed. Education is in a completely different place. This savings proposal is simply about balancing the books financially in the short term. There is no intention, none whatsoever, in this proposition attempting to change Jersey’s education system in any fundamental way. That brings me to the second point: impact. You all know that Education was tasked in the M.T.F.P. to make savings. With the

financial position as it was, and Education holding the third biggest budget, we had no choice but to play our part. When we discussed spreading the savings across education we were careful to ensure that the effect on frontline services would be minimal. This is an important point. Of course we looked at the context and what was happening in terms of fees. We found that between 2013 and 2016 school fees went up every year, sometimes by more than 5 per cent. However, despite these annual increases, parents did not move their children into free education in large numbers. On average just 16 pupils a year left fee-paying schools; many of these were for recognised educational reasons. Some students need the special educational needs support that can only be found in States schools. Finance was usually a documented factor. This tells us that parents using fee-paying schools really value the continuity of their children's education. They have made a conscious choice to commit to paying fees and prioritise this for their children. It is the reason why we do not expect to see a mass exodus of children into the States schools. I am conscious of course some parents will be worried, and at the time I wrote this last Friday a total 10 parents had contacted the ministerial team directly and a further 10 have contacted the Education Department to outline their concerns. I want to reassure them and this Assembly that there are no plans for any further savings in this area; no plans whatsoever. As I said before, I do not want to unbalance the system. We have attempted to minimise as far as possible the financial discomfort some parents may be feeling. Our proposal - if schools decide to pass it on to parents - will result in far smaller increases than parents have accepted over the past few years; just 1.5 per cent in the first year and a further 1.5 per cent in the second year. As the Connétable of St. John illustrated to me earlier, this represents 6 per cent in the secondary and 12 per cent in the primary. This works out at £3.20 a week per child over the course of a calendar year; £3.20 a week, that is what we are really talking about. The real figures you will find articulated on page 13 of the proposition. We also made sure that the introduction was staggered over 2 years and made sure we could tell parents well ahead of time. Remember, this will not come fully into effect until 2019. We continually work closely with the schools and we informed every Head as soon as we could that this was likely to happen so that they could take this into consideration when making their decisions about their fee increases to parents. It must be noted and understood that schools are not obliged to pass their cost on. It could be that they soak it up completely, or they attempt to further stagger the effect. It could increase a small portion of this or not at all. It is entirely up to them. We have to acknowledge that every family has a differential financial tipping point and that is why we have tried to keep this change as small as possible. If some parents consider moving their child they can contact the Education Department and we will help them. We do have capacity and places available across our State schools. Thirdly, this is about fairness; a really crucial point. It is only right that we share the savings right across the educational landscape. There is already an imbalance and we do not want to widen the gap further by protecting one kind of school and not another. With great care we looked first at the department and non-essential services to make savings, which we did. Only then did we look at school budgets. Always we were looking at limiting the impact and spreading the burden evenly. The other education savings we submitted were not protected by a second chance proposition like this are not going ahead. If this does not proceed other schools or education services will have to shoulder the saving of £600,000. It is worth reminding Members that this Assembly has already approved the cash limits, they are set in law, so we would have to look at cuts in other parts of education if this one is overturned. If you believe this is wrong and decide to vote against it you will be simply moving the saving to other children in different schools. I understand that those who say that we should not be cutting education at all; in an ideal world I would agree. I fought for education to be a States priority. I worked to ensure we created the carefully balanced package of savings and the adjustment to funding for a fee-paying school is an essential part of that. Education is moving forward. Now is not the time for us to find £600,000 elsewhere in the education system. If you do not support this saving then you can change it but at the next M.T.F.P. We have planned in detail until 2020 and shared out the budget carefully. We

need less turmoil, not more, so please let us proceed today as planned and endorse this proposition as you did last October.

**Deputy J.A.N. Le Fondré:**

Can I seek a point of clarification from the Minister?

**The Deputy Bailiff:**

Yes.

**Deputy J.A.N. Le Fondré:**

Could the Minister clarify on the words of the proposition, what percentage we are reducing the grants by? If I need to clarify on that ... while I am standing could I, (a) reserve my right to speak later, it is a point of clarification, and (b) ...

**The Deputy Bailiff:**

Well, provided it is only a point of clarification.

**Deputy J.A.N. Le Fondré:**

... and could I also just declare an interest in that I have 2 children at fee-paying schools and I understand that is a wider shared interest.

**The Deputy Bailiff:**

That is a wider shared interest, it does not disqualify you from participating, yes.

**Deputy R.G. Bryans:**

Yes, it is outlined in the proposition so we are the A.W.P.U. (age weighted pupil unit) which is the aged weighted pupil unit percentage, is being reduced from 50 per cent to 47 per cent in the secondary schools and from 25 per cent to 22 per cent in the primary school.

**Deputy J.A.N. Le Fondré:**

The reason for asking that question; the proposition says: "1.5 per cent in 2018 and a further 1.5 per cent in 2019" which brings it to a total of 3 per cent. Across for primary schools that is a 12 per cent reduction and for secondary school that is a 6 per cent reduction. That is not 1.5 per cent in year 1 and 3 per cent in year 2 and so that is why I am seeking a clarification because I think the proposition, as people would ordinarily read it, people may have misunderstood the impact of this proposition.

**The Deputy Bailiff:**

Well, you have asked for a point of clarification from the Minister. Do you wish to further clarify it, Minister?

**Deputy R.G. Bryans:**

I can give further clarification. I mean the Deputy is quite right in his assumption. It is a matter of percentages and the problem you get when you start talking about percentages is it becomes quite embedded in numbers. The real savings, the figure that I mentioned before, and I have given an illustration I have sent round to States Members to sort of explain this by email. If you look at page 13 that gives you the actual effect of the saving on the reduction to the school.

**Deputy J.A.N. Le Fondré:**

The point is: what is the percentage reduction that the Minister is proposing to this Assembly?

**The Deputy Bailiff:**

Well, I think this cannot turn into a toing and froing exchange ...

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

May I raise a point of order?

**The Deputy Bailiff:**

Yes.

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

I understand what the to and fro is; is that perhaps you could rule as to what the proposition means because I am reading it and perhaps ... you are the presiding officer, I am reading it in the plain English way in which the Minister explained. I know that other people are ... I am trying to interpret it in a different way so perhaps I could invite you to make, on a point of order, exactly to explain to the Assembly or to confirm that my understanding is that this is a reduction in the A.W.P.U. from 1 per cent to **[Interruption]** 1.5 ... well, 2 1.5 per cent reductions, one in 2018 to 48.5 per cent and then to 47 per cent. That seems to me the plain English explanation of it and I just invite you to make a ruling as to ... so we cannot have this argy bargy.

**The Deputy Bailiff:**

Well, I am not so sure I am in a position to make a ruling on the meaning of it. I can rule on what it says but I do not think I can necessarily rule on what the consequences are and what it means without a great deal more information. I think what we must do is proceed with the debate and then I would expect that matters will be clarified as we go along. Is the proposition seconded?  
**[Seconded]**

**The Deputy Bailiff:**

Does any Member wish to speak on the proposition?

**Deputy P.D. McLinton:**

I wonder if I might just ask for some guidance on this. The youngest of my many, many children are moving up to Beaulieu in September and therefore I am directly interested in the outcome of this debate. Would there be a requirement for me to remove myself from the Assembly?

**The Deputy Bailiff:**

No. This is a matter that you share in common with a significant number of other people, Deputy, and it is a matter of general application and you are right to have declared it but you certainly do not need to disqualify yourself from the debate.

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

I would like to ask respectfully that the Minister withdraw this because it is mathematically incorrect. If he will not do so then I would hate to continue and embarrass him by producing the correct mathematics for this proposition.

**Deputy R.G. Bryans:**

No, I will not be.

**The Deputy Bailiff:**

Well, I think you may have to go ahead and produce the correct mathematics then.

**The Connétable of St. John:**

Fine, thank you. The current level of support to the private schools is £9.375 million. If you were to reduce that, as the proposition proposes, by 1.5 per cent that is approximately £140,000 and that is in 2018. If you further reduce it by another 1.5 per cent in 2019, as the proposition very clearly states, you will be reducing it by another \$140,000 in 2019. That is what the proposition says and it is quite clear. That gives a total reduction of £281,000 over the 2 years from the £9.375 million that is currently given. However, your maths at the rear of your proposition on page 13 firstly does not add up because you claim that the reduction ...

**The Deputy Bailiff:**

The Minister claims, through the Chair, please, Connétable.

**The Connétable of St. John:**

Through the Chair, yes.

**The Deputy Bailiff:**

The Minister claims.

**The Connétable of St. John:**

The Minister claims that this will result in a saving of £608,000 when on the table the reductions show £647,000. It is very simple. It is a straightforward 9-figure addition which I am sure anybody in this Assembly can do. When you add those 9 figures together you end up with £647,000 as opposed to £608,000.

[15:45]

However, the importance is that when you take a 1.5 per cent reduction and a further 1.5 per cent reduction that comes to £281,000. So the report that supports the proposition is inaccurate mathematically. I find it an insult to this Assembly that a proposition should come forward that is mathematically incorrect. Simple things like percentages and additions should not be wrong when a proposition is brought to this Assembly. I asked the Minister to withdraw it and he refused and I find it unacceptable that we should continue a debate with information in front of us that is mathematically incorrect. As for the proposition we, as an Assembly, have already agreed a contradictory M.T.F.P. because one of the strategic aims, laid out by the Council of Ministers and the Chief Minister at the beginning of our term of government, was to invest in education. We have seen the total sum of money per pupil in both the private sector and the public sector now being reduced. I do not call that investing in education. I dare say that the Ministers will reply by: "We are investing £40 million in a new school. We have just invested £X million in a new school in St. Martin." But this is money for teachers. The important thing in a school is the teacher, not just the bricks and mortar and it is Property Holdings that has failed to maintain the schools over the years that has resulted in these big investments. But we are talking here about education and we are talking here about pupils and the amount of money available for individual pupils to get them educated, hopefully to a significantly better standard than myself, so that when they look at a proposition like this they will go: "Phew, who on earth ever agreed with that?" I would urge Members of this Assembly to simply pick up your iPads, pick up your Smartphones and do the arithmetic. Add up the figures at the back page and it comes to £647,000, not £608,000. Do a simple mathematical sum. Take the £9.375 million minus 1.5 per cent then take that answer and minus another 1.5 per cent and what do you end up with? You end up with £9.075 million I think off the top of my head. Yes. You will not make the savings that the Minister is looking to do. This is an insult to this Assembly to bring a proposition with such basic mathematical errors. I urge Members to reject it.

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

I do not know if the Minister wants to further clarify. Am I able to give way to the Minister if he wants to clarify those? I was not going to spend a long time on the figures because my assumption was that the Minister would have covered that off. I think the Constable of St. John, he has found possibly a mistake in the adding up of the figures on the table but the basic premise still remains that it is a small cut being made to the private schools. I do not think it is worth us getting too deep into the details today. The Minister has acknowledged the alternative, the other way of looking at the percentages. The way I see it, one way of looking at it, you are looking at the percentage of the whole amount of funding and the other percentage is the proportion that is provided to the schools by the States not from the parents so there are 2 different percentages there; that is why. My panel did scrutinise these proposals during the M.T.F.P. already and we commented within our comments paper as part of that review and we opposed them at that time as we oppose any cuts to education. There was no challenge to these cuts at the time of the M.T.F.P. It was approved by this Assembly. The Minister has mentioned that it has already been approved but we did look again at this. We have done some subsequent work on this. The original submissions that we received were from 2 of the fee-paying schools that raised concerns that the additional costs may have to be passed on to the parents and this might negate any of the savings made. It is the argument that we have perhaps heard time and time again and it does become a circular argument. The panel, in fact, can see both sides of the argument here. I will come back to that. Our subsequent work, I want to first of all thank the Beaulieu Parents' Consultative Committee who have engaged with the panel very constructively in informing us of the potential impacts there might be on families where there are girls at Beaulieu School. So the Consultative Committee estimated to the panel that if 5 per cent of the children attending Beaulieu left to attend State schools then any savings made by this proposition would be eliminated. That is something for Members to possibly consider. That is not something that the panel can either verify or not. This is a much larger piece of work. I will come back to that again. We did ask for figures on the number of children who had left the school as a result of any fee increases which have happened every year since 2013 at around about 3.5 per cent and the answer we were given was typically only a handful of students has left each year. So that does give some indication of the numbers of students that may leave if the fees go up by certain percentages. So there are arguments on both sides here but it was clear to us that some families, particularly families whose daughters are at Beaulieu, may face some difficulties if we approve this today so that is something for Members to consider. Also worth noting is that it was only parents with children at Beaulieu who contacted us. We did not have any parents with children at other schools contacting us at all. So with that particular case I do wonder whether the Minister might agree to look more closely at the support he could give to Beaulieu and to update the panel on this, on anything he can do in that area. So when doing work in this area the panel looked at P.72/2011, which was titled "Grant Aided Schools" and this was a proposition firstly to produce a Green and White Paper to bring any changes to the States prior to making any changes to funding for fee-paying schools and also ... sorry, and the Minister ... I think we should acknowledge that the Minister is duly complying with this previous States decision in bringing it back to us today. It is quite an unusual thing that a Minister has to do to come back a second time. So we acknowledge that the Minister is following the procedure there. However, the other part of P.72 that required a Green and White Paper process be carried out ... now, the process behind Green and White Papers is not set in stone in Jersey. It is not as set as it in the U.K. and there was some consultation. I think back in 2013 there was Learning for Tomorrow's World, the Future of Education in Jersey. I remember that consultation myself which apparently nothing came of that which the panel regrets. In any case the gap between - that is 4 years - then and now is so large that it could not really be seen to be linked in any way. So we do regret that the required consultation, required by P.72, the second part of that, has not taken place. Even more so because it has become clear to the panel that there may be some difficulties for some families. So one way of looking at this proposition is that it is possible that the Minister should be

maintaining the grants at the current levels because he has not followed both parts. He has not adhered to both parts of P.72. However, the panel is very concerned, as the Minister has said, if the savings proposed here are not accepted they will have to be made from somewhere because as an Assembly we have already approved this and if no alternative savings have been identified by the Minister or by any other Member and the panel would question where this money would have to come from. In the event that savings would have to come from the non-fee-paying States schools; this is not an acceptable situation to the panel. So I urge Members not to get into a long debate about this today because we are not going to change the nature of our education system today. This is a proposition on something we have already approved. I think the Minister should note the concerns raised by the Beaulieu Parents' Consultative Committee and I would like to know how he is going to address those concerns. We have talked about consultation. The panel is very strongly of the opinion that further work needs to be done looking at the structure of our education system as a whole because these issues keep coming up and we are tinkering around the edges with them and we need to tackle these issues as an Assembly and as an Island and decide what type of education system we think is fair and appropriate for our Island and for the children of our Island. So I would urge the Minister for Education ... I am not sure what form this might take but the panel believes an independent review should be carried out and it should be independent because it is impossible to not have a view in this area because if you have been brought up in Jersey you have either gone to one of these private schools or you have gone to a States school. I myself have attended both. I attended private schools and States schools. I try to have a balanced view but I think we all have a view on this and I think what I would like to see taken away from this debate today, whether it is approved or not, I would like to see an independent review into our education system so that not ... not taking Members' views on ... so that entrenched views are put aside and we can take a balanced and fair look at our education system. So just to sum up, the panel has reluctantly agreed that this proposition is in order and we do recommend that Members support it given the reasons that I have covered today.

#### **14.1.3 Deputy S.Y. Mézec:**

I am glad to follow the Scrutiny chairman whose words I completely agree with. I have sort of been provoked to stand up and speak this early on in the debate because of the speech from the Constable of St. John, which I think has the capacity to confuse people, and he had made a very clear assertion that the numbers in this proposition are wrong when, from my reading of it, I do not think the numbers are wrong. In the Constable's explanation he tried to say that this 1.5 per cent in 2018 and 1.5 per cent in 2019 would amount to the figures he gave but if you read the proposition it does not say that it is reducing the subsidy by 1.5 per cent next year and then 1.5 per cent the year after. What it says is that it is reducing the percentage of the age weighted pupil unit. Now, that is an equation. That is not a blanket amount of money. That is an equation and it is worked out in itself by percentages of being 50 per cent for students in secondary education and 25 per cent for students in primary education which means over those 2 years it is going to go from 50 per cent to 47 per cent for those children in secondary education. So if you are looking at it from the formula the numbers do add up and I appreciate that it is not necessarily obvious at first glance but I do think it is important to say in a debate, when we are talking about numbers and talking about this policy, that we should be clear on what it is even if sometimes things can be a little bit difficult to analyse from that point. I am speaking from the position of being able to say that I voted against this last time round because I voted against the entire M.T.F.P. I voted against every single clause in it because I did not like what it was setting the Island out for. I still do not like what it is setting out for but now when we come to this proposition I will support it because ... and I think the Minister for Education rightly said in his speech that we have an M.T.F.P. which has been agreed and spending parameters set and to not adopt this particular proposition as part of the broader picture of the M.T.F.P. means we have to find savings somewhere else.

[16:00]

Where does that come from? I will not be responsible in my vote for seeing potential extra funding cuts to nursery education, to higher education grants, to teacher salaries, to anything else because I proposed all of those from the start and to vote against this potentially opens the door for unpalatable cuts somewhere else that we do not know where they are. So that, I think, is a strong basis on its own for supporting this. I do not think this is getting too ideological here to say this but I think there are a reasonable number of people who look at the current funding structure for the fee-paying schools and look at it and see: "Right, we currently give £9.3 million", and that is argued that it is the right thing to do because it enables those schools to keep their fees down which means people can go to those schools rather than be educated fully in the State sector where it costs the States more to do so in the long run. I do not think there is anything wrong with looking at that £9.3 million and saying: "Is that the optimum amount? Is that the perfect balance to get the right number of families able to send their kids to fee-paying schools versus State schools?" The answer to that question is; well, no, we have no evidence that £9.3 million is the optimum amount. If we reduce it and the schools, therefore, have to raise their fees or possibly have to raise their fees that will inevitably ... well, I say inevitably, it could potentially lead to some children leaving those fee-paying schools into the States schools where it will cost us more to educate them but if none do, or a very small amount do, you have still made a saving overall. So to work out what is the optimum level of subsidy it is wrong to say: "It is £9.3 million and we can never debate that. It must be that." Maybe it is not £9.3 million. Maybe it is £8.7 million. Maybe it is less than that. Maybe it is more than that. So I think it is sensible to listen to what the Minister for Education is proposing on this occasion and say: "Right, let us do this." This is very modest especially when you compare it to the proposals that were made several years ago where they were suggesting cutting the subsidy by half. Something that was much more drastic than what is being proposed now and which, of course, was voted against last time round. Let us look at what this modest saving does, see the effect and if it has the effect of causing mass disruption then that can be addressed, hopefully, relatively quickly but I suspect what it is likely to do is not cause that mass disruption at all. In fact what it does is, it enables the Minister for Education to spend the money that he does have allocated on those excellent schemes that we want to support, like pupil premium that he has spoken about. I will say I am being cautiously complimentary of him on this policy which is not my style, as we well know. I am still from these Benches going to pressure him to do more. I am still going to pressure the Council of Ministers to allocate more funding for education. I think we spend, as a proportion of our G.D.P. (gross domestic product) we spend nowhere near enough on education as we should do. It needs drastic increases in funding and I would have said that before yesterday, before the report from the Care Inquiry which spoke about the impacts that social deprivation can have on the care system. I would have said that before that. I think it is right to spend more on education but I also like the idea that has been expressed by Deputy Doublet about looking at our entire education system and working out what is the best model for delivering education to everybody in the Island. What educational choice we provide families, what level of support we provide, at what point in the education process that support should go up to. I think that is a discussion well having and I think to support this proposition right now provides the Minister for Education with what he needs to be able to get on with his job though it does not go as far as I would like him to be going. To not support this would mean he would have to come back on other areas and I could not possibly support that. I think this proposal is very moderate. It will save an amount of money and I think that the Constable of St. John's explanation for not voting to support this was deeply flawed and if we are going to cast our votes on this proposition it should be on the basis of facts and accurate numbers and I will be supporting the proposition.

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

I will not be supporting the proposition. I have had quite a few people contact me. The average annual fee at the moment for the private and faith schools; primary £5,085 and an average fee for secondary, £5,373 which is an awful lot of money and I believe between, where are we, 2018/2019 it will be going up by approximately between £120 and £190. Everybody pays for education in their taxes, if you wish to send your child to a faith school or a private school that is your choice but if you have more than one child this can be a really onerous fee coming your way. If you have 3 children I would say it must be getting near out of the question. Not everybody is rich who wishes to send their child to a faith school. A lot of people go without holidays. They go without the nice things that we all enjoy. So I think we need to draw a line here and I will not be supporting the proposition.

## **14.2 Medium Term Financial Plan 2017 – 2019: amendment to funding for fee-paying schools (P.41/2017) - reference back under Standing Order 83(1)(b)**

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

While reserving my ability to speak later, under Standing Order, I think it is, 83(1)(b) I would like to propose a reference back, assuming I am using the right number, because that is the ... I am using an older copy of Standing Orders, and the basis for that is: “Any ambiguity or inconsistency in information relating to the proposition which has already been provided to the States be clarified.” Shall I just let you just judge that then I would like to speak on that?

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

Well, 83(1) provides: “That a Member of the States may propose without notice during the debate that the proposition be referred to back in order that further information relating to the proposition can be provided to the States or any ambiguity or inconsistency in information relating to the proposition which has already been provided to the States be clarified.” So you are doing it on the basis of (1)(b)?

#### **Deputy J.A.N. Le Fondré:**

Yes.

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

So precisely then what is the ambiguity or inconsistency that you are seeking?

#### **Deputy J.A.N. Le Fondré:**

I was going to cover that in my speech.

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

Yes. Well, very well you can make your main proposition.

#### **Deputy J.A.N. Le Fondré:**

I think it falls into 3 categories and working backwards; (1) the financial implications of this, as the Connétable of St. John has already correctly pointed out, are incorrectly calculated. So, for example, is it £608,000 or is it £647,000? They might say: “Well, that is irrelevant” but on the basis that we should be debating these type of things on the basis of sound information and to quote Deputy Mézec: “Facts and accurate numbers” we are not doing so. Point 2, to pick up on something that Deputy Mézec talked about, which was confusion. A 1.5 per cent reduction in 50 per cent would take the rate down to 49.25 per cent; that is not where we are. So there is a confusion between what is in the proposition and what is in the report. The proposition clearly states: “A reduction in the percentage of 1.5 per cent in 2018 and a further 1.5 per cent that would

be to bring the total to 3 per cent in 2019.” It is very clear in the back of the report in terms of how these things are being calculated that does equate to a 6 per cent reduction in the grant to secondary schools and a 12 per cent reduction to the grant into primary schools and the Minister is nodding to that. Now, the point I would suggest is that in a straightforward reading of the proposition, which is what we vote on, it is not clear that we are achieving 1.5 per cent reductions. I would submit we are achieving much bigger reductions if we vote on that. I think I will keep it there but there is an inconsistency between the wording of 1.5 per cent in 2018 and a further 1.5 per cent in 2019 and the actual impact. In fact ... sorry, I said I would keep it there, what I will do, yes, temptation, I meant to find a particular page. If Members look on the proposition and look firstly on page 5, and then, if I can find it and it has disappeared, page 13. I will just pick solely on any secondary school. Just to keep it consistent we will go to page 4. Page 4 has J.C.G. (Jersey College for Girls) secondary funding rate presently 50 per cent. On page 13, at the very top in that box, it says: “J.C.G. Secondary new rate 47 per cent.” The difference is 3. That is a 6 per cent reduction because it is 3 on 50, therefore it is 6 on 100. Does that make sense? I am looking and I am hoping I understand that and Minister is nodding. On the primary school level at the bottom of the table on page 4, V.C.P. (Victoria CollegePrep) Primary, 25 per cent. On page 13 they go to 22 per cent. If Members will accept my maths that is a 12 per cent reduction and hopefully the Minister will nod on that and my maths as well. Therefore, there is an inconsistency, in my view, in the way that matters have been presented to the States because it refers to a 1.5 per cent reduction in the percentage. I think I will stop there. If this reference back is rejected I will speak later on in the debate no doubt but in my view there is an inconsistency and we need to be clear on what we are voting on and therefore ... because there are subsequent consequences because bluntly there is a major difference between a 1.5 per cent reduction in a grant to a primary school and a ... well, ultimately 3 per cent and a 12 per cent reduction.

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

Well, is the proposal for a reference back seconded? [**Seconded**] Does any Member wish to speak on the proposition for a reference back?

#### **14.2.2 Deputy E.J. Noel:**

I think this is more of an interpretation of English as opposed to the numbers because it is a 1.5 per cent reduction on the age weighted pupil unit. It is apples and pears. You cannot transfer that across to the whole of the budget. If you look across at page 13 where the Constable, and indeed my fellow Parish Deputy, implied that the figures have been added up wrong where you have a target figure of £608,000. That is correct; it is a target figure but the actual estimated figures that are going to be saved is the £647,000. So the numbers are not wrong. It is the ... if I rated the Constable and the Deputy’s interpretation of the English that is different to my own.

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

I was trying to look up on my iPad as the Constable of St. John has suggested. What the mathematical equivalent of a pedant was because clearly it is simply mathematical pedantry that I think that he is focusing on. The plain English explanation of this, as is absolutely clear from the recital of the proposition and the Minister’s report, is clear. It is 1.5 per cent reduction in the A.W.P.U. from 50 per cent to 48.5 per cent to 47 per cent and maybe that I do not have a degree in mathematics, I have got a degree in something and I cannot ... I thought that I did look up the explanation of what a pedant was. It is a person obsessed with detail or process often negatively perceived and a pedant is a person who is excessively concerned with formalisation and precision. Anyway, I am not obsessed with anything else apart from the plain English explanation of what this is, which the Minister has explained, and it is also, if I may say, in exactly the same terms as previous propositions that have been submitted to this Assembly and as the Minister also said:

“This is simply an extra step requirement” as a result of the adoption of P.71/2011 which was the M.T.F.P. that in fact I was somewhat to do with. The only thing I would say is if the Connétable and other Members do not wish to vote in favour of this because they are against the philosophy of it, in reducing the subsidy then that is fine but to try and hide behind the mathematics I think would be wrong. The only other thing I would say is one Member said that this was effectively a reduction in money for teachers. I do not think that is quite right. I think what this is is a genuine ...

**The Deputy Bailiff:**

Well, Senator, the debate on this has to be restricted to the reference back not on other general parts of it.

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

Sorry, I beg your pardon. Sorry, I did not even realise we were having a reference back. I am so sorry. I went outside to try and understand it. **[Laughter]**

**The Deputy Bailiff:**

This is a debate on the Deputy Le Fondré’s proposal for a reference back.

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

Right. So I will continue because it is all relevant then. Well, it is absolutely not a reference back. We should not have a reference back. There is nothing wrong with the plain English. It is absolutely clear. The report is clear. The recital is clear. Absolutely there is no case whatsoever to be heard. I have never heard any such mathematical pedantry in my life.

[16:15]

**14.2.4 Senator I.J. Gorst:**

I am not sure that the Deputy is as confused as he is trying to indicate. He is saying exactly the same thing as the Minister. They are just describing it differently. For my part, I would have a lot of sympathy with the Deputy referring to a change from 50 per cent to 47 per cent being a 6 per cent change, rather than the 1.5 and 1.3; 1.5 being 3 but he and I both know that we could spend all day agreeing or disagreeing by doing various mathematical calculations and it comes down to whether the department should have done a mathematical calculation and recorded in their proposition a 6 per cent and 12 per cent change, which the Deputy is referring to, which the Minister accepts, or whether they should have described it in the way that they have as a 1.5 per cent and a 1.5 per cent change. It is the plain English version, as much as it pains me to acknowledge that. I think it is the plain English version that Members would expect the Minister to have in his proposition while acknowledging a change from 50 to 47 is, of course, a 6 per cent change. When we changed G.S.T. (Goods and Services Tax) from 3 per cent to 5 per cent the plain English understanding of that was that that was a 2 per cent change. Of course it was not a 2 per cent change, as you well know and as the Deputy himself well knows. So I do not believe that for a minute that the Deputy is confused nor requires further information from the Minister or the department. The proposition is as it is. The report gives further clarity to that plain English interpretation of what the number is.

**14.2.5 Deputy G.P. Southern:**

The Minister for Education has come clean. We agree around here what the numbers mean. There is no further information that anybody in this room needs in order to make up their mind. **[Approbation]** It is that simple.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition for a reference back? Deputy.

**14.2.6 Deputy J.A.N. Le Fondré:**

It is unusual because how many times have Members said: “Look at the wording of the proposition, not what is in the report”? I find it very disappointing that it is the Department of Education that has produced something that is this unclear. Bluntly, I would expect them to be setting the standards and clarity on what are voting on. It is all about presentation. Because it is very easy to sell to the public, it is a 1.5 per cent reduction in the grant because that is nothing. It is a bit different to turn round to the primary schools and say it is a 6 per cent grant in the first year and then a 12 per cent reduction in the second year. That is, in magnitude, somewhat different. Now, if Members are clear on that, fine, and we will go through and no doubt ... and Members are just going for the fear factor: “Oh, well, what are the consequences?” They are not turning round. They are saying they accept what I will call sloppy wording. I am disappointed in comments from Ministers and former Ministers because it could explain why Ministers sometimes are mathematically confused. It could explain the issues around trying to get cost control done and clarity on numbers and all that type of stuff. So how many times have Members been told to vote on the proposition? The proposition clearly states: “Reducing the percentage of age weighted pupil unit is the percentage, by 1.5 per cent in 2018 and a further 1.5 per cent in 2019.” In fact the Constable of St. John in the coffee room was saying: “We would be delighted to vote for that because the financial impact of that is only £280,000.” It is not, whichever number you wish to pick, of £600,000 or £650,000-odd. That is okay. If Members are happy with that then obviously we will vote against the reference back but let us get some clarity. Have we not been going on about clarity, transparency, holding Ministers to account? This wording is appalling. I think I will probably stop there. On that basis I make the proposition and call for the *appel*.

**The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats. The vote to be taken is the vote on whether or not there should be a reference back to bring clarification as to whether £608,000 or £647,000 are the correct figures to be operating from in the last part of the proposition and the confusion, if it be confusion, to be clarified the difference between 2 reductions of 1.5 per cent or whether they are in fact 6 per cent or 12 per cent or whether further information is needed in those respects. I ask the Greffier to open the voting.

<b>POUR: 6</b>	<b>CONTRE: 31</b>	<b>ABSTAIN: 0</b>
Senator S.C. Ferguson	Senator P.F.C. Ozouf	
Connétable of St. John	Senator I.J. Gorst	
Deputy J.A. Martin (H)	Senator P.M. Bailhache	
Deputy J.A.N. Le Fondré (L)	Senator A.K.F. Green	
Deputy K.C. Lewis (S)	Connétable of St. Lawrence	
Deputy S.M. Bree (C)	Connétable of St. Mary	
	Connétable of St. Ouen	
	Connétable of St. Martin	
	Connétable of St. Saviour	
	Connétable of Trinity	
	Deputy G.P. Southern (H)	
	Deputy J.A. Hilton (H)	
	Deputy of Trinity	
	Deputy M. Tadier (B)	
	Deputy E.J. Noel (L)	
	Deputy of St. John	
	Deputy M.R. Higgins (H)	
	Deputy J.M. Maçon (S)	

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

### **14.3 Medium Term Financial Plan 2017 – 2019: amendment to funding for fee-paying schools (P.41/2017) - resumption**

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

We continue now with the debate on the main proposition.

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

I did support the reference back, I did not speak on it, but I was utterly confused because I have been told we should be listening to the plain English and it is a mathematical equation that I am now supposed to look at but I am sort of concerned. I sat here and I read all through the excellent, I would say, excellent report from the Scrutiny Panel. All the way through I could not really see much support except for the last paragraph and it says: “Therefore, despite recognising reasons that this is not done... the panel reluctantly accepts that this proposition is in order.” Well, if any time I have ever heard sort of a: “Yes, well, this is possibly okay” and then the chairman spoke and I really respect Deputy Doublet and I do not think she could even wholeheartedly say: “You must support this.” We then heard from ... I think he is still a panel member, Deputy Mézec, and he said: “We must. We must support this.” It is not just about his philosophy that maybe he is not sort of too supportive of private education. That may be his philosophy. He mentioned that if we do not support this, this saving of £600,000 and something would be coming out of States schools. Well, I thought this was a saving in the M.T.F.P. that was going back in the nice little pot. Am I right? Yes, I am. So do not be misled by the Deputy behind me. This is not going to be going anywhere except in the pot to be redistributed. Then I have to now talk plain figures because what is it? Is it £320 a week, £166 a year? Is it double that next year? Well, I think it is. What if you have 2 children? Nobody knows because nobody did do the White Paper or the Green Paper or the proper consultation. What about these 16 children that are suddenly going to fall out of private education that could be 32 and flood the already overstretched 4 States senior schools we have and some very overcrowded classes in our primary schools. No work done on this. We have heard this morning, and I really do not want to go back to the debate where we are making education and we are now making children our top priority, and we are arguing over pennies apparently here because this was ... we have cut, cut, cut to give more money to education, health ... there is a third and I know the fourth is St. Helier and we never got anything but that is beside the point, we are talking about education today. So I read this and then I read, well, somebody has had a look in the U.K. and seen how much their private schools pay. They are not comparing apples even to oranges. I think they are comparing it to some sort of luxurious pineapple because this is what the schools ... in the private schools in the U.K. they are multimillionaires going there, their children going there, not the hard working mums and dads, the majority, who do send their children to probably because they

are faith schools, probably because they are maybe same sex schools but for whatever reason they are struggling. I do stand here worrying when we say, and we have been told again and again: “Well, we agreed this in the M.T.F.P. Nobody objected to it.” Did you read the 3,000 pages and the annex and the annex and the annex and which page was this on? But we agreed to it, of course we did. There is a lot of other things we agreed to and I think, like Deputy Mézec, I voted against the whole thing. So I did not agree so I can stand here today and say in plain mathematics I do not know. I do not care about the ... does it add up to this? Is it half a per cent? Is it 6 per cent? Nobody has done the research to tell me the knock-on effect on the hardworking parents, the knock-on effect if it is more than 16. If it double to 32, 50 children a year, to place the extra children in our already overcrowded classes that we used to keep at a certain amount and now they are already 2 more, 3 more, 4 more pupils in that class every year. So it is plain mathematics to me, the questions have not been answered. So I am very sorry, I did support the reference back but I cannot support this because it is ... you can read this how you like to read it. It is going to affect somebody and the money, please do not be fooled, is going to go and help somebody else. It is going back into the pot because it is the savings that Education promised to make and that is what they do when they do the salami slicing; cut, cut, cut. You have got to find something and this is where we will get it from. We do not know. I want a White Paper. I want a Green Paper and I want some answers before I would ever support anything like this.

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

I have been prompted to speak. I thought about whether I should not speak on this given that it is an election year and we do not want to upset too many middle class parents who tend to vote, which is fine and I wish more people would vote. I do not know why that got a groan. I mean it is simply a statement of fact. **[Interruption]** Let us get on to that in a minute. But when I heard the words that this Deputy was misled by someone behind her referring to Deputy Mézec, well, we cannot have it both ways. I think we are told that ... and it is not something that we agree with. As a party we have resisted the cuts and we fought against the cuts because we see them for what they are. But if we want to invest more in education, and it is a very strange way that the Council of Ministers are doing it, because we know that the Scrutiny report did tell us at one point that there is no real increase going into education but they have simply been spared from some of the ravages that other departments have had to put up with in terms of their fee reduction. So the savings are being redistributed. So the motivation for this is clearly so that there do not have to be even bigger cuts, Deputy Martin, in education because if we carried on funding the private schools and the grant maintained schools at the same level there would be less money going into the pot *per se* for spending in education. I think that is the reality of it. So we can, by all means, be united in our criticism of the Council of Ministers and their cuts programme but simply the choice we have today is that if we do not allow the Minister to go ahead with something that has already been agreed there will be even less money in the pot for education. That is a stark reality. I was also prompted to speak when I heard the word: “There will be a flood in to the secondary schools” because indeed there has been a flood at Les Quennevais School but it is not by people leaving the private sector to come and be educated at Les Quennevais, it is because they have not been able to maintain the roof satisfactorily and there has been a literal flood when the sun has been beating down on it and then the cracks appear in the roof and the rain ... and the tiles fall through so there may not even be a school there to house these children into the future and we do need investment in the States sector. That is an issue. I do not know if today is the day to have a debate on the education system. I do not think it is but inasmuch as it relates to the way we fund our education system I have heard people saying we are tinkering around the edges here. I have put it on record in the past that I am very concerned, for example, that the only provision for a 6th form in the state sector, in the truly no fee-paying sector, we only have one in Jersey and that is called Hautlieu. We have some very good stuff going on, very good work in vocational, *et cetera*, going on at Highlands but if you want

a free education in Jersey, something which I think even this Government still believes is correct, 4 to 18 education should be free, why is there only one school in Jersey but there is 4 or 5 options if you are willing to pay for it?

[16:30]

That seems very strange, a strange balance in the current climate. I think it is right to make comparisons with other jurisdictions. We know that Jersey has roughly a 50 per cent split when it comes to fee-paying and non-fee-paying compared to some 8 per cent versus 92 per cent in the U.K. and no doubt figures will vary along those lines in our other neighbouring countries. I think stark questions will need to be made about whether or not people have private education, whether they look after themselves or whether we have collective accountability when it comes to educating all of our students in the Island. Let us remember ... you know, I do not want to conflate the issues but this does come a day after we have had a very significant report that has just been published which talks about the divisions in societies and what happens when you neglect the poorer quartiles in society. If you have money in Jersey you are okay, you can function quite well. For those out there who do not things can be very difficult and they are the ones that get neglected. What I see and what I know from the Jersey context is that this Assembly does not like revolution and when a previous Minister for Education tried to do something much more audacious than this by seriously redressing the balance between the private and the public schools he had to take the knives out of his back from the then Council of Ministers, many of whom could not support it, even though he was moving in a direction which ostensibly they supported initially and it was too much for the Assembly at the time as well to the point where I think he had to resign, if I remember. Or he did not last in the job anyway. Now which one is it? Are we going to have incremental change in this? Are we going to have radical change? I mean we could say: "No, if you want to be private schools you get no funding from Government. That is your choice. Our job is to provide a fully funded public education system and if you do not want to be part of that then that is fine, you make your own provisions as we might do for healthcare, *et cetera*." That is a reasonable stance for any government to take but that is not the stance that they have taken or that indeed we are taking. We are just saying: "Look, there needs to be some recalibration here" and I do ... of course we hear people saying: "Well, I have got to work 2 jobs. I really cannot afford it. I am working 2 jobs to put my children into this private education." Why? Why would you do that when we have some very good state schools in Jersey? If the pinch point is that critical for those individuals and I have no doubt there are out there, if you cannot afford, for example, the £5,000-odd that it costs to send your child to J.C.G. and you live in the west of the Island why do you not send your child to Les Quennevais School once it has got its new roof and save yourself £5,000, maybe work a few less hours and spend more time with your children? I am sure they would appreciate it and I am sure you would appreciate it too. Most people, I do not think, are necessarily on that marginal point either. There are people out there who can well afford it and the reason they have fee-paying education is because they know it is worth it. The advantages and the perks that you get later on in life from putting your children through those colleges when they apply for jobs, *et cetera*, in the Island it pays off. It pays off. So I think I am going to leave the comments there. I have been prompted to speak by Deputy Martin and I am not for one moment saying that every parent in that sector is rolling in money but I am saying that there are some very good schools that we have outside who make provision for truly comprehensive education, including for those with disabilities, and they are truly comprehensive education and I do not know why we have not got an 11 to 18 school in Jersey or indeed a 5 to 18 school. I have spoken to headmasters in Jersey and they have said it is very divisive, the system that we have got, which is selective at the age of 11, it is selective at the age of 14 and then at the age of 16 children can, if they want to, or young adults can go to Hautlieu and maybe be again with some of their peer group and there is a lot to be said of course for the Hautlieu system but is this really the best way of doing education in what remains a

relatively small Island? These are no doubt questions for another day but are we really saying that these modest changes that are being put forward by the Minister for Education which have already been agreed and of course which he is obliged to come back to the Assembly to pass, are going to break the bank and cause all of this social shift into the State schools? If it does mean that people are moving into the state schools then let us accommodate them and increase the funding accordingly to that. I would like to see more input from wider varieties certainly in Les Quennevais School and other State schools in the Island.

### **14.3.3 Deputy S.M. Brée:**

I have sat here and listened to various arguments being put forward and the same old prejudices are being trotted out. Prejudices which have no validity whatsoever. But I really want to talk about what the Minister for Education said was the vision. I do not know whether any other Members recall but at the beginning of this particular term we sat here and we listened to the Council of Ministers' Strategic Plan, as put forward by the Chief Minister, and it was all about investment and one of those key investment stones was education. Well, I am sorry, what has been put forward today is not investment, it is a cut. Now, if we are going to invest in education, which I think we need to, it is not about the building, it is not about the concrete that you are putting up, it is about the teachers and the pupils; that is what needs investment in. I think it needs to be thought of very hard whether you are going to vote to cut funding to education. I am also slightly concerned about where the Minister's policy is taking us because, if you think back, we had the whole debacle about nursery funding a little while ago. What was that aimed at? Private nurseries. This is aimed at private, or public-private fee-paying schools. I would hate to think that the Minister has a prejudice against any form of private education, because I do not think that is the case, but, if you keep on picking away at private education and you keep on making it more difficult for parents to have a choice then that, in my opinion, is completely wrong. The "impact" as well is a word that the Minister has used. Let us go back and look at why do people choose to send their children to fee-paying schools, because, therein, I think, lies the heart of this argument. The reason that most people send their children to fee-paying schools is because they can just about afford to do it and the difference between, in my opinion, the level of education and academic qualification in the private or fee-paying schools is so much better than the States schools. I would wish that we did have, as Deputy Tadier said, a States school that went from 5 to 18, that you had a States school that would take pupils all the way through to A level, but we do not. That is why a lot of parents choose to send their children to fee-paying schools. It is not rich people who send their children there, it is hardworking parents. My father went there; his father scrimped and saved and made the decision to only have one child. I went there and my father scrimped and saved to send me there. My son went there, and I scrimped and saved to send him there, because I could just afford it. I believed in the public-private partnership that made those schools work. In my opinion, it is the Government that is trying to undermine that partnership that has served this Island so well and worked so well for so many years. To make this comparison to U.K. fee-paying schools is completely spurious. They are a completely different animal to what we have over here. Just for example, they have much smaller class sizes, their teacher-to-pupil ratio is much better, and the facilities that they provide are much better as well. I am surprised that the Minister for Education does not know the difference. We have been told that if we do not approve these cuts to the fee-paying schools then the cuts will have to be put elsewhere on other schools or other facilities. I find that slightly heavy-handed because you have a budget in the M.T.F.P., we voted the M.T.F.P. in and we are saying: "Yes, we, as the States Assembly" the majority was voted in, but education is not just about money, it is not, and if we fall into that trap of equating a pupil to an amount of money then we have lost sight of what real education is about. I am concerned that that is what is happening, that the future of our children is being determined by an accountant, and I would urge the Minister to go back, to withdraw this proposition and find another way of doing it, because this

is not right. I am also concerned, I have to say, and Deputy Martin already referred to it, about the Scrutiny report, the comments that they make. I read it and I was reading through it quite closely thinking: “Ah, the Scrutiny Panel do not support this.” I then got to the very end of it and saw the words: “The panel reluctantly accepts that the proposition is in order.” I have never seen that “reluctantly accepts” in any Scrutiny report or comment before, though I am relatively new to this Assembly. It did worry me that this Scrutiny Panel had not had the chance or ability to be totally subjective in their view because there was, if you like, the threat there that unless this happened to fee-paying schools, States schools will lose out. That is not a position we should ever find ourselves in. If we are going to invest in education, then let us do so. I would suggest that reducing the amount of money that is given to fee-paying schools reduces the ability of some parents to have that choice. When you provide me with a States education system that matches everything that the private fee-paying schools can provide, then we do not need to subsidise private fee-paying schools any more. I would urge Members to think very long and hard about this and ask themselves what does investment in education mean?

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

Following that speech from Deputy Brée, I think it is appropriate for me to stand, as a member of the Scrutiny Panel, and I am going to be objective, because that is our role as a Scrutiny Panel. If Members recollect, the Scrutiny Panel have said, time and time again, the fact that this Government are not investing appropriately in education. The Scrutiny Panel stated that in 2015 on the first M.T.F.P., and also their amendment was approved by the States Assembly on that basis.

[16:45]

In 2016 on the addition to the M.T.F.P., again, they did the figures and, because of a statutory requirement to the Minister for Education, he had to put a large proportion of that investment in, because otherwise he would not be meeting his obligations as the Minister under the law. That leaves very little room to wiggle. The wiggle room lies in the Jersey Premium, and that is what this States Assembly approved in the M.T.F.P., that is the investment that this Assembly has given to education, whether it is fee-paying or non-fee-paying. I would like to get away from this discussion about who is better than who else, because this is the problem with our education system: we allow ourselves to be divisive, we allow ourselves to be selective, and that is absolutely wrong. From my point of view, and I had this discussion with the panel yesterday, I reluctantly agreed to the comments of the Scrutiny Panel, because we have been put in an extremely difficult position where you know, when you have done that work looking at the numbers for education, you have made the arguments time and time again as an objective panel to state that we are not making the investment that this Government claims they are, to then be told ... well, to know, to have seen the figures, that if we do not do this particular proposition, if we do not make this particular saving, that the savings will come from elsewhere in the education system, namely, teaching assistants, teachers and all those areas within the Education Department. Because they have literally been ripped down to the wire. I think it is absolutely shameful for us to stand here and start arguing that we should be investing in education because this is for fee-paying schools when we should have been arguing about this from dot one. We should be having a debate about what kind of education system we want, what kind of future we want for our children. I am sorry, but yes, I do support this. Why? Because I am not going to support having more funding taken away from that where it has already been stripped in schools and, if this States Assembly agree for this to be rejected, I am more than happy, and I will work with my colleagues on the panel as well, to bring forward a proposal to make the Government invest in education, to take the money out of contingency, to take the money out of other departments, or even raise taxes. Because apparently this States Assembly wants to invest in education. If that is the case then let us do it instead of giving it words and not action.

### **14.3.5 The Deputy of Trinity:**

I am very pleased to follow the Deputy of St. John. I would like to go back to what Deputy Brée said about the choices that parents make. I would like to think that all parents make the choice of sending a child to school, wherever, for the right school for the child; that they do put the child first for the right school, whether it is a States school, private school, or whatever, because education matters to all children, whichever school they are in. But to find savings in any department, if we get down to the brass tacks, is always a challenging issue. Where do you look? What should be included and should not be included? The mantra has always been education, and the aim, quite rightly, is to protect the core services, but no stone should be left unturned; every area should be looked at to see if savings could be found. This area includes, obviously, music service, libraries, newly-qualified teachers, and how could any service be more effective. Also, we need to ask the question: “Does education need to do things?” like every department needs to be asked. Those are very important questions, and we have all been part of that Lean process for all areas, which had to include the fee-paying schools. These adjustments, as we know, were put in the M.T.F.P. 2 last year for the period 2017/19. Just to remind Members, they were approved by this Assembly. It is not easy to find savings anywhere, and I can understand some parents’ concerns. All schools are valued and they all play an important part in education. Education has a budget of approximately £105 million, and there has been some investment too, of approximately £2.8 million. The areas where it has gone, and I like to think that all in this Assembly would agree to that, is in the area especially of vulnerable children, the Jersey Premium to achieve higher standards for those who are not coping very well, to improve standards across the board so all students can achieve their full potential. Also, £2 million was put in higher education. At present, all fee-paying schools receive either a grant or subsidy in the region of over £9 million, plus some fiscal stimulus funding too which they have had. There are some other things too: all the schools work well with the Education Department in other ways too: they are part of the training, D.B.S. (Disclosure and Barring Services) safeguarding, and they work as part of a team of all schools across the Island. The savings target is £600,000 over 2 years, starting next year, so we are mindful of the financial pressures that some families might be facing. The amount which is approved being £1.5 million each year for 2 years. If the schools pass on the savings to parents it is about £3.20 per week per child. Consultation with all schools has taken place and we know it has taken place with Scrutiny as well. That does not just finish there; the consultation does continue, and will continue, as one part of the education system that educates all our children. We also need to make sure that the savings are fair, sustainable and efficient. The Minister has given an undertaking that there will be no further savings during this period. All schools, including private schools, as I said, play an important part in educating our children for the future so that they can reach their potential and play a full part in society. I would like to take this opportunity to thank the teachers for the important job they do in our children’s lives. This saving is appropriate, a saving of £600,000, which will be reinvested in the frontline children’s education. It has already been approved by this Assembly. If it not approved today, the savings, unfortunately, will have to come from somewhere else within that education budget. I urge Members to support this proposition.

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

I am glad to follow the previous speaker because she would be glad to know that I do agree with some of the points she made, particularly the comment she made about the teachers and how we should be supporting them. What I also congratulate her on in her speech is she managed to get 2 key buzzwords in there: one was the key thing about reinvesting, which is always a lovely expression to get in, and the other one was about savings; these are savings of £600,000. I would like to turn it round so these are not savings, these are a tax, and I will get to the point as to why and why I think there are therefore some consequences that may come out of this. Because that is my key concern on where these charges or this tax goes. If we keep increasing the cost to parents,

who already pay partially for their children to go to a fee-paying school, there will, at some point, be a cut-off where more of those parents will either leave the fee-paying school to go to into the States sector, or will just not go to the fee-paying sector in the first place. To answer Deputy Tadier's question as to why; I think partially it is about choice. Partially it is about, for example, and this is not the only reason, the ability to send their child to a faith-based school. The States does not offer that as an option, and parents are willing to go that extra measure, also for the reasons outlined by Deputy Brée, to give their children, if they can, that choice. What I would like to do is draw Members' attention to page 6 of the proposition. For those of you with black and white, it will be a dark grey and a light grey graph; in my proposition it is a brown/blue thing, on page 6 of the proposition. The point being, if one looks at that graph, one will see the proportions that parents are already contributing to the education of their child. Bearing in mind, if they are taxpayers, which I would imagine is likely to be the case, they are already paying for the education of their child, because that is what partially tax pays for, because that is what funds the non-fee-paying schools. Those parents would argue that they are already, I will say, paying twice. There is a question, because it does sometimes come through in certain terminology, as to who is subsidising who. The parents would argue that they are subsidising, or let us say saving, the States considerable sums of money because they are not imposing their children on the States sector. As the point was made, if everybody left the fee-paying sector, I think one would have about 3,000 extra pupils that they would have to cope with, and that has a significant cost attached to it. There is certainly a view, an expression I believe that was portrayed to Scrutiny, that about a 5 per cent shift of pupils ... and to put that into context, if it was De La Salle Primary School, that would be 10 pupils, would be enough to knock out the so-called savings that are to be achieved by this proposition. The Minister implies that the schools do not have to pass on these changes to their grant to parents. I am not allowed to use the word "disingenuous" these days, am I, but I think that is a bit contradictory because certainly one of the schools that has made this submission has made it very clear that they have already cut, as far as they can see, as far as they can, their operational costs. The abbreviation is the A.W.P.U. cost, which is based on part of the cost to the States of educating a child. It does already exclude things like I.T., H.R. administration and other support costs, so the equation that is being applied to the fee-paying schools is not the full cost of educating a child to the States. If the Education Department is making the savings it is going to be talking about, then that ratio, that A.W.P.U. rate, is going to drop anyway, because their costs of teaching children in the non-fee-paying sector will reduce, and therefore the grant that will go to the fee-paying schools will automatically be reduced as well. The report to the proposition also talks about the savings that the state schools have had to make; it talked about £1.2 million. I appreciate there are always concerns about averaging, but if we do it for the 3 years of the M.T.F.P., that is just under £45,000 a school. The fee-paying sector, with this, will be just under £68,000 a school. So there is already a significant difference being applied to the fee-paying sector versus the non-fee-paying sector in the level of savings that they are having to achieve. Just to be clear, in fee-paying schools there will be parents who can easily afford the changes, no question, but in the same way, there will be parents in the state sector who could easily afford to pay school fees but they choose to send their children to the state sector, for whatever reason. To use the terminology that sometimes we get in these kinds of debates or elsewhere, the taxpayer subsidises those parents 100 per cent, and there is no argument about it. That is why parents at the fee-paying schools are concerned that they are seen to become an easier and easier target by these kinds of measures, because it is only £3.20 a week, or whatever the number is.

[17:00]

If we put that into context, I use the scenario of parents with 2 children, so that is about £330 a year, my take on an average tax bill, that is between a 5 per cent and 7 per cent increase in their tax bill that we are talking about. There is this lovely expression of "middle Jersey", and I would argue

that the people one is hitting there is the middle Jersey element: the people who will be, to use Deputy Brée's expression, scrimping and saving to get their children into the fee-paying schools because they want that particular choice, whether it is because of faith reasons or because of other reasons. I would suggest that, bearing in mind a 5 per cent to 7 per cent increase in your tax bill over and above everything else that is coming through, could be enough over time for people to start making changes in those choices. What I am not keen about, and certainly there is a comparison, is an inference. It is says in the report ... I am just looking for it: "There is a difference of 143 per cent in the independent schools in the U.K. compared to the Jersey fee-paying schools." I think Deputy Martin has already very well addressed that. One is not comparing like with like in terms of the opportunities and the style of teaching in the schools, but that mantra comes out and that justifies the increases. We have talked about an all-inclusive society, and all that type of thing; for me it is about parents having choices and it is about the ability, for those who could not ordinarily afford, to take part in that choice. I would suggest that this kind of proposition starts moving away from certain parents having that choice. Sorry; I was just looking for the Scrutiny comments. They did identify a couple of things. Obviously, as I said, we have had the reference of if there was a 5 per cent shift in pupils to the non-fee-paying sector, that would wipe out the savings, it is believed. I did pick up a point, though ...

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

Sir, would the speaker give way?

**Deputy J.A.N. Le Fondré:**

No. It does say in the report, and I will accept that is a representation that was made to the panel, it states that it, and I presume that relates to the panel: "Therefore questions whether the figures reflect the reality of the savings envisaged." I think what was more important, in a way, again it is about the States, or rather the Council of Ministers, doing things the States have previously agreed and set out. That may be a theme I will come back to in another area at some future point. The then Senator Shenton lodged P.72/2011, and that had 2 parts to it. We have heard the comments about the Green and White Papers. It is very clear that that has not happened, that that work has not been done, even though that was a decision made by a previous Assembly. The department and the Council of Ministers seem to have conveniently ignored that. That in itself should be enough to reject this, because the Ministers have not done what a previous Assembly told them they should do. I will not read out the proposition; if anybody queries it, I do have it to hand. I think my concern, as I said, is the unintended consequences, and also the start of the moving away from this ratio that was previously there of 50 per cent for secondary, and 25 per cent grant for the primary side. We are shifting that away. That makes it easier for somebody in the future to come back and change it. I fully accept that the Minister has no intention to do any changes. The Minister is only there until some date just after, I think, 16th May 2018; that is less than a year away. I have no idea if he is standing again, I have no idea if he will be re-elected or not if he is standing again. I have absolutely no idea who will be Minister. Therefore, any future Minister will not be bound by those undertakings and, depending on the financial pressures, then it becomes a lot easier to take another little tranche off that grant that is given to the fee-paying schools. Really, I would suggest that, schools risk being hit twice: firstly, by this direct reduction in the grant and, secondly, by the future reductions in the A.W.P.U. rate upon which their grant is already based. Therefore, that will have an impact on parents and therefore that is then a slow erosion of choice, and it will be people who do have greater difficulty in affording the fees they already pay. That, to me, as I said, is the kind of middle Jersey label. That is really what we have always been about: is trying to help those people and give choice. It is a little bit about continuity and community and consistency and, as we have heard, it is not possible in the States sector to go from, I will say age 6, I might be wrong here, all the way through to age 18. But when the fee-paying sector gives that choice that allows children

going through their formative years, which will be stressful, standing back from it ... it is all inconsequential now, but it is all those dramas and stresses of that time, particularly G.C.S.E.s (General Certificate of Secondary Education) and A levels. They are able to build up a peer group which is supportive and enables them to go through that. Within the States sector we do not provide that; one has to change that peer group. So because one has got to stop after G.C.S.E.s if one wants to do A level one has to change schools. For me, as I said, what we are risking here is we are starting to damage that model and we are starting to damage the choice that parents have. Effectively, we are again imposing a further cost on parents, on taxpayers and on parents who probably are less able to afford some of these changes. These cumulative impacts are then going to start having changes in behaviour which could, ultimately, just increase the costs to the taxpayer, ultimately. On that basis I will not be supporting the proposition and I really do ask Members not to as well.

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

Sir, could I seek some clarification from the previous speaker that he was not seeking to infer that the Scrutiny Panel calculated themselves at a 5 per cent move from the fee-paying schools when they get the savings? But that was estimated by a submission to ourselves, it was not our calculation.

**Deputy J.A.N. Le Fondré:**

Sir, I think I did clarify that it was a representation made to the committee when I was speaking to them.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? I call on the Minister to respond.

**14.3.7 Deputy R.G. Bryans:**

I stand here very pleased as a Minister for Education to have heard such an informed debate. We have had maths lessons, we have had English lessons, we have had lessons about all things to do with this particular proposition and we seem to have meandered all over the place and gone in all sorts of different directions. But I am very pleased and I am very thankful to everybody that has spoken because I do think these matters need consideration. I will not address everybody that has spoken because I think there was quite a bit of repetition but I just want to go through a few points. First of all, I would say in relation to the discussion from Deputy Le Fondré just finished regarding publications of White and Green Papers, I think the proposition P.72 or the one that related to the previous Senator Shenton, says in it: "At the current levels, pending publication of the forthcoming Education White Paper." He was not suggesting in that that we should produce White and Green Papers, he was simply saying that pending a publication of the White Paper in this particular instance, back when it was decided and I believe that that publication was done. I am a little bit mystified as to what that means but it is not something that we embark on now, White and Green Papers. I think Deputy Doublet said they are not used as often as they were, consultations have changed that. First of all, I would like to thank Deputy Doublet and Deputy Mézec in particular, because they sort of highlighted the real point in this proposition, which is that what we are trying to do here ... and we did get bogged down in the maths lesson from the Connétable of St. John, which sort of took us off on a different tangent, I think, and sort of moved us away from where we were trying to be. What we are trying to do here is, as has been said by many of the Members, is go back to the decisions that were made in the M.T.F.P. It was in there; I am sorry that Deputy Martin did not find it or did not read it at the time but it was in there that we were contemplating this reduction and it was way back then that we were telling heads of schools that this was a consideration that they needed to take account of. Again, as I said before, we try to be as transparent and as open as we possibly can and to give schools and parents as much time as

possible to make considerations about what they do with the education of their children. To go back to the point that was made, the proposition, in itself, relates to the action; the report itself relates to the impact and I think that is kind of where the confusion started to lie. Excuse me while I move some papers around. This is simply about reducing the funding of the Ageweighted Pupil Unit or, as we call it in education, A.W.P.U. We are reducing that over 2 years' period by 3 per cent. The effect of that is the bit that is in the report here and it shows you all the way to the back. When you are talking, as Deputy Noel said, about figures like this in the situation where there is a fluctuation and the fluctuation in this particular case is the number of pupils that move around our education system, there are going to be differences, so it is not an exact science. You cannot sit and say simply: "If this is 3 per cent, then it equates to 6 per cent, which equates to a figure." I do take on board what Deputy Le Fondré and the Constable of St. John said in terms of what we are looking at here, they are quite right; 3 per cent of 50 per cent is 6 per cent and the 3 per cent of 25 ... I am starting to sound like one of the Marx Brothers now and the 3 per cent of 25 per cent is 12 per cent. But the full effect is that we are simply reducing the funding of the A.W.P.U. by 3 per cent; that is it. The figures that we have given at the back of the paper on page 9 are an indication and, as Deputy Noel says, the target of what we are hoping to achieve, it is not a fine science; it is not the exact figure. We are hoping in terms of what we have and we know the pupils' figures move to hit that target. Going back to some of the other things, I think there is a bigger discussion to be had with education on this Island and I have said many times that if I was to contemplate a blank sheet of paper, rather like some of the previous speakers, I would contemplate a different education system. But when you are in the situation that I am that has inherited this, I have to tell every Member, you have one of the best education systems that I have been welcome to see around the world, not just in Jersey and not just in the U.K. It is fantastic. The Constable of St. John said right at the beginning and I totally agree with him, that this is not so much about the funding, it is all about the teachers and the pupils. I totally agree and we have some fantastic teachers and some fantastic pupils. It has been my privilege, as a Deputy, to serve as a Minister for Education and to try and make sense of the system that we have. What I try to do is constantly limit the impact on parents where I can, make sure that the system that we produce is the best available and do that in the best way that is possible. I am not trying to undermine, I am not trying to take cuts and I think somebody was saying I am acting as an accountant; not at all. In fact, if you are ever in the Council of Ministers when I am surrounded by my fellow Ministers, my argument is quite often - I can see the Chief Minister is smiling - that occasionally they walk into account speak and I just say: "Look, this is about people and we are dealing with people's lives here." I am very aware of the situation that I find myself in. I am very sorry that we are having to make these savings but they have to be made and I think we have done them in the least impactful way possible. I am not picking on private schools because these cuts or these savings have been made right across the board. Again, it is in the proposition, you can see the savings that we have made in the States sector. This is being about fair and passing that responsibility right across the board. I have not too much more to say about these particular ... let me see if this has covered everything. I am more than happy, as I say, to have another bigger discussion about what we can do in education and I am more than happy to sit down with Scrutiny and work with them to see if we can, effectively, change for the better the system that we have. But, I have to say, I think it is an absolutely fantastic system. For my part, I want to maintain choice; I think it is paramount. I will not be coming back for more. I have said that several times; this is it, this is just the one saving that we have to make. I have tried to limit the impact, it is just 3 per cent and it starts in 2018 and it runs to 2019 and that is it. I have attempted to create a fair playing field. It is true, it is absolutely true, as Deputy Doublet and Deputy Mézec have said and Deputy Tadier and others, if we do not make the savings here we have to make them elsewhere and that would create an unfair playing field.

[17:15]

It has already been agreed in the M.T.F.P. and today it is about defining that statement and that decision and making sure that we move forward and create the best education system that we can. I ask for the *appel*.

**The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 35</b>		<b>CONTRE: 9</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Connétable of St. Saviour		
Senator P.F.C. Ozouf		Connétable of St. John		
Senator I.J. Gorst		Deputy J.A. Martin (H)		
Senator A.K.F. Green		Deputy of Grouville		
Senator S.C. Ferguson		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Helier		Deputy K.C. Lewis (S)		
Connétable of St. Clement		Deputy R.J. Rondel (H)		
Connétable of St. Peter		Deputy S.M. Bree (C)		
Connétable of St. Lawrence		Deputy T.A. McDonald (S)		
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of Trinity				
Deputy G.P. Southern (H)				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy M.J. Norton (B)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**Deputy R.G. Bryans:**

Can I just thank Members for that decision? I think it is a very emotional one and I think they have made the right decision. Thank you.

**15. Draft Amendment (No. 31) of the Standing Orders of the States of Jersey (P.43/2017)**

**The Deputy Bailiff:**

The next item is the Draft Amendment (No. 31) of the Standing Orders of the States of Jersey lodged by the Privileges and Procedures Committee and I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

Draft Amendment (No. 31) of the Standing Orders of the States of Jersey. The States, in pursuance of Article 48 of the States of Jersey Law 2005, have made the following amendments to the Standing Orders of the States of Jersey.

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

Yes, could I ask Deputy Martin to act as rapporteur for the committee, Sir?

**15.1 Deputy J.A. Martin (rapporteur):**

Most of these amendments come from work that was done by the Standing Orders and Internal Procedures Sub-committee. I sat on that committee with Senator Ozouf and all this work was complete before Senator Ozouf left P.P.C. and I thank him for working with me. I would also like to thank the Assistant Greffier and the previous Assistant Greffier, who I think is just on leave, for being our officers on this and trying to get us together, which sometimes proved very hard. We have also had a presentation to States Members and all these amendments to Standing Orders came when we first went out as a new committee and asked what Members would like to see changed in Standing Orders, what they thought worked, what did not. Not everything is in these amendments; there are a few more to come, like the one that is nearly ready; it is the one that Deputy Southern pre-empted and brought about answers to questions, that they should be relevant to the question and that will be coming soon. There is one that is not covered by P.P.C. and I say this now because a lot, when I say a lot, probably half a dozen States Members have approached the subcommittee and it is about secret ballots. We have not found a consensus on P.P.C. and it is not here. I say that now, so if anyone wants to direct P.P.C., bring it to the House, test it, then it will have to come through P.P.C. but it will not be brought unless a Back-Bencher does it, so that is all I want to say on that one. The first amendment is to Standing Orders 9, 11 and 12 and it is about who may be asked a question. The change will allow questions to be addressed to Assistant Ministers with delegated areas. It will not stop the Minister answering it but we have Assistant Ministers who have real responsibilities in delegated areas and we now have to ask the Minister and if he wants to he can delegate it. It will not stop the Minister answering it. But I will stress to States Members, please, please, when submitting your oral questions stipulate if you want this answered by the Minister, it will be and if you want it answered by the Assistant Minister, it will be, under the new Standing Orders, so that is those Standing Orders. Amendment 2, the next amendment is to Standing Order 21. It is not something the subcommittee did look at but it comes from the amendment to the Standing Orders earlier we agreed this year from Deputy Wickenden, that he proposed to ensure propositions are accompanied by a statement saying whether collective responsibility applied or not. In hindsight, we have realised that the wording that is there now means that this should apply to all propositions. This amendment put this back into Council of Ministers' propositions and not Back-Benchers. Amendment 3, the following amendment is to Standing Order 68A and will mean that any Assistant Minister will be able to act as rapporteur for propositions lodged by the Council of Ministers or the Chief Minister. At the moment this is not possible and it has, in the past, proved somewhat difficult. Just for an example, Economic Development, Tourism, Sport and Culture has delegated responsibility in an Assistant Minister for Culture. If the Council of Ministers brought the proposition or a new culture strategy, at the moment the Assistant Minister, with delegated responsibility for that area, could not bring it because he is in the wrong area but this will allow him to and I am sure that everyone will be very glad; that was just an example. Amendment 4 is the amendment to Standing Order 68A and will

allow propositions brought by Members in their own name to be made by somebody else. We have already made this provision in relation to amendments. The Member will have to give notice to the Greffier that they are going to be absent by 9.30 a.m. on the day the proposition would be taken. This amendment will only apply when a Member is ill or out of the Island unexpectedly or they are excused attendance. This will not happen very much but sometimes, you know, when you are near an end of a session or, like my colleagues behind me, they have a party, they cannot lodge at the moment in their own name; but if one of them is away and they are all in agreement they can then debate a proposition in someone else's name. It does not stop the Council of Ministers already doing that. So we have not changed that one. Now the next amendment is probably - maybe - a contentious one but we have discussed it and we think that States Members when they saw it agreed and it relates to the election of Chief Ministers, Ministers, Chairmen of P.P.C., P.A.C. (Public Accounts Committee), Overseas Aid and that is Standing Orders 116 all the way through to 121. It will mean that if there is only one candidate for a position they will have to make a speech - 10 minutes - and they will have to answer questions for 20 minutes. We have found that this may stop people just jumping up at the last minute and deciding that they want to put themselves in. They do not really want the job but they want to tease out the policy of the person who is being put forward by the Chief Minister; and they will answer questions. So we all know this happens. It happened to me once in 2011. I got a phone call overnight and I was asked to stand for Minister for Home Affairs. I nearly got the job. I think I was 4 votes out. But as I say, people are asking me to do it because they wanted to hear the views of the Minister who was put forward and had already done the job for 3 years. We are not stopping it. We hope every election is contested and everyone really wants the job that they go for. So I hope that is not too contentious but we wait and see. The last amendment is a very small one and it does not come out of any of the work from the subcommittee. It just changes the reference to the Scrutiny Panel currently chaired by the Deputy of St. Mary. It is called the Environment, Housing and Infrastructure Panel, but at the moment Standing Order 135 still refers to Technical Service, even though the name of both the Minister and the panel has changed. This amendment, the last one, corrects that position and I make the proposition and I am here to answer any questions.

**The Deputy Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition or any individual amendments?

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

Can I just say that it was an absolute pleasure to sit on a panel of 2 with Deputy Martin of which there was one member with a casting vote which was Deputy Martin.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? Very well. Do you wish to respond to that, Deputy?

**15.1.2 Deputy J.A. Martin:**

Just to thank the Senator for his compliment and ask for the *appel*.

**The Deputy Bailiff:**

The *appel* is called for. It is being voted on *en bloc*. It would be open to anyone to seek an individual vote if they wanted to. I take the vote *en bloc*. The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				

Senator P.F.C. Ozouf				
Senator I.J. Gorst				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Breilade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Deputy Bailiff:**

The next item of public business is the Jersey Ethical Care Charter (P.48/2017). Deputy, I received notification that you wished this moved to the next business. Is that correct?

**Deputy G.P. Southern:**

Yes, I was going to ask for it to be taken this session, but having caught rumours of the consternation it caused in the various departments I have decided it can wait until next session. I was just worried that I get caught in the logjam which is ... heaven knows how many days it is

going to take us to clear that, but P.48 is likely to be early-ish in the agenda, so therefore will get debated in appropriate time.

## **16. Draft Dormant Bank Accounts (Jersey) Law 2017 (Appointed Day) Act 201- (P.49/2017)**

### **The Deputy Bailiff:**

Then the final item of public business is the Draft Dormant Bank Accounts (Jersey) Law 2017 (Appointed Day) Act 201- (P.49/2017) lodged by the Chief Minister. I will ask the Greffier to read the proposition.

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

Draft Dormant Bank Accounts (Jersey) Law 2017 (Appointed Day) Act. The States in pursuance of Article 31(2) of the Dormant Bank Accounts (Jersey) Law 2017 have made the following Act.

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

I wonder if I could Senator Routier to present this. Thank you.

### **16.1 Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

Members will be aware of the Dormant Bank Accounts (Jersey) Law 2017 which was adopted by this Assembly on 28th June last year. It was sanctioned by Order of Her Majesty in Council on 15th February this year and was registered by the Royal Court on 24th February this year. This is the Appointed Day Act to bring the law into force. The law establishes, as Members will know, a fund to be known as the Jersey Reclaim Fund and introduces a regime for notification and subsequent transfer to the Jersey Reclaim Fund of monies in accounts held in Jersey banks which have been dormant for at least 15 years. Eventually monies transferred under the regime can be used for charitable purposes and potentially to cover the costs of the Charities' Commissioner. The effect of the Appointed Day Act is to bring into force the law on 17th July with the exception of Article 20. I will just touch on Article 20 because that deals with the distribution of the monies in the Jersey Reclaim Fund and requires that a corresponding order be made appointing an independent organisation to determine the charitable recipients of any funds arising and to make distributions to them. The order must also set out policies and procedures for determining whether to make any distribution from the fund and if so, the amounts that must be distributed for the purposes of this Article. It is intended that Article 20 will be brought into force by a further Appointed Day Act in the autumn of this year once we have a better idea of the likely size of the Jersey Reclaim Fund as a result of the returns that the banks will make pursuant to the various provisions that will be brought into force now. It is only once we have some idea of the size of the fund that the policies and procedures required by Article 20 in respect of distributions can be settled and a corresponding order made. Our officers have had a good and regular communication with the Economic Affairs Scrutiny Panel and we are particularly discussing the contents of the order that will be made under Article 20 of the law. That process will continue into the autumn and we are grateful for the constructive dialogue with the panel. I propose the principals of the proposition.

### **The Deputy Bailiff:**

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

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

I did not have the advantage of being in the Assembly when the original proposition was debated. I wonder if the rapporteur could tell me where the account will be administered and who will hold the funds.

### **The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? I call on Senator Routier to respond.

**16.1.2 Senator P.F. Routier:**

The funds will be held within the Treasury Department and then at a later stage when it is decided when Article 20 is an appropriate time to bring that forward. It will be then moved to a charitable organisation to make the distributions. I maintain the proposition.

**The Deputy Bailiff:**

Would Members in favour of adopting the proposition kindly show? Those against? The proposition is adopted. That concludes public business. Before asking the Chairman ...

[17:30]

**Senator P.F. Routier:**

Do I not have to do the articles?

**The Deputy Bailiff:**

No. It is an Appointed Day Act.

**Senator P.F. Routier:**

Sorry, I do apologise. May I just before we do that then, I would like just to say a particular thank you to Senator Ozouf who did a lot of the initial work on this because it got us to where we are today. [Approbation]

**The Deputy Bailiff:**

Before asking the chairman to deal with future business, Members should have had distributed to them the typed version of the personal statement that Senator Bailhache made earlier today and I can announce that the following proposition has been lodged: Bailiff of Jersey: cessation of dual roles in the appointment of elected speaker of the States lodged by Deputy Tadier.

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

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

Arrangement of Public Business has facilitated Order Paper. We have on Thursday the in-committee debate on the report of the Independent Jersey Care Inquiry and I think it has been indicated this will take clearly at least one day but maybe 2. So on 18th July which is the last sitting of the present session as per the consolidated order paper and that could be 2 possibly 3 days. I am not sure of the date you just mentioned - the dual role.

**The Deputy Bailiff:**

Cessation of role: I just noted that it is lodged today.

**The Connétable of St. Clement:**

Lodged today. So it will be 17th September.

**The Deputy Bailiff:**

Do we agree on the arrangements set for business?

### **17.1 Deputy E.J. Noel:**

If I may test the mood of Members, I lodged P.57 which is now for debate in September. I would like to take it early and lift Standing Orders if at all possible to the next sitting because it really

goes hand in glove with P.38 which is Liquid Waste. It would tie my hand and any future Minister's hands with D.f.I. (Department for Infrastructure) not to be able to bring in household charges for waste, be they liquid or solid. States Members may want to have that debate first and in the bag, so to speak, prior to having the debate on P.38.

**The Deputy Bailiff:**

Sorry, which proposition number was that, Deputy?

**Deputy E.J. Noel:**

P.57, the States approval required for household liquid or solid waste charges.

**The Deputy Bailiff:**

Chairman, do you have any observations on that?

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

It seems to me that it is rather an unnecessary request. It appears that this proposition is asking to have a debate if the Minister sometime in the future decides to do something. But I cannot see the urgency of it and we do already have a pretty full agenda for the next sitting session.

**17.1.2 Deputy E.J. Noel:**

As I said, it is just to give comfort to Members to prevent myself or a future Minister from just making an order and bringing in household waste charges without States decision, it was a 'belt and braces' which we agreed to do with Scrutiny.

**The Deputy Bailiff:**

I suppose the question is: have you sufficiently tested the mood of the Assembly not to ask for that movement? Do you approve the arrangements of future business as proposed by the Chairman and the States stands adjourned until 9.30 the day after tomorrow to conclude the debate?

**ADJOURNMENT**

[17:33]