

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 27th MARCH 2019

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[9:30]

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

**PUBLIC BUSINESS - resumption**

**1. Consolidated Fund: increase in States expenditure in 2019 (P.20/2019) - resumption**

**The Deputy Bailiff:**

We continue with the debate on Consolidated Fund: increase in States expenditure, P.20/2019, and next on the list to speak I have Senator Moore.

**1.1 Senator K.L. Moore:**

There were many excellent speeches yesterday and I was trying to restrain my desire to speak, however, I would like to make a couple of points, which I hope will assist Members. Some have tried to portray this as simply a matter of political persuasion. In my view, this is a matter for the values of the Assembly and our vision for the Island and its future. The vice-chair of the S.E.B. (States Employment Board) said that our responsibility is to the whole Island, not just the workforce. That is true, but, of course, we must be able to afford a pay rise, which we can, but we also have to see the bigger picture. Firstly, the Corporate Services Scrutiny Panel has heard from union leaders that recruitment and retention of staff has become a serious issue. Due to the high cost of basics, such as housing and groceries, we are often asking highly skilled people to experience a considerable reduction in their quality of life, because they choose to work and serve the public here. Is this really what we want? This is not a point of negotiation on behalf of the unions. This is fact. Indeed, I have received treatment, as a patient, by people who have had to leave the Island. As a States Member, I have met talented people, working in our prison and our schools who have made the difficult decision to take their much-needed skills elsewhere, simply because they wanted a better quality of life. That is not the case of wanting to afford a second luxury holiday a year. That is a decision based on a desire to live in a home that is bigger than a studio flat, or to simply be able to afford to travel to visit friends and family for the occasional weekend. The majority of this Assembly has pledged to put children first. If we really want to do that, surely, we should ensure that they have teachers available to teach them and we have radiographers to X-ray their broken bones if they fall and that pathologists can test their blood, if necessary. One of the factors that has underpinned the Island's success to date has been the good quality, in fact the excellent quality, of public services that are available here. May I suggest to any person who doubts what the reaction of private sector taxpayers may be, if we support Deputy Southern today, to please consider what might be the reaction of businesses, if they lose confidence in our ability to educate the children of their staff, tend to the sick, or operate a modern civil service? A long time ago, my husband was born in an overseas territory. His family were very happy and economically active there. However, as a young boy with some health issues, that island community was not able to provide the standard of care that the young family needed at that time. So, what did they do? Well, they moved. They moved to another place where that child and his needs could be met. Do we want to be that Island? Of course we do not. Do we want to see our Island continue to attract diverse businesses to our shores and ensure diversity of our economy and continuing strong revenue, so that we can operate as a small Island nation offering the best possible standards to our modern community? We want to meet the best standards and boost performance. The Chief Executive's transition team found that we have in our public sector good, committed and capable people. We are fortunate to have those people supporting us in our work and contributing to the future prosperity of our economy. We must always seek out equality in our system and as a small Island, with a finite amount of space, we must also encourage the use of technology and new solutions to achieve greater productivity. It is also right to set outcomes and K.P.I.s (Key Performance Indicators), to ensure that those working within the public sector can share in that pride that we have for reaching high standards and continuing to strive to do so. Deputy Southern is not calling for a raid on the strategic reserve. He is asking for money from our Consolidated Fund to be released, to

ensure our future prosperity. The Consolidated Fund, as Members know, is not a rainy-day fund. It is a current account. As a result of the Budget last year, this Assembly has behaved sensibly already, following F.P.P. (Fiscal Policy Panel) advice by transferring £50 million from that Consolidated Fund as a result of strong performance in our economy to the Stabilisation Fund, which, as the name suggests, is set aside to help the economy weather any storms. This leaves the Consolidated Fund with a predicted £135 million at the end of this year. I am sure the Government Plan will ask the Assembly to agree a raft of measures. What will be the point in devising a new plan for Government spending, if that plan does not sit alongside a bold vision that secures our future prosperity in the short, medium and long term? The Constable of St. John warned that voting for this proposition would lead to an increase in taxes. This Government have made that threat several times since the last election. What they have not done so much is to shout about the confidence that they have in our Island economy to steer a good course. There is uncertainty in the world, but as a highly-regulated, respected jurisdiction, with a good track record we are well placed to take the opportunity and grow our economy. I accept that S.E.B. have improved their offer. It is good to see and some groups are reaching settlements. They are trying and if Members wish to assure themselves of a bright future, I urge them to get behind our public sector today and enable S.E.B. to move further and avoid further strikes.

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

At the start of the escalation of this dispute, Members will remember that there was a large crowd that gathered in the Royal Square outside. I found myself standing alongside them and then speaking, mainly because I recognised many of the placards that were being held up and many of the faces of the civil servants that I had worked with and continue to work with throughout our organisation. Departments like Oncology, Haematology, X-ray, and M.R.I. (Magnetic Resonance Imaging) I had witnessed at first-hand quite recently. In witnessing that, I had seen dedication, sympathy, understanding, conscientiousness, capability and absolute professionalism, to name but a few and there are many that I could go on to. I went away from that meeting and wrote a letter to the Chief Minister and some other Members here will have signed that. The Chief Minister was not very happy with me about the letter. I asked him to do more working together and to go away and find something new. I am not sure if my letter made any difference, but S.E.B. did come back with something new; a new offer and while 2020 may not be everybody's choice, I will come back to that in a minute. One thing that Members may not have realised, but the Chief Minister and the members of Reform Jersey do have something in common in this debate. That is that they all voted against the current M.T.F.P. (Medium Term Financial Plan), but that is where the similarities stop, because the Chief Minister obviously understands the restrictions the M.T.F.P. puts on the 2018 and 2019 expenditure. It is one thing for those Members, who voted against the M.T.F.P., but everybody should know what they voted against and the restrictions that the M.T.F.P. puts us under and how difficult it is to find new money for this problem. That is why the new offer is one that should be considered very carefully. We have had talk and we know that Brexit is a massive unknown. We know of the challenges of the register of beneficial ownership and we hear, almost daily, how business and the wider economy are desperate for clarity, desperate for certainty. The 2020 offer is 1.3 per cent above R.P.I. (Retail Prices Index) and it is a good one. It says: "Irrespective of how bad things might get next year, we will increase your pay by more than the cost of living." If this offer is not good enough and it may be that it is not going to be good enough, we will need to do more and S.E.B. may need to do more, but we must remember we elected S.E.B. to do a job on our behalf and if we are unhappy about how they are doing that, there is a process to follow. This proposition is not that process and I will not be supporting it.

[9:45]

#### **1.1.2 Deputy H.C. Raymond of Trinity:**

Can I first of all say that I have been fairly quiet in this Assembly and have spent most of my time understanding the workings of how Jersey works and how the Assembly works? Listening yesterday and listening today and I had an earlier discussion with some of my colleagues this morning with regards to the respect shown by people across the board, I think politically there are politics involved in this. I very much came from a background of politics, when I was in Government in the U.K. (United Kingdom) in the sense of county councils and borough councils and the good thing about this, is the positiveness we show each other. I would have to say, probably, I would never agree with Senator Mézec all the time, because my policies would be largely different to his, but we go outside and we will still have a chat. The reason I say this, is that I have 2 young family members, who are both employed in the States. I also have an ex-teacher, my wife is retired and her mother was a headmistress in the Island and for my sins and I will respectfully turn to Deputy Ward and say that for 2 years I was a teacher, but that was many years ago. I can talk about it and life has changed since then and yes, before Deputy Higgins says anything, I went into finance, so we will get that cleared out of the way. I wonder whether it is about money. I say this, because I want to bring something else into play and that is that, having spoken to teachers that come to the house, as you can imagine I am still full of people working in the profession, in the sense of colleagues, I wonder whether it is more than money. I think some of the things that I have found, working for 2 of the biggest departments - in the Department for Infrastructure and the Department for Health and Social Services - is that I think there is a situation, at the present time, that I think all of us would slightly agree with and that is that the morale is low in most departments, purely because we have not got to the stage of people knowing whether they have got their jobs. Some people do, some people do not. I also and this is where I will use my 2 family connections, have 2 children, both qualified, both with degrees, working in 2 separate departments, but their tier levels are all over the place. They are at virtually the same age, but the gap difference between salaries is quite big. I think that has to be addressed as well and I point that out, because I have got it and I see it and I hear it from home. The debate has been very much entirely understandable and there are obviously very strong feelings. Everybody wants to see public servants paid well. There is no question of that, because that is what keeps the Island running. No one wants to see strikes, whether it is teachers, civil servants, or even in business and I have been in business where people have gone on strike. If you go back over the years, the finance industry has had its ups and downs, as people said yesterday. As people have said, this is not what we do in Jersey. We should be able to settle our differences, through negotiation. If you take most of the unions, that have been negotiating with S.E.B. and you have to remember that I know absolutely nothing of how this works, but if you take those situations then they negotiated, they have gone through and all their disputes were eventually resolved. We now have the teachers' one. Deputy Southern, with all due respect and his supporters, has painted a picture of doom and despair, of the fabric of the Island falling into disrepair. I do not agree with that at all, because I think that the one thing that we seem to have over here is that we never talk about positive things; we are always talking about the negative things in life. We have a great Island. It is great to live here. We have a great Honorary Police force, dare I say it, before I upset Deputy Norman? A picture of doom and despair, of the fabric of the Island falling into chaos. That is not true. A talent drain, as professionals leave the Island; also that is not true. We always hear the other side of the coin. We do not hear this side of the coin. Things are clearly falling apart, so we are told. Are they? Just think. The only flaw in this analysis, is that it is not based in fact. Public service is not falling apart in Jersey. Manual workers are not in dispute. They have accepted their offer. The Royal College of Nursing were going to ballot for the industrial action, but they never went ahead and they agreed their situation with regard to S.E.B. The Royal College of Midwives had already voted to accept the original offer. These ballot results will be known tomorrow and I believe, hopefully, fingers crossed, there will be some satisfaction with that. I am cautiously optimistic that that will happen tomorrow. The police have accepted their offer and colleagues in fire and prison are considering their offers. Negotiations will continue. Teachers and civil servants, some of them do not like it. This is a point of view. It is a disagreement in negotiations. We have to stick hard and fast to the rules. We have agreed with

some unions, as I said before, and we must continue. I think that we must look at other ways of dealing with this. We are rightly proud of our past and our ability to use our heads in time of crisis and not to overreact. High emotion is understandable; it is normal. Now is the time for careful reflection, for taking decisions in the cold light of day, for deciding to keep our reserves for a real threat, not for paying our way out of a pay dispute with a few groups. Let us not do something today that we will live to regret, because S.E.B. do not seek and do not need more money on top of the £57 million they have already allocated in the 2018 to 2020 pay. If we raid the reserves, they will not be there when they are really needed and that will be the cause of an economic and social disaster that will echo through the years. That is not, to me, an attractive legacy for this States Assembly, so I urge fellow Members to keep calm, as in bygone days, from what I hear and to decide today to carry on protecting our future. I will vote against the proposition and I urge colleagues to do the same.

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

I am concerned about a debate, such as this, while negotiations are ongoing. It is divisive and lets emotion cloud the issues and the facts. Most States Members usually call for more information, but I have heard impassioned pleas for special treatment for public sector workers. Naturally, we all want to give as much as possible for States workers, on whom we all rely in many spheres, but sadly the cake can only be cut so many ways and a larger portion for one means a smaller portion for another, unless you increase taxes and charges to enlarge the cake. A prolonged debate, like this, only seems to raise expectations. One placard yesterday called for private health care. What does that say to our workers in the health care sector? “We do not think you are good enough. We just want special treatment.” There has also been a lot of derision about a looming deficit. For a start, if an accountant, as competent as the Chief Minister, says there is a deficit looming, there is a deficit looming. I ask Members to use their common sense and refrain from putting an undue strain on our finances, particularly in view of the external threats such as Brexit and the argument with Westminster about who rules Jersey. These are very real threats and I ask Members to vote against this, I think, inappropriate proposition, at this stage in negotiations.

### **1.1.4 Deputy T. Pointon of St. John:**

I do not want to spend too long listening to the sound of my own voice. [Laughter]

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

You appear to have been entirely successful in that. [Laughter]

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

I will say it again. I do not want to spend too long listening to the sound of my own voice. What I do want to do is briefly reflect on the voices, some of us heard yesterday in the Royal Square. Those voices were passionate about their current plight, which is that they currently do not feel cared for, albeit they are expected to care for others. My opinion, for what it is worth, is that we should be nurturing and caring for those people, who provide education, skilled care and services to the population of this Island. The term ‘Team Jersey’ would suggest that our Island is one large family. We are all aware of the damage that can result within a dysfunctional family. Let us vote in favour of this proposition today and give negotiators the opportunities they need to put this mess behind us.

### **1.1.5 Deputy R.E. Huelin of St. Peter:**

Since taking this seat, I have worked on Education and Home Affairs Scrutiny and the Hospital Policy Board. I am aware of the under-funding in both these fundamental contributors to our society. Without doubt, those I have met are passionate, innovative and caring. All are a credit to our Island. I am also aware that the under-funding has continued over many years; however it is not my place to blame previous Assemblies, nor is it my place to put the current Assembly under enormous strain to right the wrongs in such a short space of time. However, Deputy Southern’s proposition leaves me with many concerns. Since his last unsuccessful proposition, only 3 months ago, £57 million has

been found to alleviate this *impasse*, I suggest stretching the M.T.F.P. to its absolute limits. This means that the Minister for Treasury and Resources has had to be creative with the M.T.F.P. and as we know, she cannot raid any of the reserve funds for such purpose. That is why we are here. Secondly, the timing could not be worse. Making such commitments, beyond what is budgeted, with Brexit, beneficial ownership, the fragmenting of the European financial markets could make us very vulnerable. To that end, the Fiscal Policy Panel, a team of absolutely proven experts in their field, suggest we should be increasing our Strategic Reserve by £600 million. Their advice is clear. Look to save money and be more prudent in capital expenditure. My next concern is the nature of this proposition. While not being said, it is strongly implied that the request is for a quick, short-term fix. I have not been at the negotiating table and will not be drawn on the suggestions of the tactics employed by both sides; however, one thing I know about negotiating is both parties know what, in financial terms, they want to achieve. Given the information in the public domain and a request for information that I am sure would be granted, I suggest that the States employees and unions could easily find out what the current offer lacks. I would expect this proposition to have a definitive figure, that is, if this proposition is passed, exactly how much the Minister for Treasury and Resources needs to release from the Strategic Reserve Fund. My concern, therefore, is the unknown final value of this request, effectively an open chequebook. The real question here is, do we want to be a high tax, high public service economy? Let us remind ourselves of the Minister for Treasury and Resource's Budget speech and I quote from Hansard: "So as Minister for Treasury and Resources, I have to ask, once the slack has been removed from the cost of Government, where will the money come from to pay for further improvements in public services? There really is only one option. We, as Islanders and Island businesses will have to pay more into Government, if we want more out of it" and as she correctly summarised: "We want the Government to spend more money on essential public services, yet we do not want to pay more to fund them." The Minister for Treasury and Resources is acutely aware of this dilemma. I, therefore, urge the Assembly that the timing is wrong. I urge Members to work with the Minister for Treasury and Resources, to ensure our public servants are remunerated fairly, but most importantly, I urge Members to prepare for a debate that will change the course of our Island for generations to come. Are we prepared to break with years of tradition and lose our status and culture as a low-tax Island? In closing, this is a time for cool heads. Let the storm abate and let us navigate our way to a sustainable future. I will be voting against this proposition.

[10:00]

#### **1.1.6 Deputy L.B.E. Ash of St. Clement:**

A couple of weeks ago, I was lucky enough to be asked along to St. Clement Primary School - God's own primary school - and I did a little talk on what the States and democracy was about and then detailed how Treasury functioned. It was quite interesting. I asked them: "How many people pay tax in the room?" and they all looked at the teacher, who has her hand up. I said: "In fact you all pay tax." I said: "When you go to buy a chocolate bar for £1, 5 pence of that goes to the Treasury." Everyone in that room pays tax. We are all taxpayers. They were quite surprised and I said: "When we gather all that money in, we have roughly £700 million to spend, which sounds quite a lot of money" and they all agreed it sounded quite a lot of money. I then explained that the Minister for Health and Social Services would like £200 million of that money, so we give him that. The Minister for Education, she would like £200 million of that money, so we give her that. The Minister responsible for the roads, he wants £200 million, so we give him that. Other people want around £200 million between them and I said: "That takes us to £800 million, so we have not got that money, have we?" and they went: "No." I said: "What we have to do is we have to say: 'Well, you cannot have quite that amount of money; you cannot have quite that amount of money; and you cannot have quite that money' until we get it to £700 million. I said: "So, that is my job." Now, that was a group of 10 year-olds and they could understand. They understood that concept. We then had questions. They asked questions, very similar to how we get questions in here, with the exception that they did not already know the answer to the question [Laughter] and they were genuinely interested in



knowing what the answer was. One of the questions was: “Do you think the teachers should have more money?” My answer to them remains the same as it is to this Assembly. I would love them to have more money, as I would love many people in the Island, working in many sectors, to have more money, but we can only pay them the money we have, same as in the private sector. They can only pay the money they have. We have heard a lot yesterday about the debate between the private and public sectors and that it is divisive to talk about the private sector. It is not. It is inclusive. We are one Island. What is divisive, is singling out certain areas of the public sector and dismissing others, both within the public and the private sector. I have had people, within this Assembly, telling me that the private sector and their pay is irrelevant. After this Assembly, why do not those who feel that way go and tell the shop workers that they are irrelevant, the coffee shop barista that they are irrelevant, the hotel workers, the restaurant workers, the bar workers? Tell them they are irrelevant and, if you are feeling really brave, go and tell the builders and scaffolders that they are irrelevant. You see, the private sector is much more than the finance sector and it is much more than Senator Mézec’s rather simplistic version of a few powerful people that he claims destroyed the world. They did not destroy Jeremy Corbyn’s favourite, Venezuela. Socialism did that. As Winston Churchill said: “There are 2 places only where socialism will work; in heaven where it is not needed and in hell where they already have it.” What I would, however, say in favour of Reform, other than the fact that they are a bunch of lovable rogues ...

**The Deputy Bailiff:**

No, no.

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

No? I cannot call them rogues? Loveable chaps, then.

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

I dispute whether we are loveable. [Laughter]

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

I second that.

**The Deputy Bailiff:**

I had not indicated which word I was pulling the Deputy up on, but I think in terms of unparliamentary, it would be rogues. Could you withdraw that, please?

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

I will withdraw that. I will stick to them merely being loveable. One of the things I support Reform with, is that they are honest in their intentions. They will tax originally from the top 10 per cent of earners, to pay for their particular foibles. It will start at 10 per cent and then it becomes 20 per cent and then it becomes 30 per cent. That is how it works, as you run out of money, but they are at least honest in how they are doing it. Some of their acolytes, though, do not do that. They want to spend, spend and spend and they do not even want to raise airport parking by 10 pence. It does not work like that. If we are going to spend, we have to raise tax. Let me leave you with a simple question. In your own budgets, if you have got £1,000 in the bank and you know that you have got school uniforms, a new clutch on the car, a dentist appointment coming up, do you say to yourself: “Thank God I have got that money” and spend it on the upcoming problems, or do you say: “Look at this timeshare in Tenerife. It is £1,000 down and then yearly payments of £1,000 for the next 25 years. Let us give that a go and fingers crossed things work out for the dentist, clutch and uniforms next year and if they do not, we will just put it on our credit card”? If you fancy the timeshare option, then you should vote for Deputy Southern’s proposition, but if you do not and you favour the more prudent approach, then you should reject it.

### **1.1.7 Connétable P.B. Le Sueur of Trinity:**

Before I begin, for the record I would say that I do have a close family member in the public sector and I have grandchildren passing through the education system. I see, at first-hand, how difficult it is to manage the family budget and for parents to fund the activities they would like their children to partake in. That said, this Assembly delegates the responsibility for the public sector pay negotiations to the States Employment Board. Let none of us be in any doubt that these colleagues are having a very difficult time. Like most of us, they are not paid to be popular, or to make the easy, populist decisions. They have an extremely difficult job to do and this situation is taking a heavy toll on all of them. These are the Members, right at the coalface, working with the officers to try to achieve an acceptable solution that will not compromise our long-term financial security. Once again, as soon as we do not like the direction of travel, or the heat in the kitchen is getting too much, we drag these things back into the Assembly, so that we can all poke it with a stick, but it undermines the credibility of the States Employment Board going forward. How are these elected Members supposed to continue, if we usurp everything they try to do? To spend your savings pot, to meet day-to-day living expenses, is a slippery slope. Our reserves are there for a specific purpose, that is to meet national crises, maybe not in this generation, but it should also be there for the security of future generations. I am afraid I cannot support this proposition.

### **1.1.8 Deputy J.M. Maçon of St. Saviour:**

What a delight it is to be back here, when I was not available to come yesterday, although I was listening, which shows that I really do not have a life. I was listening to the debate and there were certainly 2 speeches that stood out to me, for very good reasons. One was from Deputy Perchard and one was from Deputy Gardiner, illustrating polar opposites of this particular debate. Deputy Perchard spoke about the issues affecting teachers and she is absolutely right, when we look at the teacher survey, looking at things like the stress workload, the issues that teachers have to deal with, the mental health issues, the long hours that they have to work, it is interesting that they only have 25 hours contracted - would it not be nice to have a contract? I am sure many Members in this Assembly certainly work longer than 37 hours a week, although we do not always get credit for it - the question is, if we want to support our teachers in that way, is a pay rise the answer to that question? Is it going to give them better systems to work in, so that their lesson planning is easier? Is it going to give them shorter marking time? Is it going to give them fewer demands, when it comes to the data inputting they need to do, when they are following every individual student? All those types of issues are causing stress for our teachers. Is a pay rise going to solve the mental health issues that our young people are dealing with, the behavioural issues that our teachers are struggling to deal with, or do we need to find other ways in which to support them, in order to find the funding in order to do that? The point is, if you are looking at funds to best support the teachers, of course they want a wage rise. We would all like a wage rise; of course we would, but, again, does that deal with the underlying issues that our teachers are facing? I do not believe it does and certainly on talking with the Minister for Education we have identified the strands that we need to work on in order to better support our teachers, in order to support them and in order to carry out their functions. These are costly. We approved, in the Government Plan, how we wanted to better support the mental health services. Those require highly specialised, qualified, individuals who are needed to perform those functions, which we do not really have at the moment, but those are incredibly expensive functions. Those are functions that need to happen year on year. The issue is, of course, the money has got to come from somewhere. I know that some Members have spoken in favour of this proposition and, of course, the Reform Party will point to their manifesto and explain where the money is going to come from, but we have got other Members standing up in this Assembly and saying: "Yes, we should do this and have a year-on-year spend" and of course they did not even mention the pension aspects, by the way, because it is not just the pay that is affected. It is also how that affects the pension pot for those workers going on and how we have got to fund that as well, somehow. No one has mentioned how they are going to raise money to pay for this. I was listening to Senator Moore's speech and it was

really interesting when she was talking about how this Government is talking down Jersey and there was not enough confidence in the Island. Of course, she did not mention that this pay dispute is over the term of her Government, when she was the Minister. She then did not mention that there were solutions from that Council of Ministers to pay for this: the toilet tax and the unfair health charge, so we do know how Senator Moore would choose to pay for these types of issues, because those were the ones that she supported in the last Council of Ministers. Of course, this Assembly did not support those measures, and that is partly why we are facing the issues around the funding aspects. I think we have got to be open about how we are going to deal with this. Not only do we have, as Deputy Martin pointed out, a long shopping list of things that we need to do in order to improve our child services, our mental health services, the health services, school services and so on and the amount of millions that is going to take, but we are then also looking at the spending deficit that we have got already highlighted by the Fiscal Policy Panel, who also wants us to run a surplus, by the way, in order that we have enough to support our economy. We have then got Brexit around the corner and we have no idea how that is going to affect us and then I think the point that I enjoyed in Deputy Gardiner's speech was that she came down and said: "At the end of the day, we do not know how much this is going to cost us, so how can we then go forward and approve it?" and that is what it comes down to. Sir, can I just say, on the record, I think you let Deputy Tadier off too easily yesterday, when he suggested that Members were whipped, who were not here and they faked illness? **[Approbation]** Can I tell you, I live with a chronic condition and I have a reason not to be here? Certainly, my voting record demonstrates that I am one of the most dedicated Members of this Assembly, so to suggest, whether overtly, or inadvertently, that I am skiving from this Assembly, because I have been whipped by Ministers, can I reject that thoroughly and I thought you were far too lenient on the Member yesterday? I found it deeply offensive.

**The Deputy Bailiff:**

Thank you for noting that, Deputy. Deputy Tadier did make it clear, when I challenged him, that he did not intend to suggest that any individuals were malingering.

**Deputy J.M. Maçon:**

I take that point, Sir and you are a judge and I am sure you deal with many people saying things left, right and centre and if you believe that, well ... Members can choose what they want to believe.

**The Deputy Bailiff:**

Well, Deputy, now I am afraid you have crossed the line, to suggest that Deputy Tadier, himself, was lying and I have to ask you to withdraw that.

**Deputy J.M. Maçon:**

Very well, Sir. I will withdraw that. Of course, I can still choose what I choose to believe.

**The Deputy Bailiff:**

Of course you can.

**Deputy J.M. Maçon:**

Thank you, Sir. I found that quite difficult yesterday. One final point and it is interesting that the Deputy of St. John has raised it and he says we are Jersey, we are one big family and yes, absolutely, we are one big family. I am not a parent, but as any parent knows, you want to support your family, but that does not always mean that you say yes to every other member of the family. Sometimes, in order to do the best thing for a family, you have to say no and unfortunately, regrettably, because I do support the hard work that our civil servants do, that our teachers do *et cetera* I do not think there are any Members of this Assembly who would say otherwise, but the issue is we are facing so much uncertainty, we are facing so many demands on the public services and we want to put in services, in order to better support those who are already working for us. That is what we want to achieve. Again,

this time, as Senator Ferguson said, while negotiations are still going on, for me it is inappropriate, it is short-sighted, it is not going to achieve what we want to achieve and it is going to make the decisions in this Assembly even more difficult. Therefore, for those reasons I will not be supporting.

#### **1.1.9 Connétable R. Vibert of St. Peter:**

I had not intended to speak, but I feel I should do so. I am sympathetic to the public sector workers, who have been unable to accept the current offers made by S.E.B.; however, as the Deputy of St. Martin stated, there is a method of undertaking these negotiations in place and we should continue to use this. If we dip into the Consolidation Fund, in an effort to quickly fix this issue, inevitably there will be a price to pay. The amount is unknown and in addition you never get anything for free. Inevitably, there will be further taxes or cuts in other areas, which may be equally unacceptable. I, therefore, do not support this proposition and urge other Members to do likewise.

[10:15]

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

Does any other Member wish to speak on the Proposition? I call on Deputy Southern. Can I make it clear, that I could have sat here for 10 minutes until I began to say: "I call on Deputy Southern" and then someone would pip me to the post by pressing the button? I wonder, if people are intending to speak, could they indicate as soon as I ask if anyone is intending to speak, otherwise it becomes an unworkable system?

#### **1.1.10 Senator T.A. Vallois:**

Apologies for that, Sir. I was in the middle of reading something before I pressed the button, so I do apologise. I think it is appropriate that I speak in this debate, because of previous concerns and a bigger concern that I have. I hear and I understand the arguments around we have only got so much money, there are only so many things that we can, or cannot do. I would remind, not just Members in here, but the public, when I stood for election I stood on an Island-wide mandate, to stand for Minister for Education, to support teachers, to support education, because education supports economic growth, our economy and the way the future of this Island will develop and support standards of living for everybody. It is interesting to talk about the private sector that I have heard many times from many Members, because in the private sector, if you want quality, if you want standards, if you want performance you have to pay for it. That is why we hear it time and time again, about chief executives, about business managers. Why is it different for teachers? Why? I just do not get it. It is proven, since compensation and working conditions are important for attracting, developing and retaining skilled and high-quality teachers, policy makers should carefully consider teachers' salaries, as they try to control both quality teaching and sustainable education budgets. Now, the M.T.F.P., when it was agreed last term, put in pay restraints, but yet it was changed in 2017 and half of that 2 per cent was taken out of departments' budgets and affected, now, the position that education is in, in terms of providing the resources and the support that they need. Every year, inflation has affected gas bills, electricity bills, capital programmes within education and they have had to find it out of their budgets, yet we keep on saying we have only got so much more money and we want to pit the public sector against the private sector constantly. I am sorry, but teachers teach private sector parents' children. Those children are going to be the future C.E.O.s (chief executive officers), the future innovators, the future entrepreneurs of the Island. They are global citizens. We are all global citizens and we need to recognise that. I made lots of comments yesterday and I have heard so many of these speeches, so many times, repetitively over the last 10 years, so many times. I am being told that if we open this up it completely opens the book, it basically puts it back into S.E.B.'s hands. It basically says: "We are offering you a position where S.E.B. go back and provide that negotiating position." That is what this says. It does not have a figure on here. It does not have a number on here, on the proposition. When we talk about quality, when we talk about wanting to improve standards and improve achievement, make our education one of the best

education systems in the world, I can only do that with teachers. We have had to close the majority of schools for 2 days and 2 hours, during the last 6 months. That is lost time for our children in terms of education. I have got a responsibility, legally, to ensure that we educate all our children and I can tell you, I cannot do that without teachers and if we do not recognise the importance and value of our educators and the people that support them, within the schools as well, we are never going to get the education outcomes that people push us for, the businesses, that work closely with Skills Jersey, work closely with higher education and further education to support the economy of scale, to support those businesses in developing, moving forward and changing the way that they do things. Education is right at the centre of that. We want to create an education system where people can change careers, so it is not just about children and young people. It is about people saying: "Well, maybe I do not want to be in hospitality anymore; I want to go and work in finance, or in the public sector, or somewhere like that, so I need to retrain, I need to reskill." We need to provide that opportunity for those people to do that, because the next 20 years is going to look like a very different world. There is no longer one career. There is no longer one job. We need to provide a resilient workforce and to do that we need to educate our young people now, to prepare for our future. That includes the current threats that we have, by the way, the ones that have been mentioned time and time again: Brexit, beneficial ownership. If we do not create a resilient community and resilient young people, we will not get through that, so it is not just about finance. They go hand in hand. They support each other. That is why I come to the point that we have got an ageing population and we have talked about the ageing population. If you look at reports going back 20 years in the States, talking about how we need to prepare for the future ageing population problem, we are going to have 2 people for every one person retired, it is going to cause problems in terms of income in 2035, but yet we are not investing in the very system that supports the economic growth and the income for the Island in the future. Talk about population, as an example; we do not have a population policy at the moment. There is very good work going on by the Chief Minister and the Policy Development Board and I support them and I recognise it is not an easy one trick solution, but one of the solutions is that we make sure that we train and educate our workforce, so that we do not have to bring as many people into the Island. There are plenty of arguments around that we have a system of higher education, a system that was brought in last year to fix a problem, that we had historically with regard to student finance. We know that is not sustainable. We are going to change that; we are going to fix that, so that means that we will not have an unsustainable position going forward to support our students in terms of attaining degrees. These days it is not just degrees. We are looking at Masters degrees, we are looking at post-graduate, we are looking at all those different types of skills, that people need and yes, we have to pay for it. This is my message. I do not just represent the public sector. I do not just represent education. I represent the Island. I stood on an Island-wide mandate, because I wanted education right up here at the top and I continue to fight for that. I am not a teacher and I do not pretend to be and I have heard many former teachers in here talk about the importance of supporting our educators and ensuring that they have the right funding and salaries to do the job that they do, but I am a parent. I am so unbelievably grateful for the things that our teachers do. The goodwill that they show and the things they do, to go above and beyond for our children in this Island, I am sorry, but you will have to go in and see it first-hand. It is disappointing. I have been going round on visits with Education and Deputy Maçon talked about the issues we are seeing time and time again. The pressure that is being placed on our education system is phenomenal and the teachers are picking up the pieces of areas that are not really their job. They are doing, it because it is a vocation; it is the thing that they believe they have to do to support that child and support that family, but continuing to just talk about numbers and money, I talk about education in the next 20 years. What can we do in education for the long term? The argument you hear of other projects, when people want money for other projects is: "Let us invest now, to save later." Let us invest now, to save later on this. For me, this is a political choice. Do I want to continue getting good quality, good standards in education, good quality teachers, to provide our future generations with opportunities and choices and an income to pay tax, so that it goes round in a circle, that wooden dollar situation? Do I want

to do that? Yes, of course, absolutely I do, because without quality teachers we will not get the types of educational outcomes that the private sector are crying out for; therefore, our population policy will be severely hit by that. This is what concerns me. It is nothing new. It is something I have said on the hustings, on the Senatorial platform. I have stood there and talked about population and trying to balance this up. If you are going to have some form of work permit system, for example, you need to make sure you bring your standards of education up to a level that you do not have to keep on importing people all the time. You will need some, but I think we do ourselves an injustice in Jersey. I do not think we recognise how wonderful our local people are and the ambitions they have and the willingness to do things, but every time there is a barrier in their way, a wall in their way. I am not suggesting exactly what the pay situation should be. Like others, I agree the States Employment Board is there for a reason. The States Employment Board is set up, legally, by this Parliament to carry out a role and I support them and recognise the difficult job. I was there. I recognise and I want to support them, but all I am saying is that in order for me to carry out my job, as Minister for Education, to represent the very public who elected me to do this job, I am not looking at the next 4 years, I am not looking at the next election. I am talking about if you want to have that wonderful education system in 20 years' time, we need to value our teachers. That is not just about pay. There are many things that we need to do to support them, in other ways, but it is not just in education. There are other services that we need to bring up to a standard to wrap around families and children. No doubt, from what people have heard, I feel it is appropriate to be supporting Deputy Southern in this proposition. I believe it is value for money. I believe it supports our private sector. I believe that by not doing this, by not allowing that to go back to the table, we have a huge risk on our hands in terms of quality and standards going forward. I do not want to be the one that says that this is the reason that has happened. I am not doing this to throw a bomb, or anything, into the Council of Ministers, or to make it look like I do not agree with fellow Ministers. This is a political choice for me. I believe this is the right thing to do. That is why I am going to be supporting Deputy Southern [Approbation].

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

I do not know if I was the only one, when I went out at lunchtime yesterday and saw all of the strikers who thought: "How on earth did we get into this position?" I mean, how did we get into this position? I do not think it is about money, but it is about trust. There needs to be trust that goes with this. What our workers have seen already, so far, in the last few months, last year, is the wage increase rises at the highest levels in the civil service. We have brought these people in and we have given them massive increases to what the previous people were. We have seen these new members of our workforce, at the highest levels, go into meetings with our staff and say: "We need to make you aware that we are looking at all your jobs and it may be a position where you all have to reapply for your jobs and be aware it will not just be you applying for it, because we are going to be going out to the U.K. and we are going to be offering these positions to people in the U.K., too" and that has been said in a forum of our workforce. We have seen people, at the highest levels, that have removed consultants, who are doing a good job to say: "My friend is now available and I want him to come and work here." We have had lots of things in speeches today that talk about the other 55,000 workforce, the 55,000 other workforce that wants to make sure that their waiting list at the hospital is reduced; they want to make sure that their children are getting the best education they possibly can. Let us talk about the hospital. How many locums do we have to get in, because we struggle to get people to come and work full-time, because of the cost of living and nurses? Or they do come and work here and then they realise they cannot afford it on the wages they have got and so they leave. How many teachers? If we are struggling to get teachers, how are we going to get the skills that we need, so we can reduce immigration?

[10:30]

We always talk about upskilling, getting people that have gone to university and asking them to come back to the Island and bring those skills with them, but if it is not a job that they can survive on, or live on, or they feel valued in, then why would they? Therefore, it is the other 55,000 people's children that will suffer; it is their health that will suffer, it is their parents. Let us read from the Strategic Plan that we all agreed: "We will put children first, by protecting and supporting children, by improving their educational outcomes and by involving and engaging children in the decisions that affect their everyday lives. We will improve Islanders' well-being and mental health and physical health, by supporting Islanders to live healthier, active, longer lives. Improving the quality and the access to mental health services, by putting patients' families and carers at the heart of the Jersey health and care system." Are we really saying we are doing that by what is going on right now, by this challenging negotiations and the trust that is being broken day in and day out? There has been a lot said about S.E.B. to improve the offer to previous offers. They have offered more, but what choice did they have? We are in strikes. You do not keep doing a Theresa May and saying: "Well, we will just bring the same thing back time and time again and eventually it will wear them down." This Council of Ministers, who have spoken eloquently against this: "Let us be fiscally sensible" were also the ones that have lodged the recent Public Finances Law. Well, I am glad Senator Moore is looking into this, because just some of the parts I have seen ... I remember the first hospital debate, when the then Deputy Vallois stood up and said: "Well, hang on a second, let us look at the Public Finances Law" and challenged an article that says: "We cannot borrow, in total, in excess of the estimated tax income of next year." That is not in the Public Finances Law, we can borrow as much as we like, because that is fiscally prudent, is it not? We can borrow more. We can loan more. We can set interest rates more. I say not 'we', the Minister for Treasury and Resources can, just on a decision and does not have to report back to us that it has happened in the 6-monthly update, because that is not in there either. This will be the last time, if the new Public Finances Law is passed, that we will be able to have a debate like this - which I think has been very important to get these views out - because in the new Public Finances Law, the new Government Plan, which is the old M.T.F.P., could only be amended once it has been approved by the Council of Ministers. So, if you are Scrutiny, or a Back-Bencher, or something, you cannot come with a proposition like this, because in the law it says: "No, you cannot." It says that if you want to amend the Government Plan that you have to go and find time in the Minister for Treasury and Resources's diary. By law, you can go and speak to the Minister for Treasury and Resources and hear what the Minister for Treasury and Resources has to say and then you have to write her comments in your proposition. So, we talk about fiscal responsibility, in some ways, but it is about control, it is about trust and what we are not seeing and why people are striking. It is not just about the money. It is about the trust and we need to fix that. I said last time that we had this debate and I will say again, sorry to repeat, that I do not agree with the idea that somebody works in a job for 12 months and they get a cost of living pay rise. I do not think that is appropriate. We need better ways of judging people's work and values, but I do not agree with walking into negotiations with your hand tied behind your back. This has all the flavour of hiding your money, before you tell your wife you want a divorce, pretending it is not there. "It is not there. We do not have it. I do not have that money, so you cannot have it." I think that we owe our workforce better. I think we owe our Island better and we need to make sure that we have a workforce that is happy, they want to come to work, they are willing, they do not feel like they need to strike and that they are giving a service with a smile, not with a grimace, because that is what Jersey as a whole needs, so I will be supporting this proposition.

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

I do not think there is one Member in this Assembly, today, that does not fully support and value the work of our teachers and our educational staff. I commend the States Employment Board for the work they have done and the work they are doing to address the failures of the past, to properly tackle our pay and reward scheme and structures, which have developed over many years, but which have also gone off in different directions and different tangents. The people of Jersey value our public

servants and they value the services they are provided with day in and day out and, unlike Senator Moore, I do not think that our structures are crumbling. I think our structures are strong and I have confidence that now we are beginning to address some of these issues they are going to get stronger, including our educational structures are going to get stronger into the future. Public servants frequently choose public service, because they want to help others. It is often over a vocation and not just a job. Quite rightly, people, who serve the public selflessly, have a right to expect to be valued properly by the public they serve and by their employer. What makes it all the more disappointing, is that over successive years these same public servants are paid at different rates, just because of the career path they have chosen to follow. Everyone talks about equal pay for equal work and for work of equal value, but nobody has got to grips with it, until now. The States Employment Board is faced with difficult choices. To do nothing is not an option, because the problem of inequality has to be dealt with. To pay people at the highest common denominator is not an option, because, as an Island economy, with a raft of competing calls on our money, it is not sustainable. To cut pay to the lowest common denominator is unfair and unachievable; therefore, we are left with one sensible option: to direct money where it is most needed. To increase the pay of all, but at different levels, so we achieve a level playing field. I do not think it is fair that a nurse, or a midwife, of a certain grade, gets paid on average £200 or £300 a year less than an equivalent similar civil servant doing a similar job and currently we have about 150 people in that situation. I definitely do not think it is fair that a nurse, or midwife, of a certain grade, gets paid on an average £3,000 - yes, £3,000 - a year less than a civil servant doing a similar job and we have currently 367 of them. Nor do I think it is fair to take money away from civil servants. What I do think is fair, is to address the problem by increasing the pay of nurses and midwives at a higher rate than equivalent civil servants, so we close the gap and this is what is being done. The key point for this debate, though, is not just about whether this is the right thing to do, which I firmly believe it is, but how this progress is paid for. S.E.B., as we would demand, are prudently spending money, which comes from operational budgets, already set aside for pay increases from efficiencies and from new budgets in 2020, which will be set out in the next financial plan. S.E.B. has not asked, nor does it not need to find yet more money on top of the additional £57 million they have allocated for up until 2020 from 2018 to 2020. Our reserves are for emergencies and we must not dip into them for public sector pay. I have mentioned the word 'fair' and 'unfair' a few times and I think it is important, because I think what we have to do here is to be fair. I just want to talk about teachers' pay for a minute. I would remind Members, again, my daughter and her partner are both teachers at secondary schools. The current starting pay for a teacher is £36,000. The maximum pay for a teacher is just under £70,000, at £68,000. The average pay for teachers is in the region of £45,000. Deputy head teachers start at £65,000; maximum pay for a deputy head is £80,000. Head teachers start at about £73,000 and the maximum pay is over £100,000. It is a difficult challenging job, but it is a secure job and it is a secure job, not only because we need and demand the highest calibre of teachers, which I believe we have, but we need to make sure that, on top of the pay and reward package we offer, there is security for teachers into their retirement and future years and, of course, that is why we have good pension provision for teachers. Let us be in no doubt today, that if we do loosen the pay strings and we do look at our strategic reserves then there will be demand for more money and the work done to close the pay gaps, to move in the right directions, will become harder, will take longer and could be more expensive for the taxpayer. I just want to remind Members that many of the deals already agreed with different sectors have no betterment clauses, so if we agree to improve further what we have already offered, then we are quite likely to have to go back and revisit all of the deals that we have already done and this will make balancing future budgets much more challenging than they are already going to be. Even if we had no economic crisis to resolve, even if there was no Brexit, no register of beneficial ownership, no global downturn, no flight of capital or companies from our Island, it would still make balancing the books far more challenging. On the issue of the economy, I have full confidence that our economy is going to continue to be strong and stable and advice from the Fiscal Policy Panel is that we must continue, as we have done for years and as we have done for



decades, to be prudent with our financial management, to produce balanced books and to use our reserves wisely. I know there has been criticism for money that has been wasted by the States and the States have made. Probably since 1204 they have been making very poor decisions at times, but also we have made very good decisions. 800 years ... **[Interruption]** No, I meant 12.04 yesterday lunchtime. **[Laughter]** About when we started. But we must never lose sight of the prosperity that the good decisions have led to. We do not get a credit for the money that the economy generates, the money that taxes raise to pay the payroll of our valuable public sector, which gets recycled in the economy and it is very important, because when we pay people to work for us that money is going into our economy. I want all employees, not only in the public sector, but the private sector, to be paid as much as possibly can be afforded, because that is good for productivity and it is good for the economy. So, I am going to support teachers today, but I am not going to support them by supporting Deputy Southern's proposition. Although, I will pay tribute to Deputy Southern for the work he does in fighting for these causes and I also support the position that Senator Vallois takes of the Minister for Education.

[10:45]

She is in a very difficult position and I think it is important that she is able to speak and vote freely on this issue, because she has to work with the teachers and she has to build and develop the education system over the next 3 years, so I understand her position. But, I am going to support teachers today. I am going to support a stable future for teachers and a stable future for education by not supporting Deputy Southern, but to support the deal that S.E.B. and the teachers' union have worked hard on to reach.

**Deputy R.J. Ward of St. Helier:**

A point of clarification. I am not sure if the Senator may have inadvertently misled the House when he said that teachers ... the Assembly, sorry, teachers may have ... can earn up to £77,000. I think he is referring to head teachers, who are on a different pay scale and indeed are negotiated separately.

**The Deputy Bailiff:**

Well, are you seeking a point of clarification from the Senator? You cannot make a speech with that. You can just say: "Could he clarify which pay scales is he ..."

**Deputy R.J. Ward:**

Sorry, I just did it in a very long-winded way. Yes, absolutely.

**Senator L.J. Farnham:**

So, to clarify, the pay scales for teachers start at £36,000 and the upper end is £68,500. Deputy head teachers start at £65,000 and go to approximately £80,000 and head teachers £73,000 to just in excess of £100,000. Apologies. I thought I had said that, but apologies if I did not make that clear.

**1.1.13 Deputy R.J. Renouf of St. Ouen:**

This debate has exhibited strong feelings, which are entirely understandable, because we all want to see our valuable workforce paid fairly and no one wants to see strikes from any of our colleagues, be they teachers, civil servants, or others. We should always be able to settle differences through negotiation and I believe this dispute can be also be resolved through discussion, as fellow Members have commented that we have done in the past and I also remember the grandees of the past, who have sat in this Assembly and remembered the ... following the news about the difficult pay negotiations that have occurred at various times throughout our recent history. The proposer fails to present any sufficient evidence to underpin his arguments that we face a serious threat to the Island's social well-being. That is what we must determine, if we are to open up our reserves. That is set out in the legislation. So, calling that in aid means that the Deputy calls that criteria to support him and it sits alongside in the legislation. It sits alongside such circumstances as a state of emergency, or an

immediate threat to the health or safety of the inhabitants of this Island. He has not done that. Instead, the proposer said: “We face a serious threat to our social well-being” but I believe our public services are not falling apart. Of course, they are challenged, as every other public service in the developing world is challenged, by such things as the ageing demographic, the increasing cost of healthcare, *et cetera*. But, for example, our manual workers are not in dispute. They accepted their offer for 2018 and 2019, as did the police service. They considered S.E.B.’s offers acceptable. The Royal College of Nurses was going to ballot for industrial action, but they did not, because they have chosen to put S.E.B.’s new offer positively to their members, alongside the Jersey Nursing Association. The Royal College of Midwives has already voted to accept the original offer for 2018/2019 and I understand those ballot results will be known tomorrow and I sincerely hope that, tomorrow, we will have resolved matters with those important groups. What has distressed me, since taking on the post as Minister for Health and Social Services, is that those groups, who work in our vital services, have exhibited such unhappiness, for which the immediate pay settlement has been the catalyst, but the happiness is manifested in a deeper discontent over grading and pay disparities, which have existed for even longer than decades, in some cases. So, I have seen passionate, dedicated staff who have endured that sort of unfairness in their treatment for decades and that is a difficult thing to address, because, as it has gone on year on year it becomes entrenched, but I am pleased to see that the current States Employment Board is addressing those disparities and they should be given credit for their efforts and I believe, if we can, that will go a long way towards dealing with the unhappiness and discontent in many groups. The proposer says: “We are an Island in crisis.” I do not believe that. We are not facing those exceptional circumstances, in which the law permits us to open up our reserves. There is a negotiation. It is a difficult negotiation, but difficult negotiations have happened in the past, they have been resolved and the Island has moved on. What S.E.B. is bringing to the table is an above inflation pay offer for 2020, having addressed those historical pay disparities rapidly, so that our workforce can know where they stand and we can move on and that pay offer can be funded through the next financial plan. I believe, in Jersey, we are practical, we can get things done and I believe the introduction of the offer for 2020 is the way to get things done. But, we need to be prudent and we need to be ready to meet external threats. Some of those threats are unique to the Island. What will life in Jersey be like after Brexit? What will be the outcome of the dispute over the beneficial ownership register? Members alluded to these external threats, yesterday. The S.E.B. offer has put millions of pounds on the table, to resolve this pay claim, including £90 million for 2020 and this is a substantial investment in our workforce. I do not believe we need to kneejerk into spending more than we can sensibly afford, given all those other challenges we face. If we were to use our reserves and they become depleted and a real need should occur, the Island will not thank us. 2008 may have dimmed in the memory of some, but in my memory it was a real and a scary time running a business at that time, employing staff, trying to keep our heads above the water, like so many others working in the Island’s economy. We did not know which way it was going to play out and now I cannot, in all good conscience, support any action which increases that potential risk of not having sufficient in our reserves to cover ourselves. I urge Members to have their eye on the longer term and not short-term. I intend to vote against the proposition and urge colleagues to do the same.

#### **1.1.14 Deputy K.G. Pamplin of St. Saviour:**

I stand today, as ever, to talk facts and also my own independent view on this debate and how I am voting. In terms of what we have been hearing of the issues, since the financial crash, which has been brought up again today, of 2008, a lot has changed in over the now 10 years. Let us start with workers. Unemployment, around the world, has been returning to its pre-downturn rate of 2008/2009, but earnings have failed to keep up with inflation, with only a brief period of respite in the past months. We also know productivity, how much money each worker adds to the economy, also slumped in 2008, as the recession struck and has not recovered since, again with a brief period of respite at times. Some of this may also be down to a fundamental change in the labour market,

given the rise of what has been called commonly now ‘the geek economy’. As we have seen around the world, with the likes of ride-hailing services, like Uber, which have increased temporary freelance workers, the issues are the same here in Jersey. As we try to get to grip of the ever-increasing challenges of living on an Island; the cost of living, cost of housing, outside influences, the costs go up. A report by the Institute for Fiscal Studies in the U.K. in 2017 - after its previous findings, found average public sector earnings had fallen by 4 per cent in real terms - stated: “If Ministers were interested in public service quality, they should target any increases on those areas where recruitment problems were most severe.” While private sector pay was hit even harder in the immediate aftermath of the financial crash of 2008, the gap between public and private has since returned to pre-crisis levels. We know that we have a problem with recruitment, however, for public service roles, social workers, mental health workers. The Island being the most beautiful place to live, which it is, is not just enough anymore. You need to be able to afford to live here and many are telling us one dip here, or better spending there, is turning people away. So, turning back now to our local Jersey Stats Department and the facts can be seen here also and as one of their most recent reports show, although all sector earnings have been essentially flat in real terms, since 2002, private sector earnings have increased in real terms, whereas public sector earnings have fallen. So, even though last year earnings both decreased for both sectors, it fell further for the public sector while the gap remains. To break that down, private sector earnings have increased in real terms by 1.4 per cent, whereas public sector earnings have fallen by 5.1 per cent. That is over a 17-year period, but during the last 12-month period, earnings decreased in real terms for both the private and public sectors with a decrease of 0.8 per cent and 1.3 per cent respectively. Despite this, though, our teachers have carried on teaching. Our nurses have carried on providing care and our workers are doing more. We need to truly understand what that has been like over the last few years. As we have been hearing, while the work to serve is rewarding, many have hit that metaphorical brick wall. Both sides of this debate have put forward some strong, logical and at times passionate arguments. Some have even become teachers in the debate. Some reminding me of those scary teachers, who shouted at you, but you had no idea what for, or what you had done wrong. During the debate and over the past months we have heard a few times now in this Chamber: “I have inherited this. We have inherited that. It was not us. It was the previous. It was not my idea.” It is not even an excuse, any more, than needs to be heard. That is like a doctor coming on shift at 9.00 a.m. at a hospital and not treating any of the patients he finds that came in overnight, because he has inherited them from the night before. Funny enough, he just treats the problems and helps them and sets them on their way, maybe differently than the nightshift doctor, but the result is the same. We get it. This is not easy. We know there are some tough decisions to come, but let us not think that by dividing this Chamber that will work, especially when responding to the new States Members who, no matter where have fallen in Government, or not, have given this Assembly a fresh new approach, which, in my opinion, has been way overdue. Let me make this very clear. I am not a red state, or a blue state; I am a sound of mind, strong, independent States of Jersey Assembly Member. Because I can see a balance that can be achieved when keeping in touch with everyday folk, all walks of Island life, does not make me a member of the only open and transparent established party of the Chamber; or because I understand, or agree, with the economic and the absolute need of the finance industry, it does not make me an establishment coat-holder. This is the evolution of democracy in politics, which is happening the world over and it is happening right here. We, as people, are now not just defined by our religion, by our colour, by our skin, by our gender, by our sexual preference and it is the same now for our politics. Now, not that having an opinion, or a belief, is wrong, but if your actions are heartfelt, for the better of not yourself, but for others; well, that is OK. I am also a daddy, of course, as Members know and one of the few Members here with children in our education system, as of right now. I think only one of the very few of those in a local Parish primary school, as of today. I have seen first-hand every day and felt the effects of my daughter’s teachers going above and beyond for their children and my child. Much like I have seen the dedicated nurses and the clinical staff, the police, the fire service, the civil service, as well. They do it, because they see the rewards, the values of the legacy of what they do:

saving a life, moulding a life, helping someone achieve in life, but it comes at a cost and it comes at a price, which is why we are facing issues in recruitment across the board.

[11:00]

We touched on it on our mental health report. The issues are plain for all to see. In fact, my own daughter faced this and us as her parents and fellow class parents as well, the children in her class. There was a loss of one teacher in the school, who could not be replaced. Now, this happened a couple of years ago. In one term, in one year, my daughter's class had 3 different class teachers. Now, that is not the school's fault. They were doing all they could and again that is the point. They were going above and beyond. Sometimes you have to, but sometimes that has to be matched and that is this moment for me here again today. Let me be also very clear. I have the utmost respect for every single Member in this Chamber. I want us to succeed. I want our Ministers to succeed. I want the States Employment Board to succeed and we need our Island to succeed, especially those who succeed for our children in our schools. We heard, yesterday, from the Brexit Scrutiny Review Panel chairman the professional, excellent, work that has gone in to ensure Jersey will be in the strongest place possible, despite whatever happens with Brexit, it is there to be seen. I have every faith in his report, as I have every faith in the Minister for External Relations and his team who have proven the hard work that they put in place, to ensure that Jersey will do what it takes to prosper, because that is what happened after the crash in 2008. Those in power then and those in the financial industry, at the time, ensured the Island's best interest then and I believe they will do the same again here, deal, or no deal. I also believe in hope and a vision that we can find new ways to do anything. With very smart and more than capable people in this Chamber and behind the scenes, but what I believe in also is that when people are motivated, valued and energised, then great things can happen. What this proposition does is exactly that. It lights a spark of hope. It starts a new motivation to find a way to fix the problem of not being asked simply for more money. It gives both sides the energy of finding a human side of these political negotiations and it finally sends out a message of action, of value, that can be felt outside this Chamber more than words can ever do. We, as Members today, can in one voice, by voting for this, with the gift of our personal independent vote say to both sides: "We hear you. We respect you. We know you can do this." So, let us turn the tables on this. Let us support this proposition. **[Approbation]**

#### **1.1.15 Deputy K.F. Morel of St. Lawrence:**

Excellent speech from Deputy Pamplin there. It is always difficult to follow an excellent speech. I apologise, I have got to sort out my feet around here as well. It is always interesting to listen to different ways that people approach the same subject and, in many ways, I am going to talk about the lack of difference, because when I look at the negotiations that we have seen over the past months, since I became a States Member, I cannot help but feel disappointed. I am disappointed, because I believe what we are seeing is a missed opportunity, a missed opportunity for a new Council of Ministers and not so new anymore, as Deputy Pamplin said. We cannot keep saying that it is a legacy issue. It is a missed opportunity for this Council of Ministers to forge its own identity. It is a missed opportunity for this Council of Ministers to say: "We are different. We are different from what has gone before." Sadly, this Council of Ministers chooses, instead, to hide behind the coat tails of its predecessors. One of the reasons why I think this proposition, more than anything, highlights that is because this proposition enables Government to set themselves apart. This proposition does not tell Government what to do. When I listen to the speeches, too often people seem to be thinking that that is what it did. At the end of the day, if this proposition passes, it remains up to the Council of Ministers as how best to use the freedom that it gives them. Of course, there is an expectation that money will be made available to improve pay offers, but how much and the way it is used will remain the preserve of the Council of Ministers and the States Employment Board's ability to negotiate effectively, if indeed that is possible. The opportunity that presents itself with this proposition is, in fact, the opportunity to truly improve public services and it can do that by motivating a currently

unmotivated workforce. This is an opportunity to inspire loyalty at a time of enormous uncertainty and at a time when Jersey needs every skilled person available. We know how tight the labour market is. You speak to any business, you will see how tight the labour market is, but in the public service we are talking about people with specialist skills, who we cannot just turn to the next public service and ask them to come over to fill the gaps over here. This is an opportunity for the Council of Ministers to truly shape the future of the Island, but, so far, we have seen no suggestion that this is an opportunity this Council of Ministers wants to grasp, or feels capable of accepting. Instead, I am afraid, all we hear are excuses. Excuses for inaction, as Deputy Pamplin so well explained, saying that it was the problem of our predecessors all the time just does not work anymore. We want to see action and we want to see action from this Council of Ministers. Show us who you are. The excuses that we hear, sadly, are too often built without substance. For 17 years we have heard in both good times and bad that there is not enough money. In the good times, we are told we have got to prepare for the bad. In the bad times, we are told we have got to prepare for the good, if that kind of works. So take, for example, the excuse that we must not commit the Government to increased recurring spending. Time and again this is trotted out as a sacrosanct line, that must not be crossed and we have heard it since the very beginning of ministerial government, so every Chief Minister has said exactly the same thing. Not one Chief Minister has said any different and yet in years 2005, 2006, 2007 we were full. The economy was working brilliantly, yet that was not the time to pay people. So, let me turn, when considering this issue of recurring spending, to the table provided by the Minister for Treasury and Resources in yesterday's answer to a written question to Deputy Wickenden. When you look at the table, you can see that the Investment Advisory Board and the Minister for Treasury and Resources have created a number of commitments, not at all sanctioned by this Assembly, all of which, or many of which certainly, commit us to recurring revenue spending. Take this one-off award for £1.7 million for the Digital Jersey hub; that, in itself, is a perfectly good thing, but to make it work into the future, we need to agree, as an Assembly, to fund it to the tune of £750,000 annually. If we do not agree that, in the 2020 Government Plan, then the £1.7 million given this year will have been completely wasted so, effectively, we have been committed, by this bunch of people, to recurring revenue spending, yet the Assembly has seen none of it. It is even worse when you look at the £1.745 million - let me repeat that, £1.745 million - to support the One Gov implementation. The Investment Advisory Board has given that money and then has committed us to even more next year; £1.87 million for next year. Now, we have got to do that, because if, as an Assembly, we turn round and say no in the Government Plan we do not want to commit that £1.87 million, well then, obviously, this year's £1.745 million was a complete waste of money. So, the Investment Advisory Board is effectively committing us, without any reference to this Assembly, to constant recurring revenue spending, all with no discernible oversight. So, please, I ask you, stop making the spurious argument about not incurring recurring costs. If we pass this proposition, for once we will be incurring ongoing revenue costs, with the agreement of this Assembly. That in itself will be something new and it will not be because the Minister for Treasury and Resources was told to do so by 3 men, who operate in some closed room, somewhere in Broad Street. Anyway, let me move on to why we need the Government to show it has the strength and resolve to lead, rather than follow. More than anything, we need excellent public services, something that can only be delivered by a valued and motivated public sector. Excellent public services cannot be delivered by interim consultancy appointments. **[Approbation]** Excellent public services cannot be delivered by a state of constant austerity. No matter what some choose to believe and no matter what spells the C.E.O. chooses to cast, decent public services can and will only be delivered by decently paid public sector staff. The reason we are in this situation is ultimately because successive Governments have constantly mismanaged resources, absolutely failed to reform the structure of the public sector and have prioritised pay cuts over everything else. Yet, this Government sadly tries nothing new. As the Minister for the Environment so ably demonstrated, yesterday, when he also looked at the history of cuts and pay, it is fascinating to hear Deputy Martin and the Chief Minister and many others speak as though the road that led us here to this debate began in 2008 with the financial crisis. The statistics

are clear. Public sector workers have received below inflation pay awards in every year but one since 2001. If this was truly a case of offering higher pay, when the times are good, then pay awards during the period before 2008 would all have been at least R.P.I., if not above, but instead we can see from the States own statistics that public sector earnings have fallen by 5.1 per cent, in real terms, over the past 17 years. This is where I challenge Deputy Martin who, in this debate and the one in December, constantly said that private sector earnings had fallen faster. That is not correct. It is an established fact, issued by this Government's own Statistics Unit, that whereas public sector wages have fallen by 5.1 per cent, in real terms, the private sector have increased by 1.4 per cent in their earnings. This is something that Deputy Martin, Deputy Ash and the Chief Minister need to hear and understand because to constantly claim this, that the private sector has fared less well than the public sector, stands in opposition to the fact. Opinion cannot overrule fact. Let me move on. Yesterday, in a public hearing - sorry, I wrote that yesterday, so 2 days ago, in a public hearing - on the new employment legislation, the Minister for Economic Development, Tourism, Sport and Culture repeated a number of times that, in his opinion, that piece of new legislation will be a challenge for businesses to deal with. While listening to the Minister for Economic Development, Tourism, Sport and Culture, it struck me how easy it is for politicians to dismiss the negative effects of their decisions as challenges. Challenges that can easily be overcome, but they do so without really analysing what those challenges are and the effects of those challenges. It then occurred to me that, perhaps, now the tables are turned. After 17 years of real terms pay reductions, public sector workers are saying: "You know what, we know this decision to ask for a cost of living pay rise is a challenge for Government, but it is one that needs to be laid down and overcome, because we know that if Jersey's Government is ever to deliver excellent public services again then it will do so because it has a motivated workforce, that is able to live in this expensive Island." To live here today and, most importantly, to imagine living here for many years to come, because we need those people, in order to deliver those public sector services. So, perhaps, for once, it is us who are being challenged by the public and perhaps, for once, it is up to us to rise to that challenge. If you do not have a satisfied motivated workforce ... I am repeating myself, I believe. Today's proposition is a simple one, but it is one that this Government are too scared to listen to. That disappoints me. I and many others, when we voted for this new Council of Ministers, we voted because we thought something new would be happening. Sadly, that is not the case. As a result, thousands of children have had their education disrupted. As a result, social and economic harm is already happening. Every day, the children, thousands of children, lose a day of their education. It harms this Island. Every day, the parents have to pay childcare costs for their children, because the dispute that the Council of Ministers is unable to resolve every day that that happens, it is causing economic harm.

[11:15]

I say to this Council of Ministers, to this Chief Minister: "Go on, show us you are different. Show us your courage. Show us that you have your own mind and that you can step out from those governments of the past and you can do so by accepting the freedom this proposition offers you, by accepting the freedom to make a difference and to make a change for the future. **[Approbation]**

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

I think it was back just after the elections, I had a phone call from the Chief Minister, inviting me to join S.E.B. and I thought at the time it was because of my 40 years' experience locally in business, my conservative values, generally regarded as a safe pair of hands, only to find out, once the penny had dropped, it was just no other Member wanted to do the job. I have to say, I do rise to a challenge and this certainly has been a challenge. I do sympathise with one of our new Members, the Constable of St. Martin, it is a 365, 24/7 job. You never switch off from politics, do you? I am sure all of us have lost sleep over certain issues and over many issues. That is why we are here, because we care about our Island and that is so important. We have had 3 speeches from the Chief Minister, the Minister for Treasury and Resources and the Constable of St. Ouen, the vice-chair of S.E.B. and they

have really laid out where we are and why we are here. As I say, I am a businessman, the values that I really adhere to are things like sustainable public finances. I am a businessman, I like to balance the books. I believe in fiscal discipline and I believe in fairness in everything that that I do. S.E.B. members have been under a great deal of pressure and it has not been easy. I tell you, we take this role very seriously. We have moved and we have listened and I think there is this notion that we have not been negotiating, but believe me, we have some very good officers and people that negotiate day in, day out and they have been working on the coalface of this negotiation and I have to say, one, I want to commend them for work that they done. Not only the members of our team, but also the union members, because, quite frankly, they have been working equally hard to get this over the line. The fact that we have moved, I feel, does demonstrate that we do value our staff and there is £57 million on the table, albeit a 3-year deal, but that, in anybody's book, is a significant amount of money. We value our staff, of course we do, it is so important. I have heard a few speeches over the past few days ... unfortunately, Deputy Higgins is not here, but as an economist I am not sure if he is a failed economist, or an economist. **[Members: oh!]**

**The Deputy Bailiff:**

Can you withdraw that, please?

**Deputy G.J. Truscott:**

I am sure he is very good and I do withdraw that. It is just throwing caution to the wind. We have been warned by our Fiscal Policy Panel experts there are clear and present dangers on the horizon. Deputy Morel, who is not here, has just produced an excellent report, illustrating the fact that it does represent and could represent a severe shock to our system in our economy. We have the threat from Westminster, regarding the beneficial ownership issue. There are trade wars all around the world, Europe is going into recession. We have to be so careful with our finances, but it is a balancing act. We also have to support our workers, who do such a great job for us. I do not have much more to add, other than the fact that, as I say, negotiations are ongoing, we want to get this over the line, we will be hearing from the nurses in the next few days and, hopefully, they have come on board as well. I was pleased to see that the police force had overwhelmingly accepted our new pay offer. As I say, we are just trying to do our best as a board.

**1.1.17 Senator I.J. Gorst:**

Someone just told me I could drag out a speech that I might have given over the last 6 years. I reminded them it was 13. These debates are difficult, by their very nature, because they involve people that we call our family, they involve, for some us, our very closest friends, who will be affected one way, or the other and because they involve money. We know that talking and making decisions about money can be very difficult. In this new role I endeavour and I have done so this morning, to drop my girls at school. I also endeavour to pick them up from school, once a week. This debate has become - and I do not think it is fully this, but it seems to have become, because of the strikes - about education. It is important for this Assembly to talk, to think and to allocate resources for education. That school, that my children go to, just up the hill, I think is a fantastic school and I can pay nothing but tribute for all of the teachers, the teaching assistants, the gentleman that helps me cross the road with my children - the same one that encourages me to slow down, as well, of course - the secretaries, all of those people, who work in that school I think absolutely go above and beyond and I know that if there are any issues, that need to be addressed, they are only too ready and willing to address them. They very much see, as I see, the education of my own children a partnership approach. We drop them at the school gate, or we take them through the door and we entrust the dearest members of our family to others. We are entrusting them to the state. That is an extremely important trust. I am very grateful for the work that those individuals do on my behalf and on our family's behalf, to support the education of my children. I use that personal anecdote, because it is replicated by every single family across this community, by every single educational institution

across this Island and we thank them for the work that they do on our behalf. For me, it is a very personal issue. I have been contacted by individuals, who work in the teaching profession, that I respect. Those personal issues are often the most difficult. It is not just about education, it is, as the mover of the proposition indicates, it is about all those employed by the States. As the chairman of the Brexit Scrutiny Panel said in his report: "I am surrounded day in and day out by some of the brightest minds in our Island, doing fantastic work, on behalf of their Island, to make sure that some of the economic shocks, that some seem to be foreseeing, that we are prepared for, that we are ready for and that ultimately do not happen." I pay tribute to them, as well. I am sick and tired of, sometimes in this Assembly, people criticising States employees across our community, giving grief to civil servants. In my experience, it is completely inappropriate and what I experience is absolutely the opposite and they should be thanked and they should be recognised. But, we have some difficult questions to answer. We have great staff - and I am not now talking about education, but I will come back to that - we have great staff, doing their best day in, day out, working more than 9.00 a.m. to 5.00 p.m. in a structure, which is no longer fit for purpose today and certainly is not fit for purpose for the future. It is a structure that divides. It is a structure that allows for the abdication of responsibility. That is doing a disservice to those, who are called to the public service. There is a programme of change underway and that change is unsettling. That change is disquieting. That change, together with some of the broader pay issues, is why, across our employees, morale is lower than anyone, I think, in this Assembly, would want it to be. There have been many comments, during the course of this speech, about interims and about the cost of interims. Members are right to challenge interims and the cost of interims. One of the reasons is that we live in a world, where to my simple mind, day rates are extortionate and yet they are the day rates that if one wishes to employ interims and needs interims for set periods of time must be paid, even though it is right that those rates are negotiated down. But, the good things about interims, which is often perceived as the negative, is they can be here today and gone tomorrow. That means they need to be very carefully managed. I do not say anything in public that I am not prepared to say in private; it is critically important that interims, that are not working and not performing are moved on. Those that are, can be retained and can do the work that we, as an Island, need them to do, for a short period of time. To support, not to come in and say everything is rubbish, not to come in and say that local workers are not up to the job, but to come in and to support the work of the people, who are already in the system. It is extremely important that that is the way that we view the employment of interims throughout this period of change. A number of Members and I am treading in tricky waters now, have enjoyed, throughout the last number of months - and we have heard it again during this debate - using the term 'legacy issues'. I cannot count the number of legacy issues that there are to deal with, that this Assembly and that this Government needs to deal with. That is why I stood for election, to deal with the issues that are affecting Islanders. Call them legacy issues, if you will, but call them the everyday decisions of Government about making Islanders' lives better, because that is what they are. There is much still to be done. We started some of that work in the Strategic Plan, but we are going to see a greater culmination of dealing with some of those issue in the Government Plan.

[11:30]

I do not know about you, but I was absolutely delighted to hear again, in this Assembly, on his old form, Senator Corbyn ... sorry, Mézec and he was challenging some Members about having read their manifesto. I can assure him, that I read their manifesto. I cannot say that there was much in it that appealed to me, but there we are, that is what political difference is all about. Not only did Senator Mézec make that rousing speech, as we have heard many times before, he also did something critically important yesterday and that was set up the creation of his Housing Policy Development Board. In that - not his speech - he has my wholehearted support, because it is issues of housing, as other Members have said in the Assembly, it is issues of cost of living, which Senator Farnham is picking up with his economic framework and his anti-inflation pieces of work, but it is issues of housing and issues of cost of living, which are at the heart of some of the difficulties that our staff



and all Islanders are facing with having hope in their future in this community. It is not, I would suggest, simply about inflationary pay rises in 2017 and 2018. In the spirit of legacy, there is much to be done in education and that is why I wholeheartedly supported putting children first, as one of our strategic aims. Much has been done. Let us not forget that we are all on a journey, government is on a continual journey. I think we should acknowledge the improvements in standards and achievements that the previous Minister and senior officer achieved across education in our schools. Let us be under no illusion: there is much more that needs to be done. Let us take special educational needs. There are some really time-pressured individuals doing some incredibly difficult work, but there are not enough of them. There is not enough provision in our schools. The same, when it comes to the mental health provision, there is not enough of that social worker provision in our schools, to support young Islanders with the pressures that they face today, that we cannot even begin to think about, or understand. Class sizes: all parents wonder about the class size that their children are in. Thirty, 29, is that too many? Twenty-six? That is not the schools' fault, it is not the teachers' fault, they are having to teach in that size of class and that puts pressure on what they can provide and how the issues of discipline, the issues of education, the issues of support are delivered. There is no easy answer to solving the class size issue, but what we do know is that some parents, who can afford it, are prepared to put extra money into their child's education, to have a lower-class size. That is a challenge that I know that the Minister for Education is facing and is going to face. Capital items: there are capital items, which schools cannot afford to provide and they hold events, where parents raise money for them. Sometimes, those events are absolutely legitimate, they create a sense of community in our schools, but should some of those everyday capital items not be provided from education's central budget? They should be. I know from speaking to the Minister for Education, she is going to be putting bids into the Government Plan for 2020 for a number of million pounds and this Assembly is going to have to deal with those bids, as there will be other bids, from other Ministers and other departments. It is that Government Plan where we are going to have a lively debate in this Assembly about how we allocate our money, where we are going to ask Islanders for more money, if that is what some would like to do - and I refer back to my colleague's manifesto - and where we are going to make that trade off. The Minister for Treasury and Resources has recently lodged the new finance law. That takes us from a 4-year - some Members have suggested it is a straitjacket - envelope for spending. Let us be honest with each other, that has put constraints on a new incoming Government. Each of us will have an opinion about whether that is a good thing, but the constraint is the overall envelope. Within the framework of the law, individual Ministers could, on the day that they were first elected as Ministers, have reallocated some of those funds to other policy priorities within the framework of the law. It is disingenuous - I cannot use that word, can I, because it is non-parliamentary, I have tried to use it before - it is, perhaps, not appropriate to suggest anything other than that being the case. I begrudgingly supported the Minister for Treasury and Resources in lodging the new Public Finances (Jersey) Law; there are one or 2 areas, where I do not agree with what is provided and I will be making those public in due course. I lost the argument about keeping the 4-year envelope. I was told that I was a dinosaur, that I was jaundiced by having sat in this Assembly too long. Of course, Members of this Assembly were going to be terribly responsible and not wish to increase spending every year, if you move to an annual plan. I am feeling that, perhaps, I gave in a little too easily from listening to some of the speeches across this Assembly over the last 2 days, because what they were endeavouring to do and what they were looking forward to, was increasing spending and suggesting that increasing spending should be something that is easily undertaken; and yet, as Deputy Maçon so vividly reminded us - using a terminology that I would not use - that in the last Assembly, trying to balance that increased spending with increased revenue raising measures, was unsuccessful. We need to be careful what we wish for if we are, in that new finance law, going to rip up the 4-year envelope. The States Employment Board were sent a message during Deputy Southern's last proposal in this regard. It was a message that they heard loud and clear. I spoke to them individually and said to them that I felt it was inappropriate that we were seeing the strikes that we were seeing, at that point. Closing schools is not what anyone in this

Assembly would ever want to see. They heard that message and they spoke to unions and found a way to find extra money. That extra money is a commitment that they have given - which will now be put into the Government Plan, which will make all of those other spending pressures more difficult to balance and to manage - for R.P.I. in 2020 plus 1.3. They were absolutely right to wish to maintain the numbers that they have and the differing pay awards, which deal with equal pay for work of equal value, thereby making progress in dealing with some of those anomalies. Let us just remind ourselves, contrary to what Deputy Morel said, teachers had an R.P.I. award on 3 occasions: 2007, 2008, 2017 and above R.P.I. on 6 occasions: 2002, 2003, 2006, 2010, 2014 and 2016. That is not, I think, probably, going to be fruitful for us to continue down those particular arguments. S.E.B., on the table, currently, has put £57 million into the pay award over 3 years. It is for Members to think about whether that is sufficient and to consider whether the best approach is to allow S.E.B. to continue their negotiations. I, for one, think it is best to allow them to continue their negotiations. Many people have spoken about Brexit, they have spoken about economic slowdowns, some might have spoken about the movement of wealth from the west to the east, all trends which are happening right now, which we need to be prepared for. I personally am, perhaps, not so pessimistic as some in this Assembly. I think we are prepared for Brexit and that if we continue to make wise and prudent decisions in this Assembly, offering stability to international investors around the globe, we can make a success of Brexit. The history of previous Chief Ministers, that Deputy Morel so roundly criticised, is the history of stability and economic success. I, for one, wish to continue to be a part of Jersey's stability and economic success. That will mean investing in Digital Jersey and unpopularly investing and continuing to support financial services' promotion around the globe and continuing to support the work of the Commission, but opening our reserves, as we are suggested to do in this proposal, adding to the ongoing financial flows that we will have to find and make sense of in the Government Plan today, I do not think is the right approach. I fully expect, if the Deputy is not successful today and I do not know whether he will be, or he will not, that the time to come forward with proposals like this is not today, in an *ad hoc* manner, but to speak to his Minister and to input into the Government Plan, which is already in the process of being developed and delivered and Members will have, I have no doubt, a difficult time in making sense of balancing those priorities and those spends. I hope, like Senator Farnham, that being prudent at this point is not seen as not supporting our staff, because the Council of Ministers do, but, rather, is seen as a move to consider all of these issues in the right place at the right time in the Government Plan.

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

I will try to be brief, because I know many Members have spoken, but notwithstanding that the proposition is directed to the Council of Ministers, we have obviously heard from my colleagues on the States Employment Board, regarding our thinking around the pay review for all pay groups, whereas many speakers have chosen to focus on teachers. My colleagues, on S.E.B., have reminded the Assembly of the care we have taken to invest the right amount of money in the right directions, towards our core principle of delivering equal pay for work of equal value. We have heard that a number of times during this debate and, indeed, Senator Gorst has just spoken the same words. That core principle endorses the aspiration of Deputy Perchard, who, unfortunately, is not in the Chamber at the moment, who spoke yesterday of the philosophy of paying for excellence.

[11:45]

I have no doubt that she was referring to teachers, but excellence is found in all areas of public service and at all levels. It is recognised by us, by the States Employment Board, working towards delivering equal pay for work of equal value, which, as we heard yesterday and as we heard in the debate in December, is a view supported by the unions. The Chief Minister and the Minister for Treasury and Resources took the opportunity to address the financial implications of our decisions, reminding us that the offers on the table total £57 million, with an ongoing cost of £34 million and I have no concern, at all, in repeating those figures. But, importantly, during this debate, we have heard

different Members refer to real crises and the real emergencies that we are faced with in real time. We know that strikes hurt and cause inconvenience and nobody wants that. Again, Senator Gorst has just referred to the impact that the strikes have had, the teachers' strike yesterday, he has felt it personally. We know that disagreements in negotiations hurt, disagreements between negotiators though, are common place, they are part of ongoing discussions and negotiations. Deputy Southern asserts that the public sector pay claims need additional funding for 2019, on account of their being, and I quote from his proposition: "A serious threat to the social well-being of the Island, which requires an immediate response." Members, though, need to decide whether ongoing negotiations over pay can be thought of as a serious threat to the well-being of our Island; whether ongoing negotiations over pay - because that is what they are - can be compared to the risks we face through Brexit, or to the risk we face through the creation of a register of beneficial ownership. Real risks, real time. Brexit and beneficial ownership in isolation, never mind together, can severely damage our Island economy. I am grateful to Deputy Higgins - and am pleased to see that he is here and listening to me - because he reminded us, yesterday, of a substantial risk that Brexit uncertainty poses for us. Members will recall him telling us that we could lose our financial industry, as the risk is they would move to the City of London. The Deputy gave us the clear and concise example of what really could, without question, be a serious threat to the social well-being of our Island. A serious threat that would require from us an immediate response and that immediate response could almost certainly use of our reserves. Those reserves should not be used for funding what is neither a crisis, nor an emergency. Yes, we do need to resolve what has been and what remains a difficult round in negotiations, but all disputes like this end, they end through dialogue and this will be no different. Deputy Southern, this will be no different. Yesterday's assertion by Senator Mézec that the good old days were so much better, with genuine negotiations and no strikes was, I believe, factually incorrect, because I understand from officers that going back as far as the early 1990s there were threats of industrial action for manual workers and other groups on an almost annual basis. The big difference between now and then is, of course, that in those good old days there was more readily available money. As in most other jurisdictions, there is now less readily available money here and things are tougher. It has nothing to do with previous administrations, nor for that matter with the negotiating teams. Despite what some Members have claimed, the States Employment Board remains engaged with all of the unions involved in these negotiations. We are working together, to reach a point of agreement that will bring this dispute to an end. We have listened, we have heard areas of concern and we have moved in our negotiations. We have evidence of that, because we have agreements with manual workers and with the police. But our choices on where money was targeted for 2018 and 2019 were considered and they were deliberate. We took the approach that we should make the best and fairest offer with the money that was available, by agreeing some clear principles for the pay offers. We delivered on those principles, because the pay offers are targeted at the lowest paid employees. They are designed to make real progress towards equal pay for work of equal value and they are structured to take account of equivalent market rates of pay for similar roles within Jersey and within the UK. What we have done, because we have listened, is to allocate significantly more money in 2020. The reasons for that, the reason for allocating it in 2020, is not only because it is prudent to do that, but simply because we can. Despite what I understood some Members to infer yesterday, the expenditure will be planned. We have just heard that from the Minister for External Relations. The expenditure will be planned and it will be delivered, without raiding our reserves. The significant amount of additional money that is on the table now will be accounted for within budgets, in the next financial planning round. That prudent approach ensures that we will not enter 2020, comprising the work the Fiscal Policy Panel urges us to do from 2020 to 2023, nor will we compromise the reason why our reserves were established in the first place. Members know from the Minister for Treasury and Resources' comments that the F.P.P. (Fiscal Policy Panel) are advising that we run a financial surplus in the next financial planning period. That recommendation is specifically to ensure that we strengthen our reserves, should they be needed in light of real emerging economic threats. Everyone in this Assembly knows that our reserves are not unlimited. Like it or

not, they are not unlimited. We all know that they are there to help us at times of economic shock and we also know that they cannot and should not be used for increasing revenue spending. They should not be used for increasing revenue spending. Similarly, agreement with unions cannot and should not be at any price. Why would Members want to burden future Assemblies with increased recurring costs, because negotiations are difficult, because some unions are not satisfied with what we have put on the table for 2019? It is 2019, remember, that Deputy Southern has referenced in his proposition. There are too many far-reaching risks associated with abandoning what is a carefully thought through pay and reward approach for what is a short-term solution. The undeniable reality, of course, is that we would be in dispute every year. To agree with the proposition today would be to send a signal that when pay negotiations get difficult and they will, we will resolve them and they will become difficult in the future. But, if we support this today, the signal we send is that when they get difficult in the future, this Assembly will offer more money, found from somewhere, year in, year out. That is completely unsustainable. As the employer, the States Employment Board is continually repeating the message of what we are doing and why we are doing it. That is to inform everyone: employees, unions, Islanders and, yes, everyone in this Chamber, who does not sit on the States Employment Board. We are informing everyone why we are making those hard choices and why, importantly, those hard choices are needed now, to correct mistakes of the past. At the same time, it is essential to make sure that this Assembly does not burden this and future Governments with new mistakes. To be clear and so that there can be no doubt in the minds of Members here today, the States Employment Board has considered and discussed all of these issues carefully and in depth. The Constable of St. Martin has referred to sleepless nights. Believe me, they cannot be as bad as the nights I have spent since I rejoined the States Employment Board in this new Assembly. I did not join it lightly, because I knew it was going to be a tough job and, believe me, it is one of the toughest jobs, I think, that any Member of this Assembly can take on. Based on clear evidence, we are firm in our view that we are taking a fair and responsible approach, an approach that targets pay rises as far as we possibly can, to where there is the greatest need, to the lower paid members of our workforce. Vitaly, our approach has the benefit of being financially sustainable at what we all know is a critical time for our public finances. We cannot do otherwise than take an approach that has the benefit of being financial sustainable. I will conclude, because I am not sure how many Members are left to speak. It has been a long debate and I will conclude by saying that I believe in the long term if we are not a responsible custodian of our finances - and that 'we' is collective - if we, within this Assembly, are not a responsible custodian of our finances we, the collective we, will create even greater problems, not only for our staff, but also for our Island. So, in conclusion, I believe that there is no evidence to support the view that there is a serious threat to the social well-being of the Island that requires an immediate response.

[12:00]

That is the thrust of Deputy Southern's proposition: that there is a serious threat now to the social well-being of the Island that requires an immediate response. With that in mind, I urge Members to, therefore, reject this unevidenced proposition. **[Approbation]**

### **The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? I call on Deputy Southern to respond.

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

Before I start, may I thank all the contributors and I think it is everyone in this room. I do not think there is anybody, who has not spoken during this debate; perhaps one or 2. I am getting a nod over there. Those people should be proud of the level that they have brought to this debate; there were some excellent speeches. Either that, or there were some civil servants going the extra mile last night and producing some excellent speeches, that people have amended as they saw fit. Either way, it was an excellent level of debate. In particular, I want to thank everybody who has contributed. If I

do not mention you by name, then it is not because I want to overlook you, but I would draw attention to 3 in particular excellent speeches by Deputy Pamplin, Senator Vallois and Deputy Morel. I think, between them, they summed up the attitude that we should have to this particular issue. In particular to Senator Vallois, as the Minister for Education, I accept that what she illustrated there was not just the short-term nature of what we are attempting to do now, but the long-term. If we do not manage to get respect and listen to our teachers and if we do not manage to get a good standard of education into our workforce, we will no longer be attractive to business. We will no longer be the place to go and do business. Training is a long-term issue, education a long-term issue. If we do not get it right, if we end up with a poorly-trained workforce, then business goes out the window. On that point, I would just like to quote briefly Richard Branson, who I hear is some sort of a whizz-kid in business, and he says: "The way you treat your employees is the way they will treat your customers. Take care of your employees and they will take care of your business, it is as simple as that." **[Approbation]** I remind Members that the people we are talking about, the public sector workers, are our employees and we would want them to treat people in the best possible ... the highest standard as possible and that is what we are trying to achieve. Deputy Pamplin made a different case and talked about the crisis that we have, in mental health in particular and talked about the need to recruit and retain experts in their field, people to deal with, for example, mental illness and to deal, in particular, with children, who have mental problems. He said: "If we do not get the conditions right, then will we be able to recruit and retain those workers?" to which the Minister for External Relations started talking about the use of interims. That is an interesting word, it has just come into the vocabulary of this Assembly, I think, quite recently. Interims. Not agency nurses, who we are paying an extra £6 million to keep the system working, never mind working well. Not locum social workers, where we have already got vacancies that we are carrying year in, year out. Not locum doctors, which we have to rely on, in order to give any sort of service. Not supply teachers, who need to be recruited from time to time, as their teaching colleagues go off ill with stress-related illness. But that is the reality, we are staggering on with - let us use the word - interims everywhere, one of the reasons because we simply do not pay them the right amount. Until we do, we will continue to stagger on with interims, patching up our social services, our social work, as best we can. Now, the recent challenge, the challenge of the Deputy of St. Ouen and of Deputy Mezbourian, who was to accuse me of an unproven, completely unproven evidence, that there was a serious threat to social well-being in the Island that requires urgent action to which I say, well, hang on, one teacher strike, one civil servant strike, another teacher strike, where are we? We are told: "Oh no, we are dealing with that. We are in discussions." We are in discussions where we have to say, in respect of 2018 and 2019, our negotiating team have explained to them, the unions, through the officers of J.A.C.S. (Jersey Advisory Conciliation Service) that there is no more money on the table for those years. We have been doing it more, or less, since about 2015, but we certainly have been doing that for the last 2 years; there is no more money on the table. That is not in ongoing discussions, that is at an *impasse*, because the unions are saying: "Well that is simply not good enough. All we want ..." and this is important, I think, that we recognise what has been asked for is not a pay rise, it is a cost-of-living rise. Please keep our workers at the position at which they are. There is absolutely no doubt, with this move from a 2-year deal to a 3-year deal, that this is a below-R.P.I. pay deal. The figures are given in the letter of 25th March, I will remind Members, from the States Employment Board in a table and it shows civil servants receiving, without consolidated pay, an award of 6.5 per cent to cover the 3 years where R.P.I. was 10.9 per cent. That is a below-inflation pay award. Nurses and midwives - and we are told we should hear from them tomorrow - may well be accepting an award because when you look at the table it says: "R.P.I. 2018 to 2020, 10.9 per cent." An award with no unconsolidated pay in there, 10.9 per cent, quite possibly they will accept that: "Teachers and head teachers award 8.6 per cent R.P.I. 10.9 per cent." A below-R.P.I. pay award again. Why is that happening? Because that unconsolidated award, the 1 per cent and the 1.1 per cent, totalling 2.1 per cent is for 2018 and 2019. That will not be in people's pockets from 2020. It is unconsolidated, it disappears. We claw it back again. That is the reality and that is why these awards do not match

inflation and do not match what our employees need, in order to live properly. It means an effective cut, in real terms, in their wages. That is what it means. So, if we do not agree what I am suggesting today, we shall be, we are told, in discussion with unions. Interestingly, we are not, in terms of the teachers, we have not been discussing with the teachers for the last 2 weeks. The assistant chair of S.E.B. has stated that. We have got a meeting lined up, coming in the future, but why are we not talking beforehand? Because there is no extra in the pot and both sides are agreed it is pointless. Even through J.A.C.S., no room to budge, because there is nothing in the pot, full stop. That is not respect, that is not treating your employees well. So, what have we got here? Let us know what we are voting for. The Chief Minister, following my questions of the last few days, has said that he will do what Members ask, the result of this debate will be carried through, whether it is one way, or the other. I made the mistake and it was pointed out to me by the Chief Minister, of saying that the 2020 deal was capped when, in fact, it is not. But that leaves another problem, pointed out by Senator Mézec, that if, for some reason, inflation should take off ... and who knows what the consequences of a no-deal Brexit will be. They could be very noxious indeed. If R.P.I. was to suddenly race away, if we were facing 8 per cent R.P.I., or 10 per cent R.P.I., then we have got a problem, because we have said R.P.I. plus in the deal. But I accept that I made that mistake, there is no cap on it. So, the civil servants are taking an effective pay cut, a real-terms pay cut of 4.4 per cent; teachers and head teachers are taking a pay cut of 2.3 per cent on top of - let us call it a decade, although it is nearly 2 now - a decade of imposed awards and below-R.P.I. awards, that has seen their standard of living get more and more difficult. That is where we are. We have got an ongoing situation where we are facing strikes by our teaching force, a teaching force, which is not militant by any terms of the imagination and is reluctant to strike, but feels it must, because we are going nowhere. Let us just take that a stage further. If, as we go through the coming months, let us say there is another strike declared in a month's time, what are we going to go back with? Anything? Nothing? Can we prevent that strike? I do not see how. There is nowhere to go. All this proposition says is it gives the States Employment Board some wriggle room to go back to the negotiating table and negotiate, as I keep saying, in good faith. Not saying: "Let us get back around the table, we have got no money." So, attempt to try to help the States Employment Board - I will not say the rest of that phrase - and yet they do not notice it. It could get worse, though, because what happens in some areas in the world, in the country, is that it is highly likely that if the dispute goes on, drags on into next term, into the coming year, then what will happen is the unions will effectively - or may - choose to effectively black the Island: "We are in dispute with this Island, please take the advice, do not apply to Jersey."

[12:15]

Then where will we be? Not only interim social workers, interim care workers, interim doctors, interim nurses, we will be looking at interim teachers, if that were to happen. One of the things that we must hold on to, if we possibly can, is the goodwill of our teachers and that does not happen easily. That happens by good treatment of those employees, of those workers, of those teachers. It also results from continuity of positions, so a teacher gets to know their class, bonds are formed. If we are talking otherwise, we are talking a shortage of teachers, then we are talking about teachers in, teachers out. Deputy Pamplin mentioned it with his daughter's experience about 3 teachers in a year. No relationships being formed, less beneficial education and support going on. That is the reality that we may be facing. The other thing that has been repeatedly, *ad nauseum*, mentioned is that this is not the real problem. Well, I am sorry, but from where I am, the absence of a good relationship with your employees, as Branson says, is absolutely fatal to what we are trying to deliver. Now, for me, that is important. It is not that something worse could happen tomorrow; Brexit, a no-deal Brexit could happen. If a no-deal Brexit happens, we are in serious trouble, I agree and we would have to deal with it. That does not mean to say we cannot deal with our own workforce in a decent and honest way, which we should be doing and that is all this is asking for. But, for those of you who have not been in teaching, or have not been in teaching in recent years, my own experience is that where disputes carry on - in the U.K. I am talking about, my early experience - was that it got very

difficult in school, when the unions came around and said: “Right, that is it, no weekend football, no play taking part, no chess club, no nothing. We are working to rule, 3.30 p.m., we are off.” Imagine it. That is what we mean by a loss of goodwill, because that chess club, that football match, that play is done time and time again on the back of goodwill. On the back of unpaid efforts. On the back of extra hours. That is what goodwill means and we put that at risk at our peril. I believe that is exactly what we are doing now. OK, so in the short term and, as Senator Vallois says, in the long term we put our public services at risk if we do not take that little wriggle room, in order to go back to the table, with an honest attitude to: “There is some space, let us talk, because there may be some point in it.” Without that, there is no point in going back. We can look forward to a year in which we become the Island that strikes and I want desperately to avoid that. I make the proposition and call for the *appel*.

**The Deputy Bailiff:**

The *appel* is called for. I invite Members ...

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

Excuse me, could I have a point of clarification, please?

**The Deputy Bailiff:**

You can ask for a point of clarification with the speech, if Deputy Southern is prepared to give it, yes.

**The Connétable of St. Saviour:**

Yes, thank you.

**Deputy G.P. Southern:**

Yes.

**The Connétable of St. Saviour:**

I was one of the first people to speak and I did say and it has not really come out, there seems to be a payment for the education. I want to make sure that everybody, who needs the pay rise is going to be getting this, if we release the pot of money. If I have any doubt at all, I will have to abstain. I want to make sure that everybody, who is entitled to have this, not just education and I know they are entitled to have it, but the nurses, everybody is entitled to have it. Could you please clarify that you are working for others and not just education?

**Deputy G.P. Southern:**

I have been trying to get on my feet straight away. I do apologise. I meant to include you, I have got you there at the top of the list: “Sadie: just make sure that it is all our public sector workers.” It is not just teachers. I mentioned teachers yesterday and used them as illustration, because they were out there; they were striking yesterday. But all public sector workers it will apply to, yes.

**The Connétable of St. Saviour:**

Thank you very much.

**The Deputy Bailiff:**

I think it is appropriate that I point out that that is apparent on the face of the proposition, which refers to “fund public sector pay claims”, it does not limit it in any way to particular pay claims, so that is the wording of the proposition. Very well, the *appel* is called for. If Members have returned to their seats, I ask the Greffier to open the voting.

<b>POUR: 20</b>		<b>CONTRE: 27</b>		<b>ABSTAIN: 0</b>
Senator T.A. Vallois		Senator I.J. Gorst		

Senator K.L. Moore		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator S.C. Ferguson		
Connétable of St. Helier		Senator J.A.N. Le Fondré		
Connétable of St. Saviour		Connétable of St. Clement		
Connétable of St. Mary		Connétable of St. Lawrence		
Connétable of St. Martin		Connétable of St. Brelade		
Deputy G.P. Southern (H)		Connétable of Grouville		
Deputy K.C. Lewis (S)		Connétable of St. John		
Deputy M. Tadier (B)		Connétable of Trinity		
Deputy M.R. Higgins (H)		Connétable of St. Peter		
Deputy L.M.C. Doublet (S)		Connétable of St. Ouen		
Deputy S.M. Wickenden (H)		Deputy J.A. Martin (H)		
Deputy J.H. Young (B)		Deputy of Grouville		
Deputy K.F. Morel (L)		Deputy J.M. Maçon (S)		
Deputy of St. John		Deputy S.J. Pinel (C)		
Deputy J.H. Perchard (S)		Deputy of St. Martin		
Deputy R.J. Ward (H)		Deputy of St. Ouen		
Deputy C.S. Alves (H)		Deputy R. Labey (H)		
Deputy K.G. Pamplin (S)		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy L.B.E. Ash (C)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy S.M. Ahier (H)		
		Deputy I. Gardiner (H)		

**Senator I.J. Gorst:**

I wonder if, bearing in mind the time, I could indulge the Assembly - I am going to have to be rather red-faced anyway - and seek to take the Sanctions and Asset-Freezing (Transitional Provisions) before lunch because it, hopefully, should be done in that time.

**The Deputy Bailiff:**

Very well, it is a matter for the Assembly. The Minister for External Relations is seeking to bring forward the last item currently listed on the Order Paper for today, the Sanctions and Asset-Freezing (Transitional Provisions). To do so, there will be a necessity for the suspension of Standing Orders, I think and to list it for debate at this meeting at all and also for the reduction of the minimum lodging period. It seems to me that that it may be helpful to deal with the matter before lunch, so that we can move on to something more, hopefully, substantial and less procedural after lunch. Do Members oppose that way forward?

**Deputy M. Tadier:**

Can I just ask, what Standing Order is being lifted, so that we could do this?

**The Deputy Bailiff:**

Well, the Minister will have to himself address Standing Orders and the Assembly will need to agree to lift it. It is, however, the ... bear with me.

**Senator I.J. Gorst:**

Would you like me to make that ...

**The Deputy Bailiff:**



Yes, it is Standing Order 32/Standing Order 80 and then a reduction in the lodging period. I am just going to tell you what that is. Yes, 26(7) is reduce the minimum lodging period for a proposition and we will need to dispose of Standing Order 32 as well, I think, which is the requirement for 2 clear working days' notice to be given, before a matter can appear on the list and be debated. So, the Minister will need to make those applications, the States will need to agree to take it. Then, if the States agrees to take it, the Minister can then present it to the Assembly. Does that assist you, Deputy?

**Deputy M. Tadier:**

Thank you, it does. It is the last one, which particularly worries me. Have we ever used that last Standing Order, 32, because I thought that was the ultimate backstop, if you like, is that things need to be lodged for ... I remember trying to do the same in the past and ...

**The Deputy Bailiff:**

Well the answer is, it will be entirely a matter for the Assembly. It would need suspension of the Standing Order for the purposes of the matter being on the Order Paper, at all, today. But, that is a matter to be addressed on its merits, it seems to me.

**Deputy M. Tadier:**

It would just be helpful to know whether that is a precedent, because if it is the first time it has ever been done, it might be helpful to know that, after lunch, because we know what happens when Assemblies and Parliaments set precedents that have clearly never been done before, the nature of a precedent.

**The Deputy Bailiff:**

Can I test the mood of the Assembly, as to whether it is agreed that the Minister can present at this point and make these arguments? Is anyone strongly opposed, or do we need to make that a decision on the proposition?

**Deputy M. Tadier:**

I think it would be more helpful if we knew exactly, after lunch, to find out whether, or not, we have ever done this before and whether there is sufficiently strong ...

**The Deputy Bailiff:**

Well, there certainly has been a suspension of Standing Orders before. Whether this particular Standing Order has been suspended before, I am not aware that it has.

**Senator L.J. Farnham:**

I wonder if we might hear from the Minister for External Relations briefly to explain the situation.

## **2. Draft Sanctions and Asset-Freezing (Transitional Provisions) (Jersey) Regulations 201- (P.35/2019 - Lift Standing Order 32 under Standing Order 80 to enable debate at present sitting**

**The Deputy Bailiff:**

I am content for you to make that argument, Minister. I was hoping that we did not have an argument about having an argument [**Laughter**] but there we are. If you would like to explain to the Assembly, very briefly, exactly what it is you would like to achieve, before the luncheon adjournment.

### **2.1 Senator I.J. Gorst (The Minister for External Relations):**

I do understand Deputy Tadier's reluctance and it is only the uncertainty that the United Kingdom currently faces that means I am asking the Assembly, under Standing Order 80, and the Deputy will be able to look at that, to propose lifting Standing Order 32, which would mean that this item - because it has not been notified for 2 days - could be listed for debate and asking to lift Standing Order 26(7), so that we can debate the item today. So, the first Standing Order allows for the item to be listed, because it is less than 2 days and the second allows it to be debated today. The reason being, of course, as I referred to yesterday, Members will be aware that, currently, as I stand here, the United Kingdom is still legally leaving the European Union on Friday, although there is a statutory instrument before the House of Commons and Lords for debate today. Members will recall approving the actual law, which I am seeking now to amend. That has taken longer to go through the Privy Council process, than was anticipated, for all sorts of reasons on the United Kingdom side. It was then only registered in the Royal Court on Friday afternoon, which meant that I could then only formally give the instruction. As Members will be aware, the processes that laws must be registered in the Royal Court ...

**The Deputy Bailiff:**

Minister, you seem to be going on to making the merits of the application, rather than explaining to the Assembly what it is you want to do, which was the first question I think that has been asked. It is a difficult line to draw but we are ...

**Senator I.J. Gorst:**

I appreciate that your ruling is correct, but I think trying to divorce the 2 arguments is perhaps premature. If Members do not agree to this today, of course, we will have a piece of legislation, which Members will see does not point then because of decisions that the U.K. Government will now take. We have only recently been notified of this. In the event of no deal, it will point to a piece of legislation, which is no longer in force in the United Kingdom and therefore will create a deficiency in our legislation.

[12:30]

**The Deputy Bailiff:**

The Minister for External Relations has explained to Members why he wishes to bring this matter on now and before luncheon. Could I just test the mood of the Assembly, without putting it to a formal vote, as to whether it is agreeable to the Assembly that the Minister take the matter now?

**Deputy M. Tadier:**

I would not agree to that and if I am able to speak for a moment, as to why. I think the case needs to be made. So, if we look at the Standing Order, it is quite clear and I do not think this has ever been done before.

**The Deputy Bailiff:**

Deputy, I think we will take this formally on a procedural basis. Minister, do you make the proposition that you be allowed to deal with these matters now, prior to lunch?

**Senator I.J. Gorst:**

If I am may, for all the reasons that I have just explained to Members.

**The Deputy Bailiff:**

Is that seconded? **[Seconded]** Now you wish to speak on that?

**2.1.1 Deputy M. Tadier:**

Standing Order 32 is quite clear that a Member of the States, who wishes to propose anything during this meeting, it should have been lodged, basically, last Thursday. It is quite clear that 2 clear days'

notice needs to be given for that and there are good reasons for that. I do not think that this has ever been done before, we have ever allowed this, so it is not something we should do lightly. I would also like to hear from the Chairman of P.P.C. (Privileges and Procedures Committee) as to what he thinks about this and the precedent that it sets. Clearly, the argument is being given that we are in unprecedented times, but Brexit, quite clearly, could be lasting for a number of months, if not years, if it ever happens at all. If it can be used as an excuse every time for Ministers to be able to pick and choose which Standing Orders they disregard, then it clearly does not set a good example for the Assembly. So, it may well be that we need to look at whether this Standing Order needs to be there, or whether we give certain privileges to Ministers to lodge and have shorter lodging periods if certain criteria are met. But, I am very uneasy about doing this and so I do not think it is something we should simply just nod through. I would also like to hear from the Minister for External Relations, in summing up, what would happen if he cannot take this today, the next available opportunity to take it, when would that be and what would be the great disadvantage of doing that? Because, of course, until that is proven, the public interest must rest with our Standing Orders as they are written.

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

I am just standing, I have to leave arguments about Standing Orders to those who know a lot more about Standing Orders than I do. I just wanted to reiterate - or to say, I am not reiterating anything - just to say that, as far as this piece of legislation is concerned, an inquorate session of the Brexit Review Panel, being Constable Jackson and myself, had a briefing last week from the Minister and officers. We were satisfied and we did question, quite extensively, as to the reasons why this legislation had to be brought forward so unexpectedly. It is clear to us that it has been caused by the U.K. not changing their laws, as they had assured us they would. If this legislation is not changed today, then should Brexit happen between now and the next States sitting, we could have sanctions laws which basically point nowhere and so we would not be able to bring sanctions into force. As a financial services centre, that is vital, we need to be able to do that. So, I believe I can speak for the Constable and myself in saying that we were quite happy for this debate, regardless of Standing Orders, to be brought forward and to be debated today as a matter of urgency, because genuinely it is quite urgent. That is all I wanted to say.

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

I feel I should reply to Deputy Tadier, who is an unofficial guardian of protocol very often in this Assembly and while it might be inconvenient, he does have a very good point. The proposition was lodged on 26th March; I wonder how much time Members have had to consider it. Now, there may be very good reasons and it may be something that could go through quickly, but it is unusual, it does feel like it sets a precedent and Members, I think, should take notice of what Deputy Tadier has to say on this issue. There is a reason for why we have the lodging periods that we have and I would just leave it to Members after that. I would just like to ask, it was a little bit unclear to me from the Minister for External Relations' speech just now, are we saying it is time-critical in the event of the U.K. leaving the European Union on 29th March? Because, I thought that had now been ruled out and the extension was now until 22nd April. Maybe the Minister for External Relations could just clear that up for me.

### **The Deputy Bailiff:**

Yes, certainly. Can I just remind Members, what we are doing is discussing whether we can deal with it at this point now and there will still be a case to be made for the suspension of Standing Orders in the event that we agree to that. It may well be exactly the same argument, but the proposition is to deal with the matter now and we do not want to get into the substance of the argument too much.

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

Yes, that is why, sometimes, when Deputy Tadier brings these points up, he is cast in the role of a nuisance, but that is not how he should be regarded, because there is a good reason for these Standing Orders. He is bringing it to our attention. It may mean that we run out of time, before we can do it before lunch, but that is not his fault. I just come to his defence on that.

#### **2.1.4 Connétable R.A. Buchanan of St. Ouen:**

Firstly, in terms of what Deputy Labey has said, he is quite correct. It is correct that he raises this matter before us. However, I think we need to look at the title of the proposition. It is Draft Sanctions and Asset-Freezing (Transitional Provisions). These are an absolutely vital part of our legislation in the event of money being attempted to be laundered in Jersey and procedures being brought to try and recover those funds. As Deputy Morel has quite ably explained, if we do not present this piece of legislation today and we leave Brexit on Friday, without doing it, a vital part of our armoury for our financial services industry would not be available to us and it will have a serious impact on our reputation, if this comes to light. So, I would urge Members to listen carefully to what is being said and think that there are some times when we have to make these exceptions. We live in exceptional times; Brexit is an exceptional time. It is a rapidly and fast-moving feast. The Bill before the House today may not pass and we may find ourselves leaving on Friday, in which case this piece of legislation could, if we do not debate it today, be ineffective which, in my view, would be a serious mistake.

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

Does any other Member wish to speak on the narrow point as to whether we proceed to consider the argument now? Very well, I call on the Minister to respond.

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

I am loath to maintain my proposal considering it is going to be lunchtime but I will, nonetheless. I do not criticise Deputy Tadier and I did not criticise him when I was making the case. He is pointing out Standing Orders of this Assembly. They are the governing framework, in which we make our decisions. But I would say, using Standing Orders, they are there to be used and these, in particular, 80 and 32, are only used *in extremis*. This, to my mind, Members may disagree, is an *in extremis* situation, exactly the reason why such provisions were put in Standing Orders. So, it is not being critical of Deputy Tadier on this occasion; that would be inappropriate. He is simply reminding Members of the Standing Orders in place and I am simply asking Members, in light of the dates, which are outside of the control of this Assembly. So, to answer the Chairman's question directly, of course, legally, currently, unless you fall for the international law trumps domestic law argument - I think there are certain members of the E.R.G. (European Research Group) that would challenge such a decision - but let us not get into the politics of it; legally, the United Kingdom leaves the European Union at 11.00 p.m. on Friday evening. There is, currently, a statutory instrument before the House of Commons and the House of Lords today, which will change that date to 12th April, should the Prime Minister's withdrawal agreement not be approved, or 22nd May, I think it is - it may be 23rd May - should that deal be approved. If any Member of this Assembly could give the answer to those variables, I do not think they would be here, I think they would be down at the betting shop, making themselves comfortable for the future. The reason why I am asking for it to be taken today, is that we do not sit in this Assembly again until 30th April. Therefore, even if the date is moved from Friday, without that withdrawal agreement passing, the legal date for leaving would be 12th April. I think it is far better for us to endeavour to take this item at this sitting, rather than to seek a special sitting of the States, to deal with matters like this. That is why I am asking us to use these Standing Orders, albeit *in extremis*.

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

The *appel* is called for. I invite any Members not in the Chamber to return to their seats. The vote is on whether, or not, we can, before lunch, permit the Minister to make an application to suspend Standing Order 30 and also take the matter today by a truncated lodging period, so he would still have to make the application. I ask the Greffier to open the voting.

<b>POUR: 41</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 1</b>
Senator I.J. Gorst		Deputy G.P. Southern (H)		Deputy M. Tadier (B)
Senator L.J. Farnham		Deputy M.R. Higgins (H)		
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **2.2 Draft Sanctions and Asset-Freezing (Transitional Provisions) (Jersey) Regulations 201-(P.35/2019) - Proposal to reduce lodging period under Standing Order 26(7)**

### **2.2.1 Senator I.J. Gorst (The Minister for External Relations):**

I do not want to go over what I have just said, as you ably have guided the Assembly. I am seeking to use Standing Order 80, to lift Standing Order 32, because of the requirement to have an item notified at least 2 working days and then lifting Standing Order 26(7), in order to take the debate today. I have already said, the process to Privy Council, the process to registering in the Royal Court on Friday afternoon and I am extremely grateful to the, albeit inquorate, Scrutiny Panel for their recognition that this is important that we take these transitional amendments and I hope that the Assembly sees for all the reasons outlined that they also agree to take them.

**The Deputy Bailiff:**

Is the proposition, which is to suspend the effects of Standing Order 32 and permit the matter to be debated today under 26(7), by reducing the lodging period seconded? **[Seconded]** Does any Member wish to speak on that proposition?

**2.2.2 Deputy M. Tadier:**

I will briefly. It is just to say that the reason I abstained is because, I think, when we are setting precedents, it is a significant issue. I think this is one of those areas where it has been justified, but I think it is important to make the case to the Assembly, because too often it has been the case that we do it for convenience when, in fact, it is not vital, or important. I think this has hopefully been a good reminder that Standing Orders are our servants, but not there to be messed around with.

**2.2.3 Connétable M.K. Jackson of St. Brelade:**

Just to emphasise that in the presentation given to Deputy Morel and myself last week, the issue of raising Standing Orders was discussed and did not go unnoticed. I, for one, was very reluctant to change those, as corroborated by Deputy Tadier. There is absolutely no doubt of the urgency of this proposition. The country I think is in - well, not I think, I know - is in turmoil and I think we are obliged to take this, like it, or not, at this stage.

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

I always believe when you make a mistake you should own up to it. I made a mistake on my vote there. I was out of the Chamber, I misheard what this was about and I might add I am on the Brexit Review Panel and I fully endorsed the bringing of this to the States. So, I made an error and I am declaring it. I believe other Members, when they make an error, should also be so open. **[Approbation]**

**The Deputy Bailiff:**

Does any other Member wish to speak on this proposition? Minister, would you like to respond?

**2.2.5 Senator I.J. Gorst:**

I do thank those who have contributed and it gives me no pleasure and I am sorry to have placed the Assembly in this position. I apologise for that but, hopefully, Members will understand the reasons why.

**The Deputy Bailiff:**

The *appel* is called for. I invite any Members to return to their seats. I ask the Greffier to open the voting.

[12:45]

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				

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

**The Deputy Bailiff:**

Accordingly then, we will take this as a matter for business, presumably in its due time, but at this sitting.

**Senator I.J. Gorst:**

Could I do it now? The actual Regulations are very straightforward.

**3. Draft Sanctions and Asset-Freezing (Transitional Provisions) (Jersey) Regulations 201-(P.35/2019)**

**The Deputy Bailiff:**

I think from the mood of the Assembly, no one is going to object to it being dealt with now? Very well, yes, Greffier if you would read the citation, please.

**The Deputy Greffier of the States:**

Draft Sanctions and Asset-Freezing (Transitional Provisions) (Jersey) Regulations 201-. The States, in pursuance of Articles 1(4), 19(3) and 48(3) of the Sanctions and Asset-Freezing (Jersey) Law 2019, have made the following Regulations.

**3.1 Senator I.J. Gorst (The Minister for External Relations):**

I am grateful to Members. The existing S.A.F.L. (Sanctions and Asset-Freezing Law) contains provisions that repeal the U.K.’s Terrorist Asset-Freezing Act 2010 and the U.N.F.S.L. (United Nations Financial Sanctions Law) and incorporates their effects. What this is, basically, doing is ensuring that there is a smooth transition, as the U.K. is now considering repealing those Acts on exit day, whether there is a deal, or no deal. This will ensure continuity of pointing to these, while they are in existence, but then the U.K.’s new Sanctions Act once it comes into force as well.

**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 Morel, I take it the Scrutiny Panel does not wish to call this in? Very well. How do you wish to deal with the matter in Second Reading?

**Senator I.J. Gorst:**

*En bloc* and it is as I described.

**The Deputy Bailiff:**

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

**Senator I.J. Gorst:**

I do, and I want to again thank the Scrutiny Panel for meeting on Friday at extremely short notice. Their positive but critical engagement has been important throughout all of these processes and I thank them again.

**The Deputy Bailiff:**

Is it seconded in Third Reading? **[Seconded]** Does any Member wish to speak? All those in favour of adopting the Regulations ... **[Interruption]** The *appel* is called for. I ask the Greffier to open the voting.

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of Trinity				



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

## LUNCHEON ADJOURNMENT PROPOSED

### The Deputy Bailiff:

The adjournment is proposed. We stand adjourned until 2.15 p.m.

[12:48]

## LUNCHEON ADJOURNMENT

[14:15]

### 4. Draft Commissioner for Children and Young People (Jersey) Law 201- (P.18/2019)

### The Deputy Bailiff:

The next item is the Draft Commissioner for Children and Young People (Jersey) Law, lodged by the Minister for Children and Housing and I ask the Greffier to read the citation.

### The Deputy Greffier of the States:

Draft Commissioner for Children and Young People (Jersey) Law 201-. A law to provide for the establishment and functions of an office of the Commissioner for Children and Young People; and

for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

I am absolutely delighted to be proposing the law, which will enshrine the role of Children's Commissioner in Jersey law. As Assembly Members will already be aware, the United Nations Convention on the Rights of the Child is a legally-binding human rights international agreement, which sets out the civil, political, economic, social, health and cultural rights of children. It requires State parties to promote and protect children's rights. It was, I think, a proud moment for Jersey when the U.N.C.R.C. (United Nations Convention on the Rights of the Child) was ratified in 2014 and committed to be bound by its provisions. This is the first legislation of its kind in Jersey and so it has been a steep learning curve to get to this point. Sadly, the publication of the Care Inquiry showed us all the huge gap between our aspirations for children's rights and the reality of everyday experience for children. In its damning review of historical abuse, the Jersey Care Inquiry had, as its first recommendation, the establishment of a Children's Commissioner for Jersey. It was clear from this recommendation that what is required is an independent voice for children, focused on their rights, that could publicly hold government to account, without fear, or favour. As the Minister for Children and Housing, I believe the establishment in law of this new role is an important step for Jersey to deliver on its previous commitments to children's rights and to make a difference to children's every-day life in Jersey. It is important to note that the Committee on the Rights of the Child, that monitors the obligations of State parties to the U.N.C.R.C. and provides guidance on the implementation of the U.N.C.R.C., has commented that the establishment of a Children's Commissioner, or equivalent, is part of the general obligations of a State party in implementing the U.N.C.R.C., so this proposed legislation is, therefore, an important step for the Assembly to deliver on that commitment. Members will know that the current Children's Commissioner has been in post for over a year now and that the previous Chief Minister announced that we would have a Children's Commissioner, when he responded on the very day that the Care Inquiry report came out. I think that he made a very clever judgment at that point, which I think he deserves credit for, by deciding to appoint a Children's Commissioner, to operate in shadow form, before the law was drafted, rather than doing it the other way around. One of the benefits of this decision was that we would have someone right away to start the work to promote children's rights and raise awareness and I do not think that anyone can doubt her success at doing that. Just last week I attended the morning assembly at Grouville School, where they celebrated receiving their U.N.I.C.E.F. (United Nations Children's Fund) Gold Award, as a Rights Respecting School and I was really impressed at the level of understanding and pride that their Rights Respecting ambassadors had in this, when I spoke to them. I think it is things like this that will play a huge part in changing our culture, in line with the ambitions that we have in the C.S.P. (Common Strategic Plan) and the Children's Plan. But, the other benefit of appointing a commissioner right away was that it allowed her to take a leading role in helping to work out what this law would say. A huge amount of learning has taken place, to ensure that we get this right. The Children's Commissioner has been involved with the networks for commissioners and ombudspersons, she has worked closely with other commissioners across the British Isles and together we visited the Children's Ombudspersons in Norway and Sweden, both of which are countries, which are highly regarded in this area, even though their models of ombudspersons have notable differences. There are international standards, referenced by the Care Inquiry that have informed the development of this draft law. The U.N. (United Nations) Principles Relating to the Status of National Institutions, which is commonly referred to as the Paris Principles, sets out 6 essential characteristics and features for these human rights institutions and these are reflected in the different parts of the draft law. These include the independence guaranteed by statute, or constitution. As Assembly Members can see in the draft law before them, taken as a whole, there is a clear legislative framework, which is intended to support the independence of the Children's Commissioner to deliver on its primary function, which is to promote and protect the rights of

children and young people. The second is autonomy from government. In the schedule of this draft law, the position of the Children's Commissioner is described as a corporation sole in its own right and in doing so giving a distinction and autonomy from government. Number 3 is pluralism. Part 2 of the draft law places a duty on the Children's Commissioner to work alongside children and young people in promoting, fulfilling and protecting children's right, while the requirement to establish advisory panels, in part 5 of the law, ensures wider community perspectives are included in discharging the functions of Children's Commissioner. Number 4 is a broad mandate, based on human rights standards. The convention sets out the civil, political, economic, social, health and cultural rights of children and this breadth is reflected in the Children's Commissioner's general functions, as set out in part 1 of the draft law. Number 5, it has got to have adequate resources and part 2 of the draft law identifies the responsibility of the States to appropriately fund the Children's Commissioner, in order that the commissioner can fulfil the functions set out in this draft law. Number 6 is adequate powers of investigation. The ability for a Children's Commissioner to receive and investigate complaints is an important means of empowering children and young people to exercise their rights and a further mechanism by which government and institutions can be held to account. Part 3 of the law sets out certain procedural requirements and powers which apply where the Children's Commissioner determines that an investigation is required. In addition to these 6 principles, I would also refer to the European Network of Ombudspersons for Children. This association, referenced in the Care Inquiry report, has developed a set of standards for independent human rights institutions for children, based on the Paris Principles, which have been used as a benchmark for developing this draft law. It will not have escaped Members' attention that concerns have been raised in the last few days about Article 8 of the law, which defines the commissioner's rights to information. There are, I think, important statements being made in support of enhanced powers beyond what is in this draft law. In the early days of this law being drafted, I insisted that the Care of Children in Jersey Scrutiny Panel received copies and then updated copies of the law, so they could track changes and be ready, if they felt necessary, to review the law. I am very pleased that they have chosen to do so, as they have said in the comments they have lodged to this, because I think it is valuable to have their input, because this is new to us and we need to be as thorough as possible. In their comments, they have indicated that they will call the law in after the principles have been adopted and review, in particular, Article 8 and I wholeheartedly welcome this. In summary, I believe that the principles embedded within this draft law will enable a Children's Commissioner to be established in a robust framework to deliver on children's rights and meet our obligations that this Government can support. I make the proposition.

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

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

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

I speak on behalf of the Care of Children in Jersey Review Panel as chair unanimously from the members of that panel. Scrutiny have had the law presented, but the version that was presented to us, was an earlier version where Article 8 in particular was different; that has undergone change. Therefore, we will be calling this in for our scrutiny. I would like to draw Members' attention to the comments paper that was sent to you on this law. We will be intending to call this in. I will read the section: "This will give the review panel additional time to consider and, if deemed necessary, bring forward an amendment to the draft law. We will be proposing that the debate continues in Second Reading at the sitting on 30th April 2019, assuming that the principles are adopted on 26th March 2019." The panel does support the adoption of the principles of this law. It is much needed, it is necessary and this short delay is simply to make the law more robust, fit for purpose and detailed, because of the importance of it to this Island and to the future of children on this Island. I urge you to support the first reading of this law.

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

I fully support the principles of this law and I very much welcome the Children's Commissioner and the work that she has already done for us. What I do not understand, is this Article 8 of the law. I worked for 3½ years last term with a young Deputy Mézec, who I know would have been the first person on his feet, when this came through, if the powers that were given were not strong enough. Maybe Senator Mézec should have a word with Deputy Mézec and find out why. I do not understand why Senator Mézec has brought this forward, with the powers not right. It is fully within the Senator's power, or the Minister, to not bring this to the Assembly, as it is, if he is unhappy with a part of it. The only thing I can see is, and I would ask the Minister, is he happy with the powers as they are, or does he think that they need to be strengthened and, if so, why bring it to the Assembly now? Scrutiny will still be able to scrutinise a changed law, but to bring a law that the Minister is not happy with seems crazy. It is obviously not right that we are giving the Children's Commissioner the same powers as any member of the public to request information and giving the departments that are caring for our children the right to be able to try and not give information. I do not see how the Minister is allowing this, at all. As I say, I do not think Deputy Mézec would have allowed it. He would have been the first on his feet talking about we have got to give appropriate powers. So, I support this, in principle, I am glad it is going to Scrutiny but I would like to hear from the Minister about why he has not pulled it and brought it in in a way that he is happy with, unless he is happy with it now, and then bring it to the Assembly in a manner which he can support.

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

I think Deputy Wickenden raises a good point and a valid point, but I would suggest they would probably be better saved for the Second Reading, when we look at the specifics. So, I think the principles we are debating today should, hopefully, receive unanimous support, because we are essentially just asking for the underpinning law that enables the Children's Commissioner to carry on doing her job, to be enacted. I think there was some debate at the time and not everybody was sure whether, or not, we should have had the law in place, first, before the Children's Commissioner was appointed. But I think, given the fact that the Chief Minister at the time wanted to show in actions and not just words, that our commitment to children, following the stark revelations and findings of the Committee of Inquiry, I think that was, on balance, the right thing to do. So, we have had a position holder and I have certainly been impressed by her work to date and I know others have, as well. I suspect that the political reality of it is that the Minister for Children and Housing needs to lodge a proposition, which has the support of the Council of Ministers and I suspect there will have been discussions, in the background, as to exactly what powers and what the implications are for those powers. I think this is good example, where Scrutiny has added value here and it should be based on evidence. I am sure that when this comes back for the second reading, after the valuable input from Scrutiny, we may see some amendments. I would certainly urge the Scrutiny Panel, if the evidence is pointing in that way, in conversation with the Children's Commissioner, to make sure that she is empowered. It is important that we get this right from the outset. Certainly, in terms of the principles, I am glad that we are able to endorse this today and when the Articles come back I hope that she is also given the full set of powers that she needs to do her job because, ultimately, there can be no hiding place. If we have learnt one thing from the Commission of Inquiry, it is that abuse, whether it is of children or of process, takes place best when secrecy is allowed to thrive and we need to make sure that whoever the post holder is in the future has the requisite powers to do her job, or his job, properly.

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

I just stand to echo, as vice-chairman of the Children in Care Review Panel, the words of our chairman, to say that we have been working, ever since we were constituted, on all issues from the recommendations of the Care Inquiry Panel. That includes public and private hearings with the Minister and his department and, as the chair alluded to, we did see a draft of this law where the Article, which is now being questioned, was there. Since we made our decision, we have also been

undertaking works to contact all stakeholders in the matter. We are already underway just to re-ensure that this will be a swift period, so we can bring this much needed role into law as soon as possible with the key components, which is why we are acting so urgently on this matter. I just wanted to raise that at this point.

[14:30]

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

It is all rather embarrassing. I think I would like to drill down into the timeline here. Did this draft law go before the Council of Ministers for approval? Was the Children's Commissioner at that meeting? Did she raise the concerns about her role, effectively, being toothless in this law, or any of the substance of her complaints about this, did she raise it at the Council of Ministers? If she did not raise it there, when did it get raised? Why did it not get amended before it has come to the Assembly? I would just like to understand what has gone wrong.

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

That is a really opportune moment because, yes, this law did come to the Council of Ministers and, as Deputy Tadier said, because of our commitment to children. I am sure he is meaning the Government, because he is in the Government. Our commitment can only mean that. Then, he intimated that this Council of Ministers was trying to tie the Commissioner's hands. She was at the meeting. I absolutely, specifically, asked her was she happy with everything and does it give her enough? "Yes". I asked Senator Mézec yesterday: "What has gone wrong since she was at the meeting, telling me everything is fine?" Because there is no hiding, as Deputy Tadier says and nobody wants anybody to hide. So, what has gone wrong between then and now, I do not know. I thought she was comfortable enough and we were all having a good discussion on this. I reversed it as well and said: "This Commissioner is a fantastic person, but what do we do if we get one that is not good; is it strong enough in that power?" Because, it is pretty weak, so I hope Scrutiny will look at that as well. Because, you know, you cannot design a job, or rules, around a person. We have met the person, she is lovely, she is fantastic. She is engaging and everybody really is getting on well. May not be the next time, we do not know. I did raise that, so I would like to hear what went wrong. But, the commitment from this Council of Ministers, I am sorry, was absolutely to have this in law and maybe that is what it is. You have got to start somewhere and it was not perfect, but I was told it was. "Did you need any more?" "No." So, I am glad Scrutiny is looking at it, I am glad it is well on its way and I think they have said it will be quite quick. If anything needs changing, she needs more powers, well this one, if she sits around the Council of Ministers, will give her them. But, as I say, we really did think she was quite happy. So, that is where this Council of Ministers is coming from. There is nowhere to hide and I am glad that Deputy Tadier said it was our commitment.

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

I note that the cost of the exercise, if you like, is £1.855 million, which takes us up to the end of 2019. Future funding is to be allocated, as part of the 2020-2023 Government Plan. Have we got confidence though, can I ask the Minister in his summing up, that that funding level will continue; if, in fact, will it be needed at that level, will that be sufficient?

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

I just wanted to address Deputy Martin's question about what has gone wrong, purely in the sense to say that Scrutiny calling something in, is not a sign that anything has gone wrong. It is a sign of Scrutiny having its own questions, possibly nothing to do with the Children's Commissioner's own views. Scrutiny can have its own questions and has every right to call this in, without any implication on the Minister, or the department. So, I just want to say I do not think Scrutiny calling this in is in any way something going wrong. It is strange that, in this Assembly, Scrutiny rarely calls things in, but in many ways that should be the norm. Scrutiny should call things in regularly, it should do so

all the time and sometimes I think the Executive needs to remember that Scrutiny has every right to call it in, at the Second Reading and no questions need be asked about that. That is just Scrutiny doing good scrutiny.

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

I welcome this legislation and the role of the Commissioner. I am also a member of the panel that is reviewing the follow-up on the Care Inquiry. Just echoing what Deputy Morel has said, one of the functions of Scrutiny is legislative scrutiny. It is not just about the principles, it is looking at what is written and how it is written and, again, looking to see whether the powers are sufficient. I must admit, since it has been published, I have had correspondence with people raising other issues that may be not strong enough, or the powers may not be strong enough. I do believe that when it does come back to the Scrutiny, we will have a look at those as well. All I would say is that the Island was shamed by what had gone on for decades and, I would say, cover-ups and the fact that people really did not pursue these things. What we have seen, over the last years, since the Care Inquiry there almost seems to be one child abuse case after another coming before the court; it is almost one a week, or so it seems and yet, in the previous 10 years, there were probably next to none. So, it is vitally important. We have gone through the Inquiry. We realise we have failed in the past, we must not fail in the future and a key part of that is the role of this person and we will make sure it is fit for purpose.

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

The introduction of this law is an imperative and important part of our progress, as we move forward, having learnt what we have from the past. But it is also brand new ground for us. We are exploring new legislation here, that we have never had before. So, I think, Scrutiny working on this and I am agreeing with Deputy Martin, I think that Scrutiny calling this in will be valuable. I do not think it will do any harm at all in Scrutiny having a good look at this, and working collectively and collaboratively with the Minister and Council of Ministers can only hope to improve this legislation as it continues to evolve.

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

Does any other Member wish to speak on the principles? I call on the Minister to respond.

#### **4.1.11 Senator S.Y. Mézec:**

Again, can I thank the Members who have taken part in this debate, especially, of course, Deputy Wickenden for invoking the memory of Deputy Mézec, obviously a much-missed Member of this Assembly? I often find myself asking myself what would he do if he were here and of course, remembering the last year of his term he was, of course, chairman of the Care of Children in Jersey Review Panel and I am pretty sure he would have called it in for Scrutiny, as well, and that would, of course, have been the right thing to do. So, the question has been asked what has gone wrong here and I do not think anything necessarily has gone wrong in that, as Senator Farnham, I think, very helpfully just said at the end there, this is completely new ground for Jersey, we have not established a role like this in legislation before and there are always going to be differences of opinion in what should be done when we are creating a corporation sole, as we are, which is independent of government with investigation powers. There are differences of opinion on how far that should go, or how far it should not go and this piece of legislation has been a collective effort. This came to the Council of Ministers 3 times, the Children's Commissioner has been involved right from the very outset of it and the Children's Commissioner is supportive of this legislation. There are particular views on Article 8, about her powers of investigation. Let me very openly say that I believe Article 8 could be more robust than it currently is. I think it is right that that decision is not solely made by one Minister, or even the Council of Ministers, but I think it is a healthy sign that Scrutiny have picked up on this and want to review it. That is part of us working together, as an Assembly,

Government and Scrutiny, to produce legislation that is fit for purpose and does what it is meant to do. Ultimately, if an amendment is forthcoming, that would be at the second stage of this process when the Articles are brought before this law. I await to see what Scrutiny does and I assure Members that I am absolutely open-minded for any changes that they may consider. I think this is a very good day for Jersey, in that we show our commitment to having a role like this that does have the powers to do the job properly. This comes, as Deputy Higgins said, after years of failure. It is an important step forward. I urge Members to support the principles of this legislation and then support the work of Scrutiny, as they play their part in this as well. So, I call for the *appel*, please, Sir. **[Approbation]**

**The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats. I will ask the Greffier to open the voting.

<b>POUR: 41</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Deputy R. Labey (H)		
Senator L.J. Farnham		Deputy S.M. Wickenden (H)		
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				

Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Bailiff:**

Very well. You are calling this matter in Deputy Ward?

**Deputy R.J. Ward (Chairman, Care of Children in Jersey Review Panel):**

Yes, we are.

**The Deputy Bailiff:**

What was the date that you said you wished to have it?

**Deputy R.J. Ward:**

We will be intending to bring it back to the Assembly at the next sitting, which is on 30th April.

**The Deputy Bailiff:**

The 30th April. Very well then, the matter is automatically deferred for Scrutiny until 30th April, when it will be tabled for Second Reading.

**Deputy R.J. Ward:**

Thank you, Sir.

**5. Rate Appeal Board: re-appointment of members (P.22/2019)**

**The Deputy Bailiff:**

The next item of Public Business is the Rate Appeal Board: re-appointment of members lodged by the Minister for Treasury and Resources. I will ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion, in pursuance of Article 44 of the Rates (Jersey) Law 2005, to re-appoint the following as members of the Rate Appeal Board: Mr. Graeme Marett and Mr. Peter Routier, from the date of the Assembly's approval until 5th March 2022; and Mr. Clive Borrowman, Mr. Roger Goodwin and Miss Christine Vibert, for a further period of 3 years from the date of the Assembly's approval.

**The Deputy Bailiff:**

Minister, is the Assistant Minister dealing with this?

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

Yes, please, Sir. Thank you.

**The Deputy Bailiff:**

Very well. Assistant Minister.

**5.1 Deputy L.B.E. Ash (Assistant Minister for Treasury and Resources - rapporteur):**

Today I am seeking Members' approval for the re-appointment of 5 individuals to the Rate Appeal Board. Members may be aware that the Rate Appeal Board is established under the Rates (Jersey) Law 2005. Its members are required to hear and determine appeals against rateable values in accordance with the law and do so with no remuneration. The tenure of the existing members of the board ends on 24th May this year and I am grateful that 5 of the 6 members have put themselves forward for re-appointment. I would like to thank those members and the sixth, Mr. Ian Ridgway,



for his service. The members I am proposing for re-appointment are Mr. Clive Borrowman, Mr. Roger Goodwin, Mr. Graeme Marett, Mr. Peter Routier and Miss Christine Vibert. These individuals bring a wealth of experience and expertise to the role. Although the Board, itself, meets very infrequently, I am pleased that they will continue to offer their services going forward. I propose the nominations.

**The Deputy Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? Yes, but Senator Moore is on the microphone. [**Laughter**]

**5.1.1 Senator K.L. Moore:**

I am quite happy to give way to the Deputy, if you prefer. I simply have some questions for the Assistant Minister, those being: what attempts have been made by the department to encourage new members to step forward to take on these roles, particularly in the spirit of introducing greater diversity; and also some succession planning to this important Board?

**5.1.2 The Deputy of St. Mary:**

It is, perhaps, appropriate to remind Members that this Appeals Board is one of those which the Law Commission recommend be replaced by one administrative appeals tribunal. At the present time, the Legislation Advisory Panel are working their way through the Commissioner's report on the Ombudsman. When that is sufficiently far advanced, they will turn their attention to the early Commission Report. So, while we are not trying to anticipate how the panel might advise the Chief Minister, nor how he might accept that advice, it is at least possible that this may be the last occasion on which we are invited to approve appointments to this panel.

**5.1.3 Deputy J.M. Maçon:**

Second time lucky. Yes, just to say that one of these members, I am sure they are all good and we thank them for coming forward, they do it on an honorary basis. Just one of these members and I am sure Members can work out who it is when I say, last week I was sitting with her on doing the School Placement Appeals and she contributed absolutely well on that; very open, very fair-minded, gave very good advice on that. So, I just wanted to endorse all of these members, but especially her.

**5.1.4 Deputy R. Labey:**

I just wanted to ask the Assistant Minister for Treasury and Resources, if he recognised that one woman on a board does not represent gender balance. [**Approbation**] In fact, it is almost worse, because it smacks of tokenism. We are setting up a diversity forum, under Deputy Doublet, which is good, we have got the various diversity and encouragement of women in politics committees, but we are in a position, in this Assembly, to take proactive and direct action on redressing the gender imbalance. If we are not going to do it, when we are in a position to do it, then who is?

[14:45]

We have to start taking it seriously, otherwise these committees, that we are spending an awful lot of time and money on, because the Greffe has to service them, are completely, terrifyingly pointless. I just wanted to make that point, because words are one thing, but action is quite another.

**5.1.5 Deputy J.H. Perchard of St. Saviour:**

I am pleased to be following Deputy Labey. I have to reiterate what he said. It is completely understandable that when you are recruiting voluntary positions that you are going to find it much harder to find people at all, let alone striving for what is considered best practice. But, I do feel that we have been beating the drum now for a very long time and we heard in a hearing last week that the States have been on a 30-year long journey to try and encourage women to access senior roles and board positions and I just think time is up, really. We are all fed up of hearing that we are on a

journey. It is not going to happen organically, we have to take action we have to do it through strategy. We have to have aspirational targets and I am not talking about quotas, I am talking about aspirational targets. But, we have to have representative boards, we simply must. Not only is it just the morally right thing to do, but it is completely absurd to ignore the financial and reputational risk that we put ourselves under, when we do not do it. There is a vast body of credible evidence out there that shows that one is at financial risk, if one does not have a diverse board. It is well documented around Europe and around the world. You only have to Google it, to find this evidence but I can point Members to the European Institute of Gender Equality as one example and they lay out the effects on G.D.P. (Gross Domestic Product) for not having diverse boards; the reputational risks and other financial risks about women not participating in the higher echelons of the workforce. I really do appreciate that, again, it is really difficult to recruit people to voluntary positions, but it is not harder to recruit women, than men, we are just not trying hard enough. It is not harder to find women, we make up half the population, you know, we are everywhere. So, it is really not that difficult to find the right people, for these roles, but you have to proactively seek them out. I was recently looking online at how other places target women. So, for example, on Yale University's website, there was a post recently for a professor role and they explicitly stated: "We want female candidates, because we do not have enough women." Why is that problematic? Why do we find that so unpalatable? We do not have enough women, we would like some more, we welcome female candidates. It is not rocket science. So, I am really sorry, Assistant Minister for Treasury and Resources, I am very sorry, because I know that we have worked very collaboratively and well on these kinds of issues before, but I cannot support this today, just on that principle.

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

Apropos the last speaker, I just wonder if the Assistant Minister would enlighten Members exactly what the Appointments Commission Code of Practice for Appointments to Autonomous and Quasi-autonomous Public Bodies and Tribunals is, so that we can just understand the process of appointing to this board.

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

Notwithstanding the gender balance on the Rate Appeal Board, I rise to thank those individuals who have put their names forward to serve on this. On behalf of the Supervisory Committee, as constituted under the Rates (Jersey) Law 2005 and for the uninitiated, the Supervisory Committee consists of the 12 Connétables. If we are speaking about gender balance, clearly the Connétables are under-represented in that area and Members may be interested to know that only ever throughout our history have there been 6 female Connétables. I leave that as pause for thought.

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

I do sympathise with Deputy Perchard and Deputy Labey, when they get up to their feet to ask about diversity. I have been in a similar position, myself, as a younger Member and I remember being told, it was not necessarily to do with gender balance, but the question about why do we see the same old names reappearing and I was told by a more learned Member, at the time, that if you want a job done properly, give it to a busy person. I had to scratch my head and think about what that meant. I think the point is, we cannot penalise these 5 individuals for putting their names forward for this panel and just because there is one female on it, we cannot throw the baby out with the bathwater. We do not have a system here, even if we wanted to and it certainly would not be appropriate, to decide which of the 5 members we wanted. It might be good, for example, if Deputy Perchard were allowed to vote for the female member and ask for the nominations to be opened up for other members to put themselves forward. But I suspect it is the case and perhaps Deputy Ash can confirm, when summing up, that because of this job, I am sure it is a really important job, but it is probably relatively dry and it is also something which, we have been told, they do not meet that often. I do not think we are going to achieve a cataclysmic feminist victory today, by kicking this out. I do not think we are

going to win the war - the quite correct war that we need to continue fighting for gender equality in this Island and further afield, -by saying we do not want these individuals, who have put their names forward to do this very good job. I think we should be thanking them, saying: "Thank you for putting that forward" and then we need to have that wider discussion about whether, or not, we have tribunals, whether, or not, we have standing bodies. If we genuinely want to get to grips with gender balance and diversity, maybe we do need to think about quotas and say that 2 of these seats, or 3 of these seats, must go out to women and 2 of them must go out to men. That is one that does not sit easy with some Members, quite validly and I think that is a bigger argument for a different day. But, certainly, let us not suggest that any of these individuals are not capable of the job. I only know 2 of them and I know that they have put themselves forward for many of these jobs, which are usually unpaid and they have done a very good service to the public, when others do not tend to put their names forward at all.

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

I absolutely would like to reiterate what Deputy Tadier has just said: to thank the 6 who are mentioned in the proposition, but obviously only 5 are putting their names forward, for their work. Because, Jersey does rely on these voluntary contributions and we have seen this in this Assembly already, since the election this year, how many non-remunerated positions there are that report into the States, or enable our work in various ways, shapes and forms. I am very sensitive to Deputy Labey and Deputy Perchard's concerns about diversity and I do concur that it is concerning to see, yet again, another board with one token, perhaps - who knows - female on that board. So, I would like to reiterate exactly, I believe, what Senator Moore asked. Could the Assistant Minister confirm what efforts have been made to find whether there are other people, who are interested in taking on this role; and, as the sixth person is standing down from the board, is there an intention to recruit a sixth member; and, if so, could the Assistant Minister confirm whether they will make a particular effort to see if they can find a female sixth member of the Board? But, definitely, I would certainly like to say that any concerns have nothing to do with the people, who are on the Board currently, who have been seeking re-appointment. The concerns are purely with the work done by the department, done by the Ministers, to see whether there is more interest in the board and people taking a seat on it. That, I believe, is all I have to say.

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

Does any other Member wish to speak on the proposition? I call on the Assistant Minister to respond.

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

We have a few points made there. With respect to Senator Moore and Deputy Morel's question, as to what efforts we make. There are reasonable efforts made to find people, but as we went through, these are voluntary positions, we struggle in everything: we struggle to find honoraries, we struggle to find various honorary positions anymore. People do not seem to have the appetite to do them, but we do search and if women came forward, we would be more than happy. We need 9 people effectively, that is what we would, ideally, like to have. We have a bare 5, which is the minimum. So, it would be something we would love to do, but there just simply are not the volunteers, so we are very grateful for those that do come forward. As far as people saying, you know, this is not gender balanced. I never claimed it was gender balanced when I brought it. It is a shame that it is not, but it was not a claim we were making, it was just these are the 5 people we have. There happen to be 4 males, one female. There is no discrimination involved in that, in any shape, or form, I can assure you. We always want diversification and it is funny that when we do get diversification, which we have with the highly paid consultants, now employed by the civil service, a majority of whom are women, we have not had any praise for that. So, sometimes, when we do get the diversification, it is not seen as it could be. As I say, we will try and with all the stakeholder companies as well, to try and make as much effort as we can, to make sure the interview process is as gender balanced as we

can, but it cannot always be. So, I will end there and I will propose the proposition, if I may, and call 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: 42</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Deputy K.F. Morel (L)		
Senator S.C. Ferguson		Deputy J.H. Perchard (S)		
Senator J.A.N. Le Fondré		Deputy I. Gardiner (H)		
Senator T.A. Vallois				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

**6. Justice and Home Affairs: cessation of restructure (P.24/2019)**

**The Deputy Bailiff:**

Very well. The next item is the Justice and Home Affairs: cessation of restructure, lodged by the Deputy of St. John. 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 request the Council of Ministers to bring forward for debate the necessary legislative changes required to implement the proposed reorganisation of the Department of Justice and Home Affairs and to cease implementation of the proposed reorganisation (including any transfers of staff and budget, but excluding any consultation of investigation) until those legislative changes have been adopted; and (b) to request the Council of Ministers to agree, as a matter of policy, that in respect of any proposed departmental reorganisation, which requires legislative changes to be enacted, any such reorganisation should not be implemented (including the transfer of staff and budget, but excluding any consultation or investigation) until such time as the necessary legislative changes have been adopted by the Assembly.

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

I need to ask a question about procedure, here. There is an amendment to this proposition. I am just wondering in what order we take the proposition and the amendment and how far I go, initially, with my prepared presentation.

**The Deputy Bailiff:**

Well, the way that it normally works, Deputy, is that you will propose the ... well, I suppose it would be helpful to know, are you accepting the amendment?

**The Deputy of St. John:**

I am accepting the amendment, yes.

**The Deputy Bailiff:**

The norm is that you would make your proposition. We would then ask if it was seconded and we would then deal with the amendment. That is the standard process that you say you wish to accept the amendment. It would be open to the Assembly, if they agree, to take the proposition, as amended, but that is a matter for the Assembly and it could well be there are legitimate reasons why they would not wish to do that. But the normal process would be for you to make the proposition. Yes, I think we should proceed in the way that we normally do, Deputy, so if you would make your proposition, then once we are satisfied it is seconded then we can move to consider the amendment.

**The Deputy of St. John:**

I am just concerned it is quite a lengthy proposition.

**The Deputy Bailiff:**

Well, you will still have to, by all means, talk to the amendment as you go along, or perhaps the amendment can be agreed in short order, but you are still going to have to make the proposition, because the Assembly is still going to want to consider it and pass it, or not, as the case may be.

**The Deputy of St. John:**

Fine, Sir.

[15:00]

**The Connétable of St. Clement:**

I do not know if it is helpful, or not, to the Deputy, but as mentioned in the comments, which I supplied to the States, I am quite happy to accept the Deputy's part (a) of his proposition.

**The Deputy Bailiff:**

Very well. Deputy, that might help you in the nature of the speech that you wish to make to the Assembly, because the Minister has said he accepts part (a). That is a matter for you, of course.

**The Deputy of St. John:**

Yes. There is a concern with the current information available to the Assembly in that we do not have a business plan relating to the new proposition.

**The Deputy Bailiff:**

Deputy, I have to say this is not a matter that can be resolved in a discussion between you and the President of the Assembly. You have a proposition to put before the Assembly, you can proceed with it, you can seek to defer it, or you can withdraw it. Those would be your 3 options, Deputy.

**The Deputy of St. John:**

I will go ahead with that. Report 32/2018 was a report from the Comptroller and Auditor General, which was published on 22nd March 2018, concerning the governance of the States of Jersey Police. In the report, the importance of the independence of the police was stressed. The Comptroller made a number of recommendations, 11 in all, with 2 of these recommendations specifically referring to police independence and the relationship with government. Paragraph 2.9.3 of her report states: "There is no statutory basis and no documented framework for line management of the chief of police by the Chief Executive. Such a model is not adopted in either Scotland, or Ireland and could be seen as a threat to operational independence." I refer, specifically, to the Comptroller's recommendations 5 and 6, and 5 is: "In light of experience of the operation of the States of Jersey Police Force Law 2012 and the practice in other jurisdictions, develop proposals to amend legislation relating to the allocation of powers and duties, to reinforce further the operational independence of the States of Jersey Police." Recommendation 6 goes on: "Establish and document revised, non-statutory arrangements, relating to the governance of the States of Jersey Police, including: ending the current arrangement of the Chief Executive serving as line manager for the Chief of Police; and enhancing the role of the Police Authority." The report is clear that the Police Authority should play a pivotal role in holding the Chief of Police to account and that this function should not be the direct responsibility of the Minister. There is also a question mark associated with the inclusion of politicians on the Police Authority Panel. All seemed well when, on 23rd April 2018, the Chief Officer, as distinct from the Chief of Police, at the request of the Public Accounts Committee, published an executive response to the Comptroller's report. In brief, every recommendation of the Comptroller was accepted. The only cautionary note being that the majority of the goals agreed in the fourth month of 2018 would not be completed until the end of 2019. This evidence of unacceptable time lag should have flagged up a first warning signal. The idea that it should take almost 2 years to initiate change, suggested that there was another agenda frustrating the implementation of the Comptroller's recommendations. Given that I came late to the party, elected in May last year, I was confident that, as stated, it was the intention of the Minister to implement the Comptroller's recommendations in full. However, there were concerns emerging, late in 2018, prompting questions in the Assembly from Connétable Mezbourian about the virtues of integration of Police and Customs services. On 1st February 2019, the Minister for Home Affairs attended a Scrutiny meeting and made reference to his determination to ensure the independence of the States of Jersey Police. I quote: "I am absolutely certain and clear about and I have always been very clear and I know the director general is very clear as well, the operational independence of the States of Jersey Police is absolutely sacrosanct. We are 100 per cent supportive of the recommendations and will bring forward legislation, hopefully by the end of the year, to put those all into effect. But, I make it absolutely clear there must be no political, or administrative, interference in the operational independence of the States of Jersey Police, that is for sure." As you can imagine, I was greatly encouraged by the Minister's statement. We could all rest easy in the knowledge that police independence would not be eroded, as the Comptroller's recommendations were to be implemented

in full. The independence of the police would be enhanced, given the Chief of Police would not be reporting to the Chief Executive. There would be a distancing from political masters and a change to a more influential and decisive role for the Police Authority, to whom the Chief of Police would report directly. I make no apology for delivering a canned version of the history of the last 12 months, as it is essential for you to understand the background to this proposition. Imagine my dismay and the concerns of many others in this Assembly when we had sight of the proposed Justice and Home Affairs target operating model, which has since been circulated among staff groups, as a consultation exercise. The schematic of the original model, for you to examine, is printed on the back of the proposition paper. I have to say, though I gather there is a new model, in the wake of the statement made by the Minister yesterday, but that has not been distributed and, of course, the business plan, associated with the original model, remains the same; there is no new business plan in the public domain. I have to say, it seemed to me impossible to find means within this framework that would reinforce the operational independence of the police. In reality, it looked very likely that combining Police and Customs would muddy the waters, especially as the Head of Law and Border Enforcement would be an individual, responsible for 2 very different organisations, regulated by 2 distinct laws. The States of Jersey Police Force Law requires, among other onerous things, that a Chief Officer and Deputy Chief Officer shall be appointed. Appointments that imply service independence, as recommended by the Comptroller and A.G. (Auditor General) should be enhanced by the removal of a reporting line to this C.E.O. (Chief Executive Officer). This independence should be complemented by the consolidation of greater powers and increased managerial responsibilities for the Police Authority. I have concentrated, thus far, on the independence of the Police, but will now include the position of the Customs and Excise, Fire and Rescue Service and, insofar as possible, the Ambulance Service. Both Customs and Fire Service have extensive legislation surrounding their operation. Ambulance, a Department of Health responsibility, has no such visible legislation, other than that the Minister is responsible for transferring responsibility. Customs and Excise (Jersey) Law 1999 states that there shall be appointed a person to be the Agent of the Impôts and deputies. What is interesting about this law, is the appointments process takes an unusual route as follows: the appointment of the Agent shall be subject to the approval of the States, who shall first deliberate *in camera* and shall then vote in public Assembly by ballot, the votes of an absolute majority of the Members present and voting being necessary for such approval. That is an interesting concept. I do not know how long it has been since that happened. The implication, of course, is that this Assembly should have a pivotal role, not only in relation to this appointment, but also, crucially, in any law change required before proposed service changes can be approved. In addition, the Fire and Rescue Service is likewise regulated in law and, again, in the Fire and Rescue Service (Jersey) Law 2011, we see a very clear recognition of the status of the organisation, as an emergency service. Once again, the service is headed by a chief officer, whose role is written in law. I quote: "The Chief Fire Officer shall be the head of the Fire and Rescue Service and is responsible to the Minister for its effective, efficient and economical operation." Again, there is a high degree of independence suggested in the law. The acting Chief Fire Officer: "The Minister shall appoint an Officer of the Fire and Rescue Service to act as Chief Fire Officer during the temporary absence, or incapacity, of the Chief Fire Officer, or a vacancy in the office of Chief Fire Officer occurs." This is just a small part of a comprehensive law that regulates provision of fire and rescue services. Currently, there is no reference within the Fire Service Law, or any other law for that matter, of a provision of ambulance services, either at the lowest level of patient transport, or at the level that requires a response of highly trained emergency paramedic personnel, who have to hold a clinical degree in their chosen craft. I mention the paramedic academic degree, because any change in the law will need to recognise the prior effort and achievement that ambulance personnel have been required to register, before they can embark on their career. There should be equal recognition of their importance within emergency services and a clear structure, enabling ambulance personnel to be contenders for the most senior roles within any combined emergency service. These issues will need to be addressed, in law, before making what will be fundamental changes to established and efficiently functioning States Emergency

Services. In addition, if an integration is allowed, without a formal legal framework, that demonstrates a progression pathway, there will be a distinct disincentive to highly educated people taking an interest in embarking on what is a rigorous paramedic degree programme, or conversely there is likely to be a disincentive to already qualified paramedics moving to the Island to fill vacancies that would offer limited opportunity for progression. There will need to be changes in the law, to reflect the specialist nature of ambulance, if there is to be a proposal to amalgamate the 2 services. The Minister for Health and Social Services has expressed concern to me that part (b) of this proposition will have an effect on changes within his department and interfere with any transfer of responsibility to other departments. I believe transfer of the Child and Adolescent Mental Health Services and Social Services to Education and Children's Services has caused concern, but has been ameliorated by the introduction of the combined ministerial role of Assistant Minister for Health and Social Services, Assistant Minister for Education and Minister for Children and Housing. In other words, there is no legal barrier to that move taking place. A direct line of accountability to the Minister for Health and Social Services remained within these multifaceted roles. I believe the Minister for Health and Social Services will remain concerned about a transfer of responsibility for Ambulance Services, as the Minister for Home Affairs has no equivalent assistant, who would be able to direct any responsibility back to the Minister for Health and Social Services. The proposal to amalgamate fire and ambulance services is going to require the creation of law that enables the transfer of ministerial, departmental and managerial responsibility that will safeguard the service in terms of overall clinical supervision. This is not a process that can happen overnight; law will need to be in place to allow all within any new organisation to be confident that they are operating safely, for themselves and for the public they serve. I am encouraged to see that, for the time being at least, ambulance will remain the responsibility of Health. Finally, there have been concerns raised that part (b) will be too restrictive and hold up reorganisational changes; a response that begs a question: if there is law associated with the delivery of any particular service, are civil servants and the Government going to break the law, or, alternatively, are they going to find a legal way to make the changes that are necessary. It will surely be the latter, as in the case of transfers from Health to Children's and Young People's and Education and Skills, one would expect a law change to follow, in due course. Where there is no device available to assimilate a transfer of responsibilities and there will be very few, the law in place should be adjusted, before the changes take place. I am asking you to vote in favour of both elements of this proposition and ensure that this Assembly is given its rightful place in shepherding meaningful and safe change through to an acceptable conclusion.

**[Approbation]**

[15:15]

**The Deputy Bailiff:**

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

## **6.2 Justice and Home Affairs: cessation of restructure (P.24/2019) – amendment (P.24/2019 Amd.)**

**The Deputy Bailiff:**

There is an amendment by the Connétable of St. Lawrence and I ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 2, new paragraphs (b), (c) and (d). After paragraph (a) insert the following new paragraphs: (b) further to the requirements of paragraph (a), to request the Minister for Home Affairs to ensure that the final operating model for the Justice and Home Affairs Department maintains - (i) an independent, recognisable and dedicated States of Jersey Police Force, led by a Chief Officer and Deputy Chief



Officer, as required by Article 8 of the States of Jersey Police Force Law 2012 and appointed in accordance with Article 6 of the States of Jersey Police Force (Chief Officer and Deputy Chief Officer) (Jersey) Regulations 2017; and (ii) a clearly recognisable and dedicated Jersey Customs and Immigration Service, led by a head of service, who will also be the Agent of the Impôts, appointed in accordance with Article 4 of the Customs and Excise (Jersey) Law 1999 and who shall not be the same person as either the Chief Officer, or Deputy Chief Officer of Police; and (iii) a clearly recognisable and dedicated Jersey Fire and Rescue Service, led by a Chief Fire Officer, as provided for by Article 4 of the Fire and Rescue Service (Jersey) Law 2011; and (iv) a clearly recognisable and dedicated States of Jersey Ambulance Service, led by a Chief Ambulance Officer, as at present, who shall not be the same person as the Chief Fire Officer; and (c) that any changes to the requirements stipulated by paragraph (b) will only be made if the Assembly has approved a proposition to that effect; and (d) that, without prejudicing the ongoing potential for change, provided by paragraph (c), the process for making substantive and permanent appointments to the roles stipulated in paragraph (b) should commence, where required, within 6 months of this proposition being adopted; and page 2, paragraph (b) re-letter paragraph (b) as paragraph (e) accordingly.

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

I think my speech may take as long as it took the Deputy Greffier to read the amendment. But I would like to start by placing on record my thanks to the Deputy of St. John for bringing the initial proposition and my appreciation also for the constructive way in which he has worked with me, as I have developed this amendment. The Deputy's proposition remains both important and necessary and I wish to be clear that I will be voting in favour of it, irrespective of whether this amendment is carried or not. Members will be asking themselves clearly - and I can see that on the many faces that are in here - why I have brought this amendment. As I have said in my report, it is intended to build upon the initial proposition, by further strengthening the democratic oversight of any proposed reforms, both now and in the future, to the Justice and Home Affairs Department. Many Members of this Assembly have, over recent weeks, expressed numerous and significant concerns at the nature of the proposed reforms to the structure of the Justice and Home Affairs Department and also concerns about the manner in which these proposals were developed. We are not alone. I have heard the same concerns expressed from within the services themselves, at every level and also by members of the public. The issue at hand, which is and continues to be the future of some of our key front line services and the numerous concerns, which have been raised, have made it clear to me that it is absolutely necessary and legitimate for this Assembly to involve itself, as an additional safeguard, to ensure that any changes made, whether now, or in the future, will be of benefit to the public. Put simply, the past few weeks have been a wake-up call for me regarding the potential for far-reaching changes to be made to our key public services, without this Assembly having any meaningful involvement at all and I believe this has to change. The initial proposition, quite rightly, ensures that any target operating model reorganisation is postponed until the necessary legislative changes are made by this Assembly. In my view, there was and still is a high risk that many of the proposed changes can, or could be made, either without changes to legislation, or managed within existing legislation and that risks large parts of this, or any future reorganisation, simply going ahead, without any involvement of this Assembly. I do not believe that this was the intention of the initial proposition and that is why I have attempted, through this amendment, to strengthen and enhance the proposals. Now, in addition to the need for any related legislative changes to come to the Assembly, before any reorganisation is confirmed, the amendment also requires the Assembly to endorse any proposals for the merger of services, or for the removal of chief officer and head of service roles, before those can be implemented. The Assembly would, I expect, only do so when it is in receipt of an evidenced business case, justifying the proposed changes and potentially having also received comments from Scrutiny. I am sure the Assembly would also wish to ensure that changes proposed were broadly supported by the public and the services themselves. Sufficient information should be provided for Islanders to be confident that the changes are likely to improve the level of service and,

importantly, enhance public safety. But, I was far from convinced that the target operating model, published on 4th February, met any of these requirements, yet it became apparent there was little that we, as an Assembly, could do to provide effective oversight of what was being proposed. Fortunately, it seems that, on this occasion, we have a Minister who largely agreed with those of us who expressed concerns and many of the changes, although not all, seem to have been reversed; some explicitly and others implicitly. We cannot be certain, however, that this will always be the case in the future. The Minister and his officers invited me to meet with them last Friday, to discuss their revised plans, following the department's staff consultation. The Minister has also lodged comments and yesterday made a statement to the Assembly about the proposed restructure of his department. In his comments, he said that the Assembly has a vital role to play in overseeing the improvement of our public services and I imagine that all Members will support his view. The Minister and I are of one mind in this respect. This amendment, therefore, provides a way by which that oversight can be meaningful and ensures that it is, indeed, oversight of improvement in public services and not reductions in service. I am, of course, pleased that some significant changes have been made in response to the consultation and that a number of the concerns, identified in my report, have been addressed on this occasion. It is, for the reasons I have outlined in my report, both sensible and logical, in my view, to maintain a separate police force and a distinctive customs and immigration service. As a result of the Minister's wise decision to maintain a distinction between these 2 services, the requirements of my amendment will not be triggered, in this instance, as no merger is proposed. So, the amendment, in this respect, should cause the Minister no difficulty, because no structural change is proposed. It is also positive that a means has been found of ensuring that the knowledge and experience of both the fire and ambulance chief officers will be retained. I note, however, from the Minister's statement, that the revised target operating model will have a role that is very similar to the Chief Ambulance Officer; but is not the Chief Ambulance Officer. This new role, which is not the Chief Ambulance Officer, will sit within Health and Community Services, from whence the ambulance service has just been transferred. This is an interesting situation. I am sure that Members will be as keen, as I am, to understand this change and new arrangement. The immediate question that must have sprung to everyone's mind is why not just retain the Chief Ambulance Officer? Without the evidence, I must conclude that this is a face-saving measure, so that it does not seem as though the whole model has been abandoned. Notwithstanding the changes that have been announced by the Minister, there are still some concerns that remain. The plans to remove the role of Deputy Chief Officer of the States of Jersey Police and to merge the Fire and Rescue and Ambulance Services are upheld in the model and the amendment would be activated in both these instances. It is important to note that the proposal to remove the role of Deputy Police Chief would be captured within the Deputy of St. John's initial proposition, as this will require a change to legislation. But, it is reinforced in my amendment that specifically states that: "In the absence of an evidenced business case recommending otherwise, an appointment to this post must be made after 6 months." The proposal to merge fire and ambulance is, however, not captured in the original proposition and it is only through the amendment that such a change would need to be justified by an evidenced business case and be subject to the democratic oversight of this Assembly. The Minister has said that this merger will deliver operational benefits, but how can we be sure this will be so, when we have not seen a detailed business case, explaining why we need to merge these 2 distinct and separate professional services? I must also emphasise that while the Minister has implemented some welcome changes on this occasion, the events of the past month, or so, have led me to the conclusion that the Assembly needs to set down a clear marker for the future. The way this whole process has been handled has been most unsatisfactory and deeply concerning and we need to make sure it cannot be repeated in the future. I simply do not know how the department arrived at a position where it published an initial target operating model that came to be met with such widespread, overwhelming and almost unanimous disapproval. It really was quite something. The model raised fundamental concerns, not just small concerns, but fundamental concerns about the structure and nature of our services. It brought into question their viability and, as we have heard from the Deputy

of St. John, the independence of our police force, to name but 2. Some of the concerns, although not all, have been addressed this time, but that is largely due to some courageous people being willing to speak out, including from within the services and a Minister, who has been willing to listen. Those 2 factors might not be present in the future and especially when people's jobs and livelihoods are at risk

[15:30]

I am a firm believer in creating your structures to mitigate against the worst of potential scenarios. I, therefore, think the Assembly should make it clear today that it will not allow changes to be made to our crucial, front line emergency services, unless they can be shown to be evidence-based, logical and of benefit to Islanders. In order to ensure this is always the case, the Assembly needs to make sure it presents itself as an additional safeguard, for any future proposed changes and that can only be achieved by supporting this amendment. We may think many of our concerns have gone away, for the time being, but let us not be naïve enough to think they will not come around again, at some point in the future. My report sets out the concerns that led me to lodge this amendment and the principles behind my concerns remain unchanged. I was concerned, firstly, that we had not seen an evidenced business case for the proposed restructure of public services that are highly valued by the public and on which we may all, at some point in our lives, depend. Some of the proposed mergers of services and chief officer roles now will not happen, which means that the requirements of my amendment are not triggered, for the time being. But the fundamental point remains, though, that there was and still is no rationale for those changes or, indeed, the other changes that are retained in the revised target operating model, those being to remove the Deputy Chief of Police and merge the fire and ambulance services. Members will remember that I raised yesterday, under a point of order, the fact that Members had not been provided with promised documents, relating to the target operating model and this included the business case. Members have had little time to study this. However, those who have been able to find the opportunity, they will have observed a lack of detail. No detailed assessment of risks, or benefits and, importantly, no analysis, or explanation of how the plan will work, in practice. In my view, the document sets out a vision and nothing more. It leaves me with as many questions and concerns as when I lodged the amendment. It would not stand up to robust scrutiny and we should all be robustly scrutinising everything that is brought to this Assembly. This turn of events only heightens my concerns at the way in which these proposed changes are being managed. If this is the way Members are going to be treated by the department - provided at the last minute with information, that has been available for weeks - it makes the requirements of my amendment even more crucial for the Assembly and the public. The fact remains and cannot be denied that the department developed and consulted on a new target operating model that was not fit for purpose, or backed up by a proper business case and that position has not changed. My other big concern was that the proposals reduced the leadership capacity within the services to such an extent that their ability to maintain current levels of delivery would have been critically compromised. While some of my concerns are addressed, as I have said, there is still no Deputy Chief Police Officer and the Chief Officer role, as I understand it, is at tier 3. The Chief Officer of the States of Jersey Police role, as I understand it, under this proposed new model, is placed at tier 3, below director general and below group director. That is far too junior for such an important position. This Assembly has to approve the appointment of the States of Jersey Chief of Police. No one else; this Assembly. Can we really approve that important role, that senior rank being placed in the new target operating model at tier 3? As I have already said, I remain unconvinced as to the rationale for a combined fire and ambulance service. We have not seen any evidence supporting the idea that this will be beneficial to Jersey, when compared to the current arrangements. We have seen no evidence that we are ready to move to a joint service and yet one will be created. In the days since I lodged this amendment, I have received numerous calls and emails from officers, within the service, who are, to quote the Minister, "broadly supportive" of my amendment. I have been contacted by senior officers from the Fire and Rescue Service, who have expressed their concerns as to how a combined

service with ambulance will work in practice. Even now, those officers do not have the necessary information. They are worried about the ability of the service to meet its operational obligations right now and even more so under the target operating model. I am also aware that other senior members of staff, from within the department, have observed that, because Jersey is small, our services need a high level of specialist technical and operational expertise, in each of those services. It is a strength and not a weakness. Our current chief officer, deputy chief and head of service structure, within the 4 services, provides a critical, proven succession planning and operational resilience platform for the Island. Clearly, there are still a number of questions unanswered and the amendment would provide a guarantee that they would have to be addressed, to the satisfaction of the Assembly and the public, before any change can take place. I have additional concerns to those outlined in my report and many of these flow from the core concerns I have stated in there. In the interests of time, I will highlight just a few of them. I am sure the Minister will deny it, but I believe the initial model was being used as a cover for major expenditure cuts. The new model still involves savings. Indeed, the Minister confirmed yesterday they are in the order of £600,000. The Minister is shaking his head, but I am sure that is what he told us yesterday. One very senior officer in the department has told me that operational chief officer and head of service roles are being cut to fund the appointment of additional, unnecessary, layers of civil servants. If that shocking statement is correct, public safety is being needlessly put at risk. Overall, my experience is that the public are content with the service they currently receive from our emergency services. We need to keep in mind that it is the public who matter most in this respect, as they experience the services first hand every day of the year. But I do not sense a public appetite for change and would have been anxious, therefore, if the proposed mergers would have proceeded, without any consultation with the public. This still applies for fire and ambulance. As I have said, another remarkable aspect of recent weeks has been that the initial model was opposed by nearly everyone, including the service heads, management teams and most of their officers. The model, in fact, acted as a remarkably unifying force, although, unfortunately, in opposition to it. Despite the Minister assuring us that the new proposals have the broad support of the service heads, they still want and they need to see the details of how the merger of fire and ambulance will work in practice. For example, the distinct disciplines and qualities of the personnel of the 2 services need to be maintained. This includes the fitness of fire officers, which does not currently have to be matched by paramedics and the medical knowledge of paramedics, which does not have to be matched by a fire fighter. By adopting the amendment, this Assembly will be able to check, for itself, that any future reforms are supported by the services and their lead officers. After all, they are the experts, who we trust to run the services that keep us all safe. I said in my report and I repeat now, the services recognise the potential for co-operation, co-ordination and joint working that can and must continue. It happens now. It has been happening for many years. There is close working between the services. Mergers and assimilations, though, are a much bigger step and I worry whether the expertise and knowledge for the intricate matters which the services deal with would be maintained. We need a logic and a rationale for such proposals, demonstrating how combined services would be of benefit to the public, how they would mitigate risk and how they would maintain, or even enhance, public safety. The concerns I have just outlined are relevant today and they will be relevant for many years to come. The announcement of the changes, made in recent days, does not impact in any way on the principle behind my amendment. That principle - and let us be clear, Members - is that we should enhance the democratic oversight of any proposed reforms to the Island's essential front line public services. We cannot allow a repeat of recent events. Let us be in no doubt that these proposals, if not taken forward this time, will be resurrected at some point in the future. Members will be aware that combining the services involves the loss of a chief officer.

[15:45]

But, if Members support this amendment, it means the Assembly will receive information within 6 months detailing the justification for and benefits of the establishment of a combined fire and ambulance service. The amendment allows time for Scrutiny to report back on the proposals, if they

so choose and also ensures that if the change is not endorsed by the Assembly, it cannot happen. Simply put, if this Assembly does not endorse the changes, they will not happen and in that case appointments to the Chief Fire Officer and Chief Ambulance Officer roles will be required after 6 months. Without this amendment, this proposal will simply be implemented, with no further oversight from Members, who have no understanding of how it will work in practice. In the long-term future, of course, it might mean the Assembly being required to endorse the merger between police and customs and I am certainly not saying that such a merger is not possible and the services themselves are not saying that. But it will need handling of a far more delicate kind and a greater understanding of the issues involved than that which we and the services have experienced recently. I have lodged this amendment, because I believe this is a significant matter. It serves to strengthen the proposition from the Deputy of St. John, giving full effect to it. It is an amendment that serves the best interests of our public services, of this Assembly and of all Islanders. Putting it simply, it is proposing that any merger of the services must be approved beforehand by this Assembly. I would like to conclude with the words of a recently retired senior officer from the department. I spoke to him on Monday, when he raised his serious concerns. He said to me: "Balance the risks against the benefits. Get it wrong and it has cost lives, for marginal gain." With this in mind, I very much hope that Members will support my amendment.

### **The Deputy Bailiff:**

Is the amendment seconded? [**Seconded**]. Does any Member wish to speak?

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

I am grateful to the Constable for bringing this amendment, but not grateful for the fact that she has used all the words I wanted to and has left me very little to say. I think it will be obvious to Members that merging the Fire and Rescue Service and the Ambulance Service would do 2 things that would be very beneficial. One would be the combining of training, so those 2 services work even better together than they do at the moment and the other one would be the joint use of a new building. We know the Fire Service works under the constraint of listed buildings and we know the ambulance site is destined, some time in the future, to become housing and how wonderful it would be if we could combine both those services in a new, purpose-built building. But, in following the Constable, I agree with her that the detail, the cost and the benefits of joining these 2 services together have not been brought to us. There were 3 words in the Constable's amendment, which jumped out at me and I wrote them down. It was these 3 words: "very distinctive roles". Members will appreciate that you would not expect an ambulance driver, or a paramedic, to turn up and don breathing apparatus, enter a smoky building, or go out in an inshore lifeboat and descend a cliff to rescue people in any way more than you would expect a Fire and Rescue man to give you a detailed diagnosis on a challenging casualty, a diagnosis that is usually given by a fully qualified paramedic. I will not go into any more detail at this point. I have a lot more that I could give, but I do give my undivided support to the Constable and I just repeat one phrase that I used at the end of a lifeboat debate, months ago and it is this: do not play politics with saving lives. The roles that these people take on, on our behalf is very challenging and they need to do it to the best of their ability and not under the constraints of financial and other considerations, so I will be voting with the Constable.

### **6.2.3 The Connétable of St. Clement:**

Can I just say a couple of things? Yesterday, the Constable asked me the cost of the change consultants that have been used by my department to assist in this exercise - indeed all the departments over the target operating models - and, in our case, the Ministry of Home Affairs was just over £34,000. Also, she asked about the position that would be in Health, to provide the clinical governance to the new Department of Fire, Rescue and Ambulance. That post is going to be created, anyway, by the Department for Health and Social Services, because they recognise the need for it. Seriously, I thank the Constable for her interest in this matter. She has been talking with me, for a

long time, about it. Clearly, as I am sure the States would understand, I cannot support the amendment and I do not recognise the description of the original target operating model, as she described it. What I just find staggering is her suggestion that savings that will be created in the amended target operating model - which I would expect to be somewhere around £400,000 - are to be used to increase the civil service. Where the heck has that come from? It has certainly not come from me and if the Constable has evidence of such shenanigans and sharp practices, I hope she will come to me and tell me where it has come from, because, as far as I am concerned, there is absolutely no truth in that whatsoever and it is simply scaremongering, to attempt to win a few votes. What I have to say is this amendment, at worst, would effectively prevent the emergency services, our front line services from changing. At best, it would delay any change, for a considerable amount of time. Quite honestly, we do not need any more delay. Our front line services have been blighted for months, if not longer, because of uncertainty that has been surrounding them over that time. Yesterday, through my statement, I proved that we had listened. I have moved and provided a positive and meaningful way forward, with the support of the heads of service. Morale has been low, because of the uncertainty over the changes that were to come. The changes, I thought, were now going to be clear to those departments, to those services and I was expecting an increase in morale because of it. The amendment, if passed, would also mean that the Assembly would be trying to micromanage the Government on structural and operational matters and that, clearly, is an impossible situation to allow ourselves to get into. As I said in my statement yesterday, we consulted on draft proposals, the draft target operating model. We received over 200 responses and we have made changes accordingly. I say that consultation exercise was a model of how to do consultation right. We gave the opportunity, for everybody involved to make their contributions, either openly, or anonymously and they did that. I read every single one of them and once I had done that, I made my decision on the way forward. "They are not going to listen." Well, I listened and I made the changes I thought were appropriate. The aim of the changes was to enable greater collaboration and co-operation, to facilitate better governing and sharing of information and intelligence and to promote more efficient and effective use of resources. That is what the public wants, I say to the Constable and the Assembly. Yes, of course, they think they get a wonderful service from the emergency services and Customs and Immigration, and they are. But I will tell you something, the Fire Service, the Police Service, the Customs and Immigrations Service and the Ambulance Service want to be even better, if they possibly can and I want to give them my support and, hopefully, the States' support, to enable them to do just that. This amendment is going to stop these important benefits from being realised. The amendment calls for the States of Jersey Police and Jersey Customs and Immigration Service to remain separate. I announced, yesterday; that is exactly what is going to happen. There is no need to labour the point, I had agreed with that and done that yesterday. The amendment also calls for a Deputy Chief of Police to be appointed. I am sure it has not been lost on Members, the Police have successfully operated without a Deputy Chief of Police, effectively, for several years. What gives the Constable, or what gives the States - what even gives me, as Minister, - the right to decide, unilaterally, on the management structure of the States of Jersey Police? That will be my decision, at the end of the day, but before I decide what that is going to be, I want to talk with the Jersey Police Authority, to make sure they have got it right; but, more importantly, I want to appoint a Chief of Police - which we have not had for quite some time, either - and let him help me decide on what is the proper management structure for the States of Jersey Police. I should not and we should not impose this structure upon whoever takes on that role, hopefully, in the next few months. As I say, I want to appoint a Chief of Police first and then discuss the organisational structure. This amendment is going to prevent me from pursuing what I think is a sensible and pragmatic approach. The amendment calls for the Ambulance Service and the Fire and Rescue Service to remain separate; however, there are clear operational benefits to combining these services, and this amendment will prevent us from realising these benefits. I would remind the Deputy of St. Martin that firefighters are already medical first responders. I would also remind him that Ambulance Service staff, paramedics and technicians, do attend emergency situations with the Fire Service and

quite often are in danger themselves. I do respect all of these guys, I admire all of these guys, in these services, who put their lives on the line to protect us all and they really do need and, I am sure get, our total support. This amendment wants to see the process for making substantive and permanent appointments to the emergency service within 6 months. Now, the difference is, I want to appoint people to these roles, as soon as possible. I want to appoint a Police Chief as soon as possible. I want to start the process after I have been to S.E.B. next week, or the week after, or whenever it is. I want to appoint not an acting Agent of the Impôts; I want to appoint an Agent of the Impôts. It has been too long with acting posts in these services, we really do need to move on. But now, if the States approve this amendment, we are stymied. They will delay these appointments while new proposals are developed to bring to this Assembly. But why? Why do we want to do that? Why do we want to delay things, when we have the heads of all the services wanting to move on, wanting to improve, wanting to do the things that we are proposing? The heads of services and the department have worked very hard on the new, amended, operating model. They are prepared to embrace change, they are prepared to co-operate, they are prepared to have co-operation for the benefit of the community. I really would like to think that we would have that will too and that this Assembly is not going to second-guess the heads of the services that we admire so much. So, I appreciate the concerns, that are implied in the Constable's amendment, but I do believe we do need change.

[16:00]

I believe that the changes that I have proposed, following the consultation, have addressed virtually all the concerns that the Constable has raised. Furthermore, as I cannot help but stress, these changes are - and I made it clear yesterday - supported by the current heads of service to do things better, to do things differently, to do things better for the community. I do encourage Members to vote against this amendment, so that we can get on with improving these services for all Islanders, so that I can get on with the substantive appointments to the heads of service and the new law changes, which will be necessary and the law changes - as I keep stressing - have got to come here for approval. Not only that, of course, I look forward to working with the Constable of St. Martin and her Scrutiny team, who are going to be looking at the One Gov model totally and we would expect to be a central part of that. I do earnestly ask the States to reject this amendment, despite the good spirit which I have no doubt that it has been brought.

**The Deputy Bailiff:**

Deputy Wickenden?

**Deputy G.C. Guida of St. Lawrence**

Can I just have a point of order?

**The Deputy Bailiff:**

Yes?

**Deputy G.C. Guida:**

Would there be a small conflict of interest if Deputy Wickenden was also a member of the Jersey Police Authority and had a close relative, directly implicated in these affairs?

**The Deputy Bailiff:**

No, I do not think so. This is to do with structuring of the [indistinct] and the Police Authority is quite distinct. I do not see an issue here, at all. Although, what I should say, before you continue, Deputy, is that I am grateful to the Connétable of Trinity for his contribution to the Greffier's fund, which occurred during the course of the Minister's speech.

**6.2.4 Deputy S.M. Wickenden:**

Thank you to the very smart Deputy for bringing forward what I was just about to say. Firstly, I have been a member of the Jersey Police Authority for the last 4 years and I do have a brother that will be - and is being - directly affected by this, though I do not have any financial, or anything to do with that, but I think I would say outright. I would like to apologise to the Minister, because I have been a pain in his back about this for the last 3 months; I know I have and I do apologise. The first question, I think we need to ask, is who instructed this review? Was it the Minister? Or was this being done internally, via the civil service? What terms were set out to instruct this review? That has never been made really clear. The changes, that are being made, are about improving services - that is what is said - so it is about improving services, so we have been given what has been referred to as a business case, or business model, for why this would be done. Unfortunately, I would call it a Jerry Maguire document. It is the same as the document that Jerry Maguire, in the film 'Jerry Maguire', came up with a vision statement of what he thinks the company that he works for should be doing in the future, that got him fired at the beginning of the movie. It does not have a risk report in there, it does not have any financials, it does not talk about the services. It is an aspirational document, for what they would like to see in the changes. The Minister, earlier, just mentioned the chief officers and they are prepared and they are ready for embracing changes. They have been held on interim jobs. The Minister said he wants to get rid of these interim jobs, but the whole negotiation and the whole consultation, that has been going on, has been by holding the idea that there will be a full-time job, possibly, for you, if you just agree with these changes that are going on.

**Male Speaker:**

They are grownups.

**Deputy S.M. Wickenden:**

They are grownups that have mortgages and families.

**The Deputy Bailiff:**

Go through the Chair, thank you, in both cases, please.

**Deputy S.M. Wickenden:**

We are pushing these roles down to tier 3 roles, as well, and I think the Constable of St. Lawrence made some very valid points about why are we pushing these below the director generals, below the group directors. Then he starts saying they are going to have their operational independence. We have had the joint control room; that has already been done. Now, one of the roles of the Jersey Police Authority is to make sure - and I am going to mainly concentrate on the police in this, because it is the area that I know most about and I am most passionate about. The Jersey Police Authority have to, by law, make sure that the police are efficient and effective. But there have been so many changes that are already happening within the police. The joint control room: we did not get any figures in the Jersey Police Authority to show how much that will save, or cost. We were not consulted. They have centralised the I.T. (information technology), they are centralising the business functions, taking them out of the police and putting them in the centre, but we are not being consulted, or asked whether we believe that would have a direct effect. Now, by moving things into the centre ... there are other parts of the role of the Jersey Police Authority ... if we want information about the running of the police, we have to go to the Chief of Police, or the Minister and ask for the information. But, if they do not control those services, anymore, they will have to then put a request into the centre for those services that might have been already taken up by other things that are going on in other departments. Where will be the prioritisation? We have seen the lowest crime records over the last couple of years that Jersey has ever seen in recorded crime, which is fantastic, it is amazing. But does that mean that we should start looking at how we can cut around the services more and see if we can do things differently? Or should we celebrate that we are at the right place, we are doing a great job, the police are doing a great job? All you have to do to really see how centralisation of



functions for the police affects services is go and look at Guernsey, who have done this. Go and look at their I.T. Department, that was centralised in the centre and you will see that when they want to transfer information from one computer system to another, they have to burn it on to a CD - an unencrypted CD - and then carry it across the road to the other system and then put the CD in, because they have not had the prioritisation among the other priorities of health and education and other areas. This has not been costed. This has not been done in a way that shows how things will be better. It is an aspirational vision statement. So, the amendment we have got here is saying: let us make sure that we have that evidence, before we make the changes. The Deputy of St. Martin very rightfully said risk and reward, but we do not see the risk and reward, we see an aspirational plan, that does not seem to give anyone, in any way, any confidence of why we are doing it. It is disappointing that we do not have that information, that it has not been given to the Jersey Police Authority, to the Assembly, it has not been, in any way, set up. We are talking about blue line services and the services that we give to our Islanders for safety and security and health. If it is not backed up by evidence and it is done on an aspirational document, how can we say we are doing what is best for this Island? I think it is right that we ask for more information and I think it is fantastic, the main proposition and the amendment. We have got to make sure that the police are following the laws, that we set in this Assembly, as much as everyone else is, to the line. Not just fluffed around; to the line. So, I commend the amendment and the proposition and I do hope people support and say that they, too, would like to make sure that the information is there and that we are doing this, based on evidence, rather than vision.

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

The question has been raised: who instructed these changes? This Assembly did. Because, this Assembly said: “We must have One Gov.” The One Gov strategy came to this Assembly and it was approved through P.1/2018. We have said we need to modernise, we have said we have to change and now, all of a sudden, it is: “We do not like these changes.” So, when you ask somebody to do something, you must give them sufficient resources and sufficient facilities to do the changes. But, yes, we must oversee those changes and we must ensure we agree with them. The particular area that came up and the proposer of the proposition brought it forward - and it is in part (b), which I find rather ambiguous - is that changes should not take place, until the laws have changed to allow those changes. I think the best way of describing it is in making a *crème brûlée*. When you make a *crème brûlée*, you get some cream, some flour, some egg white, you whisk it together, you steam it, you put it in the fridge for 12 to 15 hours, to set and cool. You then take it out of the fridge, you cover brown sugar on the top and you get a blow torch and you melt the demerara sugar into caramel. All of a sudden, you are told you need a licence to work a blowtorch. Now, does that mean that you cannot start the day before cooking a *crème caramel*; and the answer is no. Because, what you can do is make your *crème caramel*, put it in the fridge and then, the following morning, get a licence to work a blowtorch, do it in the afternoon, serve it in the evening. So, that illustrates that you can do a lot of work first and we need to do that work first, to know exactly what we need to change in the law at the end. I would ask people to consider, very carefully, what they wish for. We want change; we want modernisation; we want efficiencies. So, let us do it right and let us support those, who we have asked to carry out this task, to do it.

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

When I first saw this amendment I was reading away and I thought: “Great detail in this” and, obviously, I would expect nothing less from the Constable of St. Lawrence - I worked with her when she was a Deputy and we remembered it was 2005, today, which still seems just a few months ago, and all those years in between – but, anyway, so I am reading and I am thinking ... I have heard Deputy Wickenden, over the last few months, as he says he has been speaking to Home Affairs, I was on the Jersey Police Authority with him up until ... and it was one of the jobs I really enjoyed. I was with Senator Ferguson, when it was first established and it was finding its feet and it has got so

much more respect and it is not an add-on, now people think: “This must be presented to the Jersey Police Authority.” The C. and A.G. (Comptroller and Auditor General), absolutely ... it was proposed that 2 States Members sit on it, they do not think they need to strengthen it, but it should not have any political influence. Absolutely agree when we get there. But please listen to the Minister for Home Affairs. When he went through this, there is nothing in here that is any change. Deputy Wickenden says, who instructed this? If Deputy Wickenden has not been listening for the last 20, 30 years to the public of Jersey, who have said ... yes, and we all said it in the debate earlier, we might need to come back to get some more money off you, because we want the cake to be bigger. But the public say: “When you have got your services, they are efficient, they are working, you have literally done everything you can to show us that it cannot get any better.” Somebody seems astonished that an ambulance man might be able to do what a Fireman can do, or a Fireman ... it does work in other countries. But this is only saying a control room.

[16:15]

I do not know if the Constable ... because it does all hang together; when you read ... after this amendment, the proposition would read as: “(b) Further to requirements for paragraph (a) to request the Minister for Home Affairs to ensure that the final operating model for the Justice and Home Affairs Department maintains ...” so, you have got to have a completely separate police and, as the Minister for Home Affairs said, your instruction now is you must have a deputy, this is what it says: “(b)(2) A clearly recognisable, dedicated customs, led by a head of service.” It says what their jobs are and everything else, yes, it is in accordance with Article 4, do not ever touch anything that is there. “(b)(3) A clearly recognised dedicated Jersey Fire and Rescue Service, led by the Chief Fire Officer.” Do not do anything, do not combine any of these which make the service better, working together better, not in all different departments. But, I really keep reading and I want the Constable to explain this to me, so it is saying you need evidence, we will not do this before everything comes back to the States Assembly, because we have said: “Go and do this, do that” but, no, everything stops. But (d), can the Constable tell me, that without prejudicing the ongoing potential for change provided in paragraph (c), the process of making substantive and permanent appointments to the role, stipulated in paragraph (b) which is the whole of (b)(i), (ii), (iii), (iv), (v), which is all of those high appointments and who they should be: “should commence, where required, within 6 months of this proposition being adopted.” I do not know if the Constable ... have we got people in mind, or do we just give someone the job, if it is within 6 months? I think some of it is so prescriptive that this “within 6 months” ... the Constable was Assistant Minister for Home Affairs, the Constable knows how to get the staff you want ... recruitment process is within 6 months? The prescriptiveness of that; why not 3? Why not 8? It is just these little bits in here that we ... I mean, I understand the fear of the Constable, she has got some fear, she was a brilliant Assistant Minister and she had responsibility for Customs and she understands that, a lot more than I do. But, basically, I can only support the Minister here; he is saying anything in law, anything that everyone is frightened about, has to come back here. We have had the advice of the Attorney General; we are not stupid. We know anything that needs law changes has to come here. I am sorry and I really do respect what the Constable thinks she is trying to do. If she is really trying to do, as I read it, do nothing and do it within 6 months, I am very scared because this, we might as well not change anything because the public do not want it, do they. They have been saying we are doing a great job; they still say it on that Facebook, we are all doing a great job. No, we are not, according to them. I know we work very hard, I know our officers work very hard, but sometimes we are saying we will bring anything legislative back; this is a job description for every service on the Island, within 6 months. I am sorry, great respect to the Constable but I am sorry, I cannot support you on this.

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

I cannot help feeling that the Council of Ministers are making heavy weather on this. I am not an expert on these areas, but it seems to me, quite clearly, that the arguments being made first of all by

the Deputy of St. John and then the Constable of St. Lawrence, who has obviously got experience in this area, from her previous position as an Assistant Minister for the Home Affairs Department and I have listened carefully to the arguments and they seem entirely reasonable and logical. It seems to me that the Council of Ministers are simply opposing this for opposition's sake. My ears did prick up with more interest, perhaps, because I was in need of a sugar rush when I heard the Constable of St. John speaking about the *crème brûlée* and we could probably all do with a *crème brûlée* now. My mum was a really good cook, growing up, but I do remember one occasion, perhaps in her later life, when she was trying to make *crème brûlée* and she was trying to get the demerara sugar, that the Constable spoke of, to set on top, using the blowtorch, or, in fact, in her case, it was doing it under the grill, she did not necessarily have the licence for a blowtorch. As we all know, you need that licence to operate a blowtorch in Jersey. So, it was under the grill and she could not get the demerara to set and then we realised, after a little while, that she had been making *crème caramel*, which is not quite the same. It has a lot of the same constituent ingredients, but it is essentially a very different beast and if you try and get demerara sugar to set on top of *crème caramel* it will not work, because it is a much more liquid mass and so that will not work. Also, I do not think it follows that it depends when you are making the *crème brûlée* because, clearly, if you make the *crème brûlée* on a Monday and leave it in the fridge overnight and go and get your permit from the Parish Hall ...

**The Deputy Bailiff:**

Deputy, as interesting as this is [**Laughter**] I just wonder if it is directly relevant, in any way, to the adoption of the amendment? I appreciate you were picking up on an analogy, or on an example given by a previous speaker, but I wonder if the permutations and combinations of culinary activities take us very much further.

**Deputy M. Tadier:**

I think it does in the sense that in the same way that the Constable's comments were in order, because he was making an analogy about the order in which you bring in change, whether you do it through the Assembly, or you make the preparatory changes first. I would suggest that his analogy is faulty, as an argument in this debate, because you can make the *crème brûlée* the night before, but if you do it on a Friday and then you go and apply for your licence on the Saturday and find out that the administrative authority, that issues the torch licence is shut on the Saturday and you have to wait until the Monday, it is very likely that the dessert has gone off. I think that the analogy there is the fact that if you do not do things in the right order and make sure that you have got the correct approval and all your ducks in a row, to mix the metaphors, you could find out that you have been wasting your time. But what I would add, as the direct analogy, is that if you do not ask your guests what they want to eat for dessert - and the analogy there would be if you do not consult with States Members as to what kind of target operating model that they want - and then you find out that your *crème brûlée* is prepared and when you get to the table you find out that nobody wants to eat it, because nobody likes that and they wanted *crème caramel*, then that is when you have the problems. So, I think it is quite appropriate that this Assembly, being the ultimate arbiter of changes that need to happen, it is right that any change, that does get proposed, should have the full confidence of this Assembly, before it proceeds. So, I think what is on the table today, what is being served up in front of us, is quite sensible, both in terms of the substantive proposition and the amendment that has been put forward by the Assistant Minister. I would ask that the Council of Ministers just accept the amendment that has been put forward, so that we can get on with this matter and give it our full endorsement.

**6.2.8 Deputy G.C. Guida:**

One of the most remarkable things that happened, when I started this job, is that I found myself in the middle of a revolution. Now, I am not terribly fond of revolutions, we have had one in France and after 250 years it is still running, so they are a bit of a problem. Looking at the one we have here,

basically, we asked for change. We officially, legally, voted for change. We saw that our government was not running as efficiently as it could and we decided to do something about it. In fact, it was - if I understand well - a long, drawn out, process which ended up by saying: "Fine, we want a revolution, we will have it." So, we brought in our Danton, we brought in our Marat, we brought in our Robespierre. I have met them and they are the people to do the job. We have, at the head of our Government, the right people to lead a revolution. They are very efficient, they are very smart; they are doing their job. Now, it is the role of this Assembly to supervise them. It is the role of the Ministers to work with them, to make sure that they are doing the right thing and it is the role of the Assembly to supervise them and the Ministers. This is perfectly right and this is happening, right now. What is happening today is exactly the right thing, so we have a system that works. We ask people to change things, they come up with a plan, they come up with a system and then we supervise it and change it and the plan was changed, the plan was adapted, we listened to the Assembly. We are talking about it now; it is working. But, you are also allowing the Ministers and the civil service to do their job and effect the changes and plan the changes. If we reverse that and decide that the Assembly is going to go into the minutiae and make absolutely certain that everything is done, well, now we are talking about imagining that the police and customs are sorted, we will then send the fire services. But what about health? We should have a very good look at health, I do not think that health should do anything, without presenting a formal, completely justified plan, to the Assembly, we can then discuss it for days and tell them exactly what they can do. What about education? Education is extremely important, how could we let education do anything about their changes, without coming up with the plan, giving us a business plan, details and then we can look at the details, discuss them and decide whether they are right. No; we need to supervise. I am perfectly sure that Senator Vallois is working on a good plan for education. We have delegated to her, we have voted for her, she is working on it. We are looking over her shoulder. That is fine, that is our job. We are all looking over her shoulder and making sure it happens, but we are not telling her: "Come back with a plan, we will have a little look at it, then you can go and work more on it, we can come back again, we will decide what to do; come with a finished product." Now, this is exactly what it is now. We have listened - and I would like to thank Deputy Wickenden, who has just left - he was the first one to alert us to the problems and many people did and we just took it. Do not think that because we were not immediately following them, we were not thinking. The Minister and I listened very, very carefully. We talked about it. We let it evolve, until the point where we asked the people, directly involved, to give us their ideas and that was the consultation and it is not finished. We do have a plan, that is a concept, because the people that we are going to put at the head of it are going to do the rest of the design. We want the Chief of Police to design his police department; we want the Chief of the Fire Service to help design his own department. We do not want to come in and say: "You are going to be the chief of this and we have just invented it." It is an idea, it is a vision, but they are going to participate and it is very difficult to do that job when we have to come back here every time. This is a live animal. You can nudge it, you can lead it, but please do not hit it on the head with a sledgehammer.

### **6.2.9 Deputy M.R. Le Hegarat of St. Helier:**

Yesterday, the Minister for Home Affairs made a statement. Part of this statement said: "These changes aimed to enable greater collaboration and co-operation between the services, to facilitate better gathering and sharing of information and intelligence, as well as promote more efficient and effective use of resources." Can I just say, that this already happens, to a significant degree? There is joint working with police and customs, in relation to the importation of drugs and firearms; there is joint collaboration in the intelligence unit in the J.F.C.U. (Joint Financial Crimes Unit) alongside also the Intelligence Unit. There are close working relationships between the Fire Service and Ambulance Service and the police in relation to C.B.R.N. (chemical, biological, radioactive or nuclear) and J.E.S.I.P. (Joint Emergency Services Interoperability Principles). So, let us not cloud anything, by saying that this will make collaboration closer, because they already work on an

exceptional level together. So, therefore, these are my concerns ... also, as a previous trainer and a trainer of both Honorary Police, civil servants and also police officers, as well, I know that we have worked very closely together all the time.

[16:30]

The Youth Service, Housing, mental health, the police and fire and ambulance always work together. Prison! Me! No way! - a prime example of all the services together. I am pleased that they have withdrawn the idea of amalgamating customs and police, because it is quite clear within the legislation, 2012, that the police have distinct roles and so do customs. They are 2 separate entities. I do have reservations in relation to also amalgamation of the Fire Service and the Ambulance Service. These roles have significant different roles to play. I have been there, I have done it. I have seen those services work together. I have been one of those high-level officers that have been in control, at a silver command level, on the ground. They work very well together. Let us not say that we have to merge services to work well together, because I think that is giving them discredit for what they already do today. They work well together. I am all for change, I always have been all for change, but change does not necessarily mean that you are merging all of your organisations together. It does not mean you have to put ambulance and fire service together; it does not mean you have to put police and customs together. It means that they will do things together. I worked with immigration and customs; we worked on joint operations together. It does not mean that you all have to come under the same umbrella and the same management. Do you know what one of my biggest concerns about all of this is? It is that we merge those services and then what happens; we need to find a leader, a manager of those services and where do you think those managers are going to come from? I do not think you will find anyone, within the structure of any of those services, who will fit those criteria, so where will we get those individuals from? I think you will find that will either be in the U.K., or somewhere else. That is my biggest concern. We have done that across the civil service, we have created all the different posts and we have pushed down all the senior managers, that were here before and they are now at lower levels, or gone, either on voluntary, or compulsory redundancy. So let us not be aligned to what is going on here. I have real concerns about where this is going and so, therefore, I will vote for these propositions, because I believe that it is time to say hold on a minute, we need to be able to facilitate having director level staff from within Jersey itself, not all from the U.K. My fear is that if we continue to merge, to this sort of level, that is what we will get.

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

I believe much of what I was going to say has been said, much more eloquently, by the previous speaker. I do wonder whether we are making over much of this. I am on the Police Authority, not as vociferous as Deputy Wickenden, but from the very beginning that Authority has said they approve the general direction of travel. But, it has always been a prime concern and recognition that, yes, the police do work already co-operatively with customs, as do the fire with the ambulance and you do not necessarily need to merge them to extend that co-operation and their independence should be maintained. I appreciate that has now been acknowledged. I think, if I understand the Constable of St. Lawrence correctly, all she seeks to do is to say, let us carry on the direction of travel, as to co-operation, but let us see, more precisely, what is intended. There is a great fear out there and I have spoken to members of services, that these changes are designed simply to bring out, to put it bluntly, reductions in staff. I think Deputy Le Hegarat has referred to that; that is a real concern and I think some of the officers believe they are not being consulted widely enough on that and their fears are not being thoroughly addressed. So, I see little downside in supporting the Constable of St. Lawrence's amendment. All she is seeking to do, I believe, is to say: "Just hold on, let us see what your plans are in detail before we, the Assembly, approve it." For that reason, I shall be supporting the Constable.

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

Before Deputy Martin stood up, I had already written down the word 'prescriptive'. What worries me here is we are here to effect policy, whereas I suggest this amendment is introducing the concept of micromanagement and taking away from the responsibility of the Minister for Home Affairs and the civil servants, to bring about these particular changes. I am also concerned and I do not understand, if I am wrong here, but if we are stating here that there will be a Deputy Chief Police Officer, will that have to happen, or will that still go back to be the autonomous decision of the Minister for Home Affairs? I do not understand that, so, perhaps, the Constable could cover that. Also, we are getting tied up here with what is organisational change and operational benefits. So, if we are going to organisationally separate the Fire and Rescue Service from the Ambulance Service, does that still mean, as Deputy Le Hegarat articulated very clearly, that it can still realise the full operational benefits that have been going on? My only concern really is - and I am going back to the micromanagement of this - and I think we ought to allow the Minister for Home Affairs and our civil servants to effect the changes. It could well be the changes are exactly as the Constable of St. Lawrence has said; then so be it. But I think it needs to follow due process. So, I am still open on this one but I am questioning staying with the original proposition, introduced by the Deputy of St. John.

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

I am struggling to simplify this a little, because this seems to me a question of primacy of the States Assembly over the making of our laws and giving Scrutiny something to get their teeth into, because it is very difficult to scrutinise vagaries and general changes to a structure, when you cannot see the outcome. But it is easy to scrutinise when there is a proposed change to legislation and the effect of that legislation, going forward, in the structure of our services. Therefore, primacy given to that sort of change, coming to the States before other change is made, which is what it seems to me this amendment and the main proposition is suggesting, is positive for this Assembly in giving primacy of this Assembly to the changes that are happening. If significant changes to the structure of our services are made and they need law change, which is what these propositions are addressing, then they should come to this Assembly first. Otherwise, what we end up with is a huge structural change, that comes to the Assembly and it is rubberstamped by this Assembly in the name of pragmatism and getting the job done and change for the sake of it; because we all talk about needing change. We have to define that change and we have to define the laws that will make that change, so they need to be given the primacy that they deserve and come to this Assembly. If that happens and the changes that are proposed - and this is the difficult sentence that is in my head - then surely the changes to those laws will be considered, in due course, and accepted by this Assembly, appropriately, because they are the right changes. Thus, this becomes another check and balance for this Assembly, which is exactly what the point of Scrutiny is, in the first place and, therefore, Scrutiny does its job again. I see no problem in being prescriptive, in the way that we talk about, because the other side of the coin is if the prescription that we are making to the actual roles needs to change, then, by definition, we can come back to the Assembly for that change and we can agree that change and it becomes more powerfully accepted and, therefore, it should be more successful, in the long run. So, I am minded to accept these propositions, because they put a halt on where we are, give control back to the Assembly and will, hopefully, be a check and balance to changes that have not been commonly accepted in our services and not got any proof behind them, for this Island, that they would be more successful and be more efficient. I say that again, for this Island, as a small jurisdiction. That is all I have got to say.

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

I will try and address a variety of issues that are coming up. The starting point and the Minister was very clear on this, from day one, when the Deputy of St. John lodged his original proposition, none of us want to see changes done that contravene the law. That is a position that just does not stack up, because if it contravenes the law, then you are in a real mess if it then goes further down the line,

even if it is for a couple of days. Therefore, we are very much in a position that if something does require a change in the law, it has to come back to this Assembly and, therefore, that is about maintaining the primacy of this Assembly. That is why - after our various discussions, there was some slight ambiguity, I think, around the Deputy of St. John's part (b) - is why, in the end, bearing in mind the comments we have issued, we have accepted part (a) and part (b) of the original proposition. I am trying to do the 2 together, because they kind of do overlap. What this amendment is around and I have to say at this stage - and bearing in mind I have had a very close relationship with the Constable of St. Lawrence, for a very long time - **[Members: Oh!]**, in a political sense, I should hasten to add; so I do regret, bearing in mind we do work closely together on a whole variety of areas, potentially not being able to support her amendment. The issues are that, in my interpretation of matters, the fact that part (a) is being adopted, it means that any legislative changes will have to come back to this Assembly anyway and that is why we get to the point that on the face of it, it would seem that the new part (b), if this is adopted - in other words, the Constable of St. Lawrence's amendments to the main proposition - are overly prescriptive, particularly by saying you have got to have a Deputy Chief Officer of Police, for example. But, obviously she will argue, I am sure she will in summing up, that her new part (c) and I am looking on page 3 of her amendment, says that if there are any changes they have got to come back to the Assembly. So, it is kind of which bit do you put? Is it the cart before the horse, or the horse before the cart that we are trying to put in place here? It does feel overly prescriptive, to me. I just want to make the point and it is slightly ironic, given some of the objections and comments that we have had in the past few months in the Assembly; there has been criticism that the whole change has been based on a sort of Westminster County Council argument. Oddly enough, this particular model, I think I have seen in France, but, in particular, it is based on what they do in Dublin. Dublin has 2 systems and one of which is a joint operating thing between fire and ambulance. In other words, I just do want to make the point that if one is trying to achieve change and if it is about looking at management teams, then these are the types of changes one may have to consider. They are difficult and it may well be that when Scrutiny goes through the whole process, they may come back with different recommendations. But, as I said, to me part (a) of the Deputy of St. John's original proposition covers the concerns of the Connétable of St. Lawrence. But, just to be really clear, this is not about paramedics having to wear breathing apparatus. This is about better joint working and about trying to get the senior teams sorted out. Obviously, having said all that, Deputy Le Hegarat has far more operational experience of the various issues that come out and maybe there will be issues that come through that, in practical terms, identify the problems. But, we were very clear from day one, the Connétable of St. Clement and myself, that when we looked at the Deputy of St. John's main proposition, we thought it made sense, it needed some clarification to part (b) and that is overall - and there have been various discussions had - that we supported it. But, as I said, the amendment, we considered is too prescriptive and at the moment I will potentially not be supporting it, but I am very happy to listen to the Members. I have been listening, despite darting in and out from time to time. But if we want change - and some people have said we do not want change - and if we want to try and deal with a number of the issues and the challenges we face ahead, then some of this, which is around duplication and reducing it, or trying to make things more efficient at the management level, not the front line, then these are the types of conversations we have got to have. From a legislative point of view, we are very clear. This Assembly remains in the primary position and that has to be the case. There is no attempt to take that away, as far as the Ministers are concerned.

[16:45]

I hope that makes my position clear, but for the moment I shall be listening to the summing up and any other arguments. I am unlikely to be supporting the amendment; I will be supporting the original parts of the proposition.

**6.2.14 Senator T.A. Vallois:**

I will be supporting the Constable of St. Lawrence with her amendment and I am going to elaborate why. It is not because I want to interfere, it is not because I do not want to change, it is not because I want to interfere in operation; it is because I am a democratically elected Member of this States Assembly and I am here to represent the public of Jersey. We create legislation that enables and we approve the money that enables our public services to work and function. One of the main issues, for me, is the governance. One of the issues that nobody has mentioned - and is not mentioned in that business case - is clinical governance. When this suggestion, this target operating model, was brought to the Council of Ministers, the one thing I asked of the director general at that Council of Ministers meeting was: "What about clinical governance?" We are talking about an ambulance service, we are talking about A. and E. (accident and emergency) on wheels; that is how I like to describe it. It is a very different situation to a fire service. In May last year I am sure many of the Members in here will remember, there was an election going on. There was a letter sent to senior officers from the Association of Ambulance Chief Executives, advising not to move ambulance from the health service to the Justice and Home Affairs model. The principal priority of any ambulance service is the delivery of high-quality patient care. Patient, not customer; patient. In doing so, it is inevitable and indeed essential that they are an integral part of the wider health economy. I have never understood - and I still cannot understand - I am willing to go along with change, but not for the sake of change, not at the significant risk that this may make. I am not going to give any bones about this, because it has been rattling on for a while now, there has been concerns consistently raised with us. It is interesting Deputy Guida referring to education; I am going to have to bring back the changes to education to this Assembly, because it is in law. Everything in law; if I want to change the way we do our education system, I have to bring it back to this Assembly, because we are the legislature. We create the legislation, we create the governance and we expect our public service to abide by it. It is called accountability and we are, therefore, held to account by the very public that elected us to stand in here and hold each other to account and hold our public service to account. I am going to focus purely on the ambulance service, in this particular case, because the ambulance service are not described in legislation. The only place they are described in legislation is about their requirement for providing pharmaceutical drugs, their requirement around that clinical governance area. We talk about merging all these different areas and if you look in the business case, there is nothing in there about this clinical governance. So, I go back to P.82, which was agreed 7 years ago now and I go back to the arguments about the care in the community. We need less people in the hospital, we need a smaller hospital, because we need them ... people do not want to be there, they want to be in their own homes. So, then, my question is, when I read that business case that was sent to us: what is wrong with our ambulance service? What are they doing so wrong? What are the inefficiencies in the Ambulance Service? They are not prescribed in the business case. All I am being told is that we can integrate the management, but what we are doing is just shuffling around and moving them into other departments. It is not changing the management. The structure and where they report to changes, and that concerns me. If I am going to question any roles in senior management, I question the roles of director generals and I seriously question the role of director generals. I am going to make any bones about that. We are going through a really difficult time of change and I get that and I get there are people that do not want to change. But for me, this takes the biscuit. This is an Ambulance Service; this is not a school, this is people's lives. The only service they refer to, in that business case, is the Dublin example, which has been in existence for 120 years. They train up their firemen to be paramedic technicians. Are we proposing to do that, here? Are we going to invest that level of clinical requirement in our fire officers, to do equivalence of the same job? If we are going to do that, say it: that is where we are going to spend our money and give us some reassurance that this is the model that we are going for, that we are going to put the money where our mouths are and make it more efficient, but ensure that the patients' lives are supported and the risks are reduced to the level that we are here to support our public for. I refer to some of the clinical areas, I mean, in terms of having this J.E.S.I.P., as it was called in the business case, if we look at the Emergency Planning Council that we used to have. That is where all our emergency



services used to come and they would plan all different types of potential threats and how they would work. They have been joining up steadily over the years together to create better integration, to create better collaboration. I cannot understand why the Ambulance Service should not be in Health. I cannot understand why the ambulance station should not be with the new hospital. For me, it seems crazy. Yet, in this Assembly, we have talked about the police, we have talked about the fire, but nobody puts ambulance up there on the same level and yet they are such an important role. Imagine if we did not have an Ambulance Service. You do not know what you have got until it is gone, do you? 10,000 calls they took last year; 10,000 calls. They have to deal with clinical risk management at a senior level, adverse clinical incidents, safe patient handling, infection prevention and control, the clinical governances, the strategy, the performance, the policy and procedures, medicines management, patient group directives, clinical research and development, practice development, clinical pathway development, liaison with clinical services across Health and Community Services. They have to work extremely closely with a variety of people within the health service, in order to deliver their jobs and they do a fantastic job - a very small number of people to carry out what they have to do with regards to 10,000 calls and the number of people that need and require them. That is only going to get worse with the ageing population. They are going to be in more demand, with the ageing population and there are a lot more people working in different sectors that have long-term illnesses and chronic illnesses that will also need the support of these very people that do a fantastic job for us in the Island. There have been consultations on this; there have been responses, but people have chosen not to listen. That is my point; people have chosen not to listen. I say that is such a disappointing thing to hear, because I think those people do not have the knowledge and experience of the things like the Ambulance Service, or the Police Service and I, for one, believe that what the Constable of St. Lawrence has done here is given us an opportunity to air these concerns and air these problems, that we are seeing first hand. The one thing that worries me, as these target operating models are being rolled out, is this concern of - and I hate to say it, because I have been raising the issue for a long time - but bullying and harassment in the States and the low morale. That is no way to change a service. You take people with you. You move in the direction that the public and the Island want you to move in. You do not divide and conquer. You do not make people feel that small. It is wrong and I want to make that point now, because when I was at S.E.B., we raised the issues of bullying and harassment and if we believe that that should not be the case and we should have zero tolerance, we should air it, we should challenge it and we should make sure it is not happening. We are trying to do that with regards to education, because we know bullying is an issue in education. We should be doing exactly the same thing in our public service. So, change, that is great, let us change, but not just for the sake of it and not just because someone tells us it is the right thing to do. We change because we challenge, we hold people to account - even ourselves to account - to make sure the end product is the right thing for the people we serve. **[Approbation]**

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

I will be exceptionally brief, because I thought that was an excellent speech on the part of Senator Vallois. I am going to support the amendment and the reason is quite simple. The people of this Island believe that it is not the politicians, it is not the Council of Ministers, who are driving this change and making sure it is being done in the best interests of the Island. They believe - perhaps unfairly, I do not know because I am not involved in the discussions - but it is the Chief Executive and his core team. They believe that the politicians are just going along with things. I am one politician, who does not go along with anything, without examining it and I do believe that we should be looking at the changes, that are taking place and see if they are in accordance with the wishes of the States. Yes, we know we need change. I do not want to particularly micromanage, but at the same time, I do not want to rubberstamp everything that is going through; in fact, I will not rubberstamp everything going through. So, I shall be supporting the amendment and I do believe it needs to come back to the States.

#### **6.2.16 Deputy J.H. Young of St. Brelade:**

First of all, on the amendment from the Connétable, because of family reasons - because a close family member holds a senior position in this group - I shall be abstaining, on this matter, but I want to draw on one, or 2, principles, because I think there are relevant principles that relate to both the Connétable's amendment and the proposition substantive. The point I want to make, points of principle that underline this debate, is I believe it is absolutely essential that all organisational change of major consequence should have prior political agreement, before its implementation. I think we are seeing quite a hotchpotch of situations, as we progress through the target operating model. So, that is an important principle, which I will come to a little bit more. Secondly, I think that where we have got different bodies, that have different statutory functions, they are likely to have different cultures and different focuses and value systems and I think it is important that those bodies remain in such a way where they can perform those roles in that way, but accepting that they need to work within an overarching framework, that recognises the big organisation corporate values. Thirdly, that there should be proper consultation in the proposals and I do not mean token consultation. I worry about a consultation arrangement when people are in danger of losing their jobs. How reliable is this likely to be, I ask? At the very least, if we have these consultation arrangements, they should be done independently, so we can rely on them. I also think there is a case, in many areas, for the public to be asked; people who are affected by these services as to what they think. Yes, I think we need change; absolutely, yes, we want common values, but the model that I am most attracted to is the one that I have heard spoken of, that happens in other places, whereby you do not try and crush the individual cultures of very wide organisations, that have a huge range of disparate functions, like Jersey does. You do not try and crush that, you try and retain that, but, at the same time, make sure there are common values that are coming out of that, that all those organisations are joining in. My fear is that I do not believe that requirement, which is a feature of small societies and certainly small island organisations, has been adequately dealt with, or even understood. Because, what works in the U.K., where people can go and get jobs next door, does not work in an island community, where it is whole-life decisions and people make a commitment, often for their whole working lifetimes, to organisations. It is a very different thing.

[17:00]

I am so impressed with the Minister for Home Affairs. He is at the top of my list in terms of political ability and I obviously have done something wrong, because here I am, Minister for G.H.E. (Growth, Housing and Environment) and when I hear about consultation processes, I hear about the opportunity to change the structure, that is great, but I worry: "What have I done wrong?" Because I inherited a structure, I did not have those choices, nobody said to me as Minister for the Environment: "By the way, what do you think about this new structure, that completely replaced and integrated the environment function with a new structure called G.H.E. which is - get it right, John - Growth, Housing and Environment. But, incidentally, there is not just 3 bits to it, that unit serves 4 Ministers. Now, I am yet to have a meeting with a director general. It has been 9 months and I have not had one. I do not see how any director general can possibly deal with 4 different Ministers. They will probably say it is my fault: "You should have beaten a path to my door" but the problem I find now is going from a situation, where there was a department and one chief officer, where there was co-ordination and political accountability, to a situation where there is no chief officer and all the functions are fragmented all over the place. There is only one place it comes together: the Minister. OK, I can put up with that, but I wonder, is this sustainable for the future? Would other Members be wanting to do this? There are conflicts in there, of course; only today I had a planning appeal to decide and I asked for extra information on it and I get that information and where does it come from - the same G.H.E. structures and the signature on the bottom. Of course, I cannot ignore the concerns that people are expressing, outside this organisation, from the development industry, from people alleging that it is unsafe, there is conflict of interest in there. To its credit, I have aired that with the Chief Executive, I have aired it with the Chief Minister and, to their credit, the Council of Ministers have agreed to do a piece of work, to try and look at solutions for that. Obviously, I am content to

wait for that, but in terms of the principles, what I am saying is that there should be, I believe, this political oversight. So, I feel I have to abstain, I think, because I do not know enough about the detailed working of the health service. I used to work in the health service, when ambulance was part of the health service and there was a strong case for doing it differently. Also, like Deputy Huelin, I do not really feel keen on micromanaging. I do not feel that is a good thing. Also, I have got this personal conflict. So, I am going to abstain on that, but I shall be supporting both aspects of the main proposition, because I think the 2 points are important, that there is political endorsement before these things go ahead.

**The Connétable of St. Clement:**

I wonder if I could just make a point of clarification, because 2 Members have described me as the Minister for Justice and Home Affairs when I am simply the Minister for Home Affairs. I would be very happy to be Minister for Justice and Home Affairs but, before it gains traction, if Members could remember that I believe in justice, but I am just Minister for Home Affairs. [Laughter]

**Deputy J.H. Young:**

Sorry, I need to explain. While we were talking, I was browsing through the documents on target operating model and, of course, all the documentations that I found all referred to J.H.A. consultation, J.H.A. What does it say? Justice and Home Affairs; so, I do apologise to the Minister. I think what that illustrates is that there is a mismatch between the ministerial responsibilities and the executive structure and target operating model throughout.

**The Deputy Bailiff:**

Does any other Member wish to speak? Then I call on the Connétable to reply.

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

I would like to thank everyone, who has contributed to the debate on my amendment. I am conscious of the time, it has been a very long day. I know that Members will want to get home, as soon as they possibly can. I will try to be brief, but I do need to address a couple of comments that have been made. Firstly, the Minister said that I am trying to delay things, by asking for new proposals. Those were his words, “asking for new proposals”. The Minister is simply wrong. What I have asked for is that he provides this Assembly but, more importantly, that he provides the acting heads of services and all members of our emergency services, with an evidenced business case, justifying the need for the proposed changes; so definitely not asking for new proposals. If the Minister has that evidenced business case, he should have provided it to us, he should have provided it to the acting heads, but no one has seen it, because, in my opinion, there is not a detailed assessment of risks, or benefits and no analysis of how the plans will work in practice. I have to question why that is the case and I have to conclude, as I have said, that this has simply not been done. What we were given, earlier this week, in fact yesterday, was not a risk-assessed business case, it was a vision document. Someone else used that term, when they spoke earlier; I think it may have been Deputy Wickenden. The Minister also said that if this Assembly endorses the amendment, we are micromanaging. I think the Deputy of St. Peter may also have raised that as a concern. No, I refute that. We would not be micromanaging. What we would be doing and what I hope we will be doing, is acting responsibly, in ensuring that public safety is not put at risk. Deputy Martin - my dear friend Deputy Martin, our friendship goes back, as she said, to 2005 - has no reason to be scared. I am requesting the process for the appointments to begin within 6 months, but only the process. That is to give time for mergers to be made and time for scrutiny. That is to give the time for the mergers to be made, but it gives time for the Minister to bring back to us that evidenced business case that shows we require these changes to be undertaken. Clearly, the Minister can make the appointments sooner, if he is willing to do that, as I say, by supplying us with that evidence. Coming back to the Minister’s comments on the role of the Deputy Chief Officer of the States of Jersey Police; that is a requirement in law. There

should be a Deputy Chief Officer of the States of Jersey Police and I know that the rank and file and potentially the senior officers in S.o.J.P. (States of Jersey Police) have been calling for many months for a D.C.O. (Deputy Chief Officer) to be appointed; and the Minister knows that, because in the response to the consultation, that was submitted by the Police Association, they made that point very clearly. But, if the Minister decides that a D.C.O. is not required, if he makes that decision when he has consulted with the, hopefully, soon to be appointed, Chief of the States of Jersey Police, he will bring a law change. That is quite simple, he will bring a law change. We have just heard what a consummate politician my dear friend the Constable of St. Clement is and he has far more time in this Chamber and experience than anyone else here today. But, he said that this has been a model of consultation. A model. But, I do wonder how he can say that and not be concerned that there has been such overwhelming opposition to what was proposed. How can he say that? There has been overwhelming opposition. Deputy Guida, our new Assistant Minister at Home Affairs, used the word “revolution”. Coming from a Frenchman **[Laughter]** that was probably quite appropriate, particularly with the accent. But that can mean radical change and surely it is reasonable for us to ask for an evidenced business case, before such change progresses. The Deputy of St. Peter said we are getting held up with organisational change and operational benefits. Hung up. We are getting hung up about what is organisational change and what are operational benefits, but the problem is we do not know what the operational benefits will be, because we have not been told how the operational changes will be made. We are being told of organisational change only, but we are not being told of the intricacies, or otherwise, of the operational changes. The significant problem with that, is that the emergency services, themselves, have had no sight of those proposed operational changes. Deputy Ward hit the nail on the head. It is about this amendment and the substantive proposition is about checks and balances and I thank him for his clear explanation and his reminder of that point. If this amendment is accepted, it gives control back to the Assembly, in order to deliver on those checks and balances. What can I say about the words of the Chief Minister? What can I say? I ask myself: where does it say that this is not about paramedics having to wear breathing apparatus? Those are the words of our Chief Minister: “This is not about paramedics having to wear breathing apparatus.” It may well be that he repeated words from another Member, but he did, by doing that, emphasise to me that we do not know whether paramedics will be required to wear breathing apparatus. There is nothing to tell us. Senator Vallois made another excellent speech. I had not seen the letter that she made reference to, but clearly, from what she quoted, it supports and endorses the comments that I have heard from paramedics. At 11.55 a.m. today I received an email from a paramedic and I would just like to quote to Members a few lines from that email: “Both services and their staff remain open to change [clearly fire and ambulance]. We understand the need to change, under the correct conditions, but the operational working has not been explained to us.” “The operational working has not been explained to us.” How many times have I said that this afternoon? The paramedic goes on: “Further, how can a chief of joint services, fire and ambulance, have the capacity to be able to fully manage 2 completely different services, in a safe manner, for the public of Jersey [that is a question we should be asking ourselves, when we come to decide whether the amendment is supported] as well as having the qualifications and understanding of both services to represent us at national meetings in the U.K. and abroad?” He is concerned that a chief, who would represent both services, would not have the qualifications and understanding to represent us at national meetings in the U.K. and abroad and that happens. Similarly, if we demote our States of Jersey Chief of Police to a tier 3, how does that look, when the incumbent represents us in other jurisdictions? How does that look? The paramedic continues: “I hope you continue to fight to slow down this unbelievable, unnecessary change and that you are able to sway your colleagues to the potential irreversible damage to our emergency services.”

[17:15]

Well, clearly, I hope I am able to sway my colleagues to recognise this. Thank you, Deputy Young. I am disappointed that you are going to abstain from voting on this amendment. I may need your

vote, through the Chair. But again, the Deputy hit the nail on the head. The elephant in the room, on this consultation, is that it has been undertaken with people, who are worried about their jobs and their livelihoods and how true a representation of their views has been put forward to the Minister? If you are afraid for your job and for your livelihood, will you express your real views and your real concerns? I mentioned earlier courageous members of the services, who have been unafraid to speak out and because of their courage and because of the initial concerns of Deputy Wickenden, we are here today with the substantive proposition from the Deputy of St. John. What I am seeking to do is to strengthen that proposition. I thank the Members who have spoken. Very briefly, we know that there are plans to merge fire and ambulance, with the loss of a chief officer role. These are notes I made earlier. We have not seen the logic, or rationale, for this change. We have not seen how it will benefit the public, how it will work in practice and what will be expected of officers from the different services. I say that we do not have sufficient information to be sure that a combined fire and ambulance service would maintain, or enhance, public safety and that is what the officers themselves are telling me in person, by telephone and by email. The amendment ensures that all the information, the detailed business case and rationale must be provided, before that merger goes ahead. We are simply asking for evidence that there will be no added risk to the public; rather, provide us with the evidence that it reduces risk. There are still plans to remove the Deputy Chief of Police, as I have just touched on and our States of Jersey Police have always had a D.C.O. and that appointment is enshrined in law. We have no evidence as to why it is now seen as appropriate to not have a Deputy Chief of Police. If a law change is required, my amendment requires that it be brought within 6 months. I have got down here: ‘Valued and professional emergency services.’ I think that is what everybody who has spoken acknowledges. This amendment ensures that changes are not just about cuts, nor are they change for change’s sake. It is positive that the Minister has seen the importance and value of retaining distinct police and customs services. The fact that the Minister agrees with this aspect of the amendment is not, in itself, a reason to reject it. Indeed, it is quite the opposite. I have wondered whether to say this, but I feel I should, because both serving and former senior fire officers - and do not forget, in the last Assembly I had delegated responsibility for the Fire Service and I got to know my officers very well - have told me that a major incident is going to happen at some point. There is no denying it. We have had major incidents in the past and, of course, we will have them in the future; but, as an Assembly, we need to be sure that we have the capacity to deal with that incident, however far it is down the line. We need the command structure and the expertise of both the Fire and the Ambulance Services. I cannot speak about the Ambulance Service, but I know that Fire, in particular, has seen a significant loss of gold and silver commanders in recent months and years. They have not been replaced. That being the case, how will the necessary expertise and resilience be nurtured, developed and retained under the new structure? At the moment, that is a question that remains unanswered. I am aware that there are still questions from officers in both the States of Jersey Police and the Jersey Customs and Immigration Service. I understand that they are pleased that the original target operating model has been amended. However, as we would expect of professional services, they remain cautious as even they have not yet seen the new model in detail. In conclusion, the devil is in the detail and it is the detail that neither the services, nor we, as States Members, have seen. Let me remind Members of the words of a recently retired senior officer. He told me on Monday: “Balance the risks against the benefits. Get it wrong and it has cost lives, for marginal gain.” I propose the amendment and call for the *appel*.

### **The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats.

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

Sir, could I just ask one item of clarification from the proposer of the amendment? She did say, in her opening speech, that the savings from the operating model were designed to increase senior members of the civil service and I was wondering if she could give me the evidence for that.

**The Connétable of St. Lawrence:**

What I did say was that I had been told that, by a senior officer within the department. I am not able to name that officer and would not choose to name him, but I am happy to speak to the Minister, afterwards, to discuss it.

**The Deputy Bailiff:**

I ask the Greffier to open the voting.

<b>POUR: 28</b>		<b>CONTRE: 14</b>		<b>ABSTAIN: 0</b>
Senator S.C. Ferguson		Senator L.J. Farnham		
Senator T.A. Vallois		Senator J.A.N. Le Fondré		
Senator K.L. Moore		Senator S.Y. Mézec		
Connétable of St. Helier		Connétable of St. Clement		
Connétable of St. Lawrence		Connétable of Grouville		
Connétable of St. Brelade		Connétable of St. John		
Connétable of St. Mary		Connétable of St. Ouen		
Connétable of St. Martin		Deputy J.A. Martin (H)		
Deputy M. Tadier (B)		Deputy of Grouville		
Deputy M.R. Higgins (H)		Deputy K.C. Lewis (S)		
Deputy J.M. Maçon (S)		Deputy S.J. Pinel (C)		
Deputy of St. Martin		Deputy L.B.E. Ash (C)		
Deputy of St. Ouen		Deputy G.C.U. Guida (L)		
Deputy R. Labey (H)		Deputy of St. Peter		
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Bailiff:**

We would now normally return to the main proposition. I would like to test the mood of the Assembly, whether it is to carry on and do so, or whether, or not, it is ...

**Deputy R. Labey:**

I think we should adjourn, Sir, because we have got to come back tomorrow. There are still items on the agenda.

**The Deputy Bailiff:**

Well, there is one item on the agenda, which is Deputy Maçon's.

**Deputy J.M. Maçon:**

I am conscious of the time. Unfortunately, I need to be in school placement appeals tomorrow, so I would have to defer my proposition regardless and so I think, perhaps, it might make more sense for the Assembly to finish this item today and allow me to move my proposition to the next sitting.

**Deputy R. Labey:**

In which case I withdraw my proposition to adjourn, Sir.

**6.3 Justice and Home Affairs: cessation of restructure (P.24/2019) - as amended**

**The Deputy Bailiff:**

In which case, this is the last item of Public Business before the Assembly and I assume the Assembly would like to carry on until we finish it. Very well, then we now return to the main proposition, as amended by the amendment from the Connétable of St. Lawrence. Does any Member wish to speak on the proposition?

**6.3.1 Senator J.A.N. Le Fondré:**

If it helps, just to remind Members of my earlier comment, which is that we were accepting the original proposition. I rather suspect, on the basis that it has been amended, we will be maintaining that position.

**The Deputy Bailiff:**

Does any other Member wish to speak on the main proposition? I call on the Deputy of St. John to respond.

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

I would like to thank the Connétable of St. Lawrence, for the very able way in which she presented the amendment and the very able way she has dealt with the responses in the debate and I do not think that there is anything more that I can add, in real terms. That is partly because I am mindful of the time but, secondly, I think it would be twee of me to try and out-observe the Connétable. I will say, though, as I would have rounded off, there are 43 police forces in the United Kingdom and not one of them is managed by an executive of the local council. They are all managed either by a police authority, or a police commissioner. It was my grave concern that there would be a dilution of responsibility. There was already a line, that the C. and A.G. had highlighted, that needed rectifying and there had been a promise it would be rectified. I am glad, now, that we are going down the route of rectifying that. There are still some little tweaks, I believe, when we get to see the business plan and we get to see the schematic in relation to the organisational structure. I am sure that there is a discussion to be had about that. Secondly, the concerns about the amalgamation of ambulance and fire. I am very concerned about that, because, currently, there is no legislation protecting the Ambulance Service and the new role that is described in the statement yesterday for the current Chief Ambulance Officer would suggest that Health are delegating responsibility for management to the Fire Service, rather than there being any legislation enacted. The Ambulance Service is a distinct entity, it does have a specialist role and they need to retain their clinical independence. It does concern me, given this proposed reorganisation, that there had been an assumption that everything was well with the proposals. My concern is that, having challenged that, we are now being told that there has been a full consultation and we have responded to that consultation. I think I need to challenge that. I think I need to put that consultation into perspective. Although I do not have official notification and the Connétable has not yet let Scrutiny have a copy of that consultation in full, I gather from my contacts - the Connétable has contacts and I have contacts also - that this consultation was an absolute car wreck. There were hardly any people, within the organisation, that had a good word for the proposals. I question whether, or not, there would have been such a response had Deputy Scott Wickenden and myself not become involved in this process and put requirements into this

Assembly, put a proposition into this Assembly. I wonder whether the matter would have been addressed. I have the strong feeling that conducting this exercise has prompted a very positive outcome. We wait to see the business plan and we wait to see the schematic and the evidence of the consultation. I will rest there.

**The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

[17:30]

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				



## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

### **The Deputy Bailiff:**

That concludes the Public Business for this meeting, so I invite the Chairman of Privileges and Procedures Committee to propose the arrangements for future meetings.

### **7. Deputy R. Labey (Chairman, Privileges and Procedures Committee):**

P.25/2019, Deputy Maçon's deferred proposition from this sitting, can be added to the list for 30th April. The resumption of the debate on the Draft Commissioner for Children and Young People (Jersey) Law 201- (P.18/2019) has been listed for 30th April 2019, the next sitting. I have just lost the lens from my glasses, so I am struggling a bit. The proposed merging of Liberation Square and the Weighbridge: cessation of project (P.34/2019) has been moved to 21st May. Draft Banking Business, (Amendment of Law) (Jersey) Regulations 201- (P.36/2019) was lodged yesterday and has been put down for 21st May also. There remains a lot of business listed for 30th April. I had a word with the Chairman of the Health and Social Security Scrutiny Panel. I thought it would be sensible to move the assessment of mental health services in Committee debate from the agenda on 30th April and she has kindly agreed, so we will put that down for 21st May, as well. The 30th April will, undoubtedly, I think, probably stretch into the Thursday. With that, I propose business.

### **The Deputy Bailiff:**

Do Members agree to take the business as proposed by the Chairman of P.P.C.? Very well. Before we adjourn, I have a very brief announcement. It is said that things come in 3s and this is the third meeting in a row that an announcement is made that a long-serving member of the States Greffe staff is leaving. Anna Goodyear, one of the Assistant Greffiers, is leaving, although she is not retiring, on this occasion. I am sure Members will wish to join me in wishing Mrs. Goodyear all the best and hoping that she will return to the Greffe family, at some point in the future, when she has the time available to her to do so. **[Approbation]** Very well, the States stand adjourned until Tuesday, 30th April.

## **ADJOURNMENT**

[17:32]