

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 15th NOVEMBER 2016

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Filming of proceedings on Wednesday, 23rd November 2016 – retirement of H.E. The Lieutenant Governor

First of all, under A, I perhaps could ask if the Assembly would kindly agree to filming of the Assembly's proceedings on Wednesday in just over 2 weeks' time. That will be the occasion when the States will be sitting for the last occasion with His Excellency and it would be appropriate to have the film crews in the Chamber, if Members agree. Thank you. I might also note that following the special meeting on that day His Excellency and Lady McColl will move to the Royal Square where there will be a guard of honour. They will say farewell to States Members and members of the Court and indeed the general public. So anyone who is listening to the broadcast now, all are very welcome to come to the Royal Square in order to say farewell to His Excellency and Lady McColl.

PETITIONS

2. Deputy G.P. Southern of St. Helier – presentation of a petition in relation to the funding of Family Nursing and Home Care

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

It is a great pleasure to present this petition which is designed to protect those recipients of home care. It may not be needed in the long run. It may all work out well, nonetheless I present it. There will be a proposition following it.

The Bailiff:

And you make the proposition with it, Deputy? You have lodged a proposition, have you? It has not yet been lodged? I am told by the Greffier it has been lodged, in which case it probably ought to be referred to the Minister for a report within the next 8 weeks. It is so referred.

QUESTIONS

3. Written Questions

Deputy G.P. Southern:

Sir, if I may, could I ask for clarification of the Chair as to why my question to the Minister for Housing about the actions of Andium was not allowed to be asked even though it fitted the criteria, I believe, of an urgent question. I understand that your ruling was there is nobody responsible in this department for running our social housing through Andium.

The Bailiff:

My understanding, Deputy, was that you had accepted that the Minister was not responsible for operational matters, which was the subject of your question, and that was why the question was disallowed. Not that it was not regarded as an urgent question but just that the Minister for Housing did not have responsibility for operational matters in relation to Andium.

Deputy G.P. Southern:

In which case, I would ask for clarification as to who in this Assembly is responsible for the provision of social housing and the regulations that bind it? Who should I be asking who has the responsibility for what Andium does, because that is our supply of social housing. Now if no one is accountable for their actions I have no ability to question what is going on.

The Bailiff:

Depending on how you frame your question it may be possible to get a question allowed for the Chief Minister.

3.1 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING THE TAKING OF BREAHH SAMPLES FROM PERSONS UNDER THE AGE OF 18: [9700]

Question

Will H.M. Attorney General explain under which Law, Regulation or Order it is lawful for the States of Jersey Police to take a breath sample from a person under the age of 18 with no responsible adult being present?

Answer

The power to require a person to undergo a breath test is found in Article 29 of the Road Traffic (Jersey) Law, 1956. This provision includes roadside breath tests. Article 30 of the same Law gives a police officer investigating a suspected offence under Articles 27 (driving when under influence of drink or drugs) or 28 (driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit) the power to require a person to provide either two specimens of breath, or one of blood or urine. Requirements under this provision must be made at a police station. In the Road Traffic (Jersey) Law, 1956, “person” is undefined and therefore has its normal meaning, which includes persons under the age of 18 years.

The protection afforded to persons under the age of 18 when they come into contact with the police derive from the Codes made pursuant to Article 63 of the Police Procedures and Criminal Evidence (Jersey) Law 2003. Code C regulates the detention, treatment and questioning of persons by police officers. It applies only to persons in police detention, defined as those persons who have been arrested and taken to a police station, and those who have been arrested while at the police station (introduction to Code C). Code C does not, therefore, apply to roadside tests under Article 29, or to any tests under Article 29 or 30 that are required prior to a person being arrested.

Where a juvenile has been arrested and is in police detention for the purposes of Code C, certain protections apply. Paragraph 1.5 of Code C provides that “If anyone appears to be under the age of 18 then he or she shall be treated as a juvenile for the purposes of this Code in the absence of clear evidence that he or she is older.” The protection afforded to juveniles includes the right to have an appropriate adult present during interview (Section 13 of Code C). However, procedures under Articles 27 or 28 do not constitute “interviewing” for the purposes of Code C (Note 6D) and therefore the requirement that an appropriate adult be present does not apply. (Articles 27 and 28 are referred to as Articles 16 and 16A in the Code as the Code has not been updated to reflect the renumbering that occurred when the Road Traffic (Jersey) Law, 1956 was revised, the renumbering details may be found in the table at the end of the Road Traffic (Jersey) Law, 1956.)

3.2 DEPUTY P.D. MCLINTON OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING A SCHEME FOR THE REPORTING OF MOTOR COLLISIONS WITH DOMESTIC CATS: [9701]

Question

What progress, if any, has been made towards the introduction of a scheme (whether in law or as a public awareness campaign) asking motorists to report to an authority if they are involved in a collision with a domestic cat; and will the Minister provide a timeline for this work and an expected completion date?

Answer

My officers have undertaken a significant amount of work looking into this matter and assessing how best cats might be protected and catered for within the available legislative instruments. This work has involved discussion and consultation with Law Drafting Officers, the States' Police, States' Vet and the Jersey Society for the Prevention of Cruelty to Animals, as well as, reviews of the Road Traffic (Jersey) Law 1956, Animal Welfare (Jersey) Law 2004 and the Highway Code, and UK legislation. At present neither the Highway Code nor the Road Traffic Law provide for any action to be taken in the event of an accident to a cat. I believe for any meaningful action to be taken, the changes must put the welfare of cats and their owners at the centre and avoid unnecessary burdensome bureaucracy or liabilities over the control of cats.

The outcome I seek is that motorists be made aware of their responsibility to report an accident, so that veterinary care can be provided as soon as possible and records are made so that owners can be reunited with their pet. Unfortunately, achieving this is not as simple as adding cats to the list of animals in the existing law, because that would bring with it an unnecessary burden on owners (in terms of controlling animals) and on the States and honorary police who would be obliged to attend incidents. Such a change in legislation would neither respect the nature of cats to roam without liability, nor provide any additional welfare protection as the police are not in the position to offer veterinary care or track owners without a register of cats. It could also be counter productive should a motorist be reluctant to contact the police.

However, the relevant Articles of the Highway Code, which is referenced in Road Traffic Law, will be amended to include a provision that if a motorist is involved in an accident or incident causing harm, damage, injury or death to a cat that they should inform the Animal Shelter without delay. This would allow a pet ambulance to be dispatched to the scene as quickly as possible, to allow veterinary care to be provided and records to be made so that the owner can be reunited with their pet. This would support existing provisions of the Animal Welfare law, "to avoid cruelty and unnecessary suffering to animals" in which a definition of cats is included.

My officers have prepared a suitable amendment to the Highway Code, and are proceeding with ordering a stock of the amended code. Once the Code is distributed, this will be accompanied by an Island-wide publicity campaign. These actions will be completed before the end of this year.

3.3 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE MINISTER FOR EDUCATION REGARDING THE PARTNERSHIP AGREEMENT BETWEEN THE DEPARTMENT AND PRIVATE-SECTOR NURSERY PROVIDERS: [9702]

Question

Will the Minister advise whether it has been agreed by the Department with private-sector nursery providers that the Partnership Agreement is no longer fit for purpose and that a new Partnership Agreement will need to be negotiated and in place by the end of 2016 and, if so, will the Minister confirm whether or not negotiations between the Department and private-sector nursery providers have started and, if so, on which dates meetings have taken place; and if they have not started, will the Minister explain the reason for the delay?

Is it still the intention of the Department to have a new Partnership Agreement in place by the end of the year?

Answer

Meetings with private sector nursery representatives were delayed because of the Medium Term Financial Plan and the impending debate of Amendment 4. The meetings, which are discretionary, have been rescheduled and the first is due to take place on 17th November. One of the items to be discussed is an update of the Nursery Education Fund partnership agreement. The agreement is essentially still fit for purpose although some revisions are required to reflect recent changes in early years.

3.4 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE MINISTER FOR INFRASTRUCTURE REGARDING TRAFFIC DATA FOR CERTAIN ROADS IN ST. LAWRENCE: [9703]

Question

Will the Minister provide the hourly traffic flow data for the following roads (in both directions) between the hours of 7:00 a.m. and 8:00 p.m. (splitting between week days and weekends where possible); or, if hourly data is not available, the data that is?

- (a) Bottom of Mont Felard
- (b) Grande Route de St Laurent (in the vicinity of the Parish Hall)
- (c) Grande Route de St Laurent by Carrefour Selous
- (d) Les Chenolles de Six Rues (by Six Roads)
- (e) Top end of Rue de la Frontière
- (f) Top end of Rue de la Mare Ballam
- (g) Rue des Buttes (West end)
- (h) Route de St Jean (in the St John's Village area)

Where data is available based on different times in the year, will the Minister also provide data for different seasons and, where possible, during and outside of school holidays?

Where there is no match for the specific location indicated, will the Minister provide data that is nearest on the road requested to the location identified?

Answer

The Department holds traffic count data for permanent monitoring sites on La Grande Route de St Lawrence by St Lawrence Church and on La Grande Route des Issues on the east side of St John's Village. As each data sheet provides one week's data and at St Lawrence the data for each direction is separate, those two sites alone for two directions of travel would total 156 pages of data. I have therefore provided sample data for a winter school term time week and a summer school holiday week. Other sample data is provided where it is available, in the form of speed and volume counts that have been recorded with mobile temporary counters. Should Deputy Le Fondré require a more comprehensive list I would ask him to contact me at the Department for Infrastructure and I will arrange for the data to be provided electronically.

Add 1hr for BST			Station Name:ST LAWRENCE							
			Description:AT SCHOOL HEADING SOUTH							
			Parish:ST LAWRENCE							
			Start Date/Time:27/07/15 00:00							
			End Date/Time:02/08/15 23:59							
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Week	
	27-Jul	28-Jul	29-Jul	30-Jul	31-Jul	01-Aug	02-Aug	Average	Average	
Hour										
0000-0100	5	1	8	9	7	48	35	6	16.1	
0100-0200	2	2	1	2	1	22	13	1.6	6.1	
0200-0300	1	0	1	1	1	13	21	0.8	5.4	
0300-0400	0	1	0	2	0	6	9	0.6	2.6	
0400-0500	4	3	4	5	1	5	6	3.4	4	
0500-0600	16	15	17	17	13	8	11	15.6	13.9	
0600-0700	46	43	57	51	62	26	26	51.8	44.4	
0700-0800	270	270	261	255	240	87	43	259.2	203.7	
0800-0900	305	302	318	327	304	137	78	311.2	253	
0900-1000	196	213	217	211	198	184	137	207	193.7	
1000-1100	184	202	199	191	195	199	160	194.2	190	
1100-1200	217	239	260	187	202	214	172	221	213	
1200-1300	196	273	260	223	234	232	169	237.2	226.7	
1300-1400	213	236	242	249	212	208	188	230.4	221.1	
1400-1500	197	250	251	191	211	206	215	220	217.3	
1500-1600	197	206	261	230	237	173	173	226.2	211	
1600-1700	253	270	251	256	258	177	141	257.6	229.4	
1700-1800	171	210	190	209	208	178	156	197.6	188.9	
1800-1900	135	164	157	163	153	125	139	154.4	148	
1900-2000	113	137	128	158	139	100	88	135	123.3	
2000-2100	83	92	77	120	79	44	64	90.2	79.9	
2100-2200	38	50	71	60	70	83	38	57.8	58.6	
2200-2300	25	38	43	42	51	42	27	39.8	38.3	
2300-2400	12	12	22	12	38	32	15	19.2	20.4	
Totals										
0700-1900	2534	2835	2867	2692	2652	2120	1771	2716.0	2	495.9
0600-2200	2814	3157	3200	3081	3002	2373	1987	3050.8	2	802
0600-0000	2851	3207	3265	3135	3091	2447	2029	3109.8	2	860.7
0000-0000	2879	3229	3296	3171	3114	2549	2124	3137.8	2	908.9
AM Peak	800	800	800	800	800	1100	1100			
	305	302	318	327	304	214	172			
PM Peak	1600	1200	1500	1600	1600	1200	1400			
	253	273	261	256	258	232	215			

Add 1hr for BST			Station Name:ST LAWRENCE							
			Description:AT SCHOOL HEADING NORTH							
			Parish:ST LAWRENCE							
			Start Date/Time:27/07/15 00:00							
			End Date/Time:02/08/15 23:59							
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Week	
	27-Jul	28-Jul	29-Jul	30-Jul	31-Jul	01-Aug	02-Aug	Average	Average	
Hour										
0000-0100	3	4	9	8	10	31	25	6.8	12.9	
0100-0200	1	4	2	2	0	19	21	1.8	7	
0200-0300	2	1	3	3	3	17	22	2.4	7.3	
0300-0400	1	2	1	4	1	7	8	1.8	3.4	
0400-0500	2	1	0	1	1	4	5	1	2	
0500-0600	15	9	14	13	15	5	6	13.2	11	
0600-0700	53	47	48	42	51	32	13	48.2	40.9	
0700-0800	166	178	193	185	170	81	34	178.4	143.9	
0800-0900	183	184	201	184	161	119	68	182.6	157.1	
0900-1000	150	200	190	176	151	144	130	173.4	163	
1000-1100	172	196	250	213	200	188	172	206.2	198.7	
1100-1200	155	224	240	186	206	236	205	202.2	207.4	
1200-1300	186	240	213	214	207	210	236	212	215.1	
1300-1400	198	227	228	220	212	205	185	217	210.7	
1400-1500	204	235	243	221	221	237	146	224.8	215.3	
1500-1600	197	226	213	216	206	130	123	211.6	187.3	
1600-1700	237	237	215	242	238	166	99	233.8	204.9	
1700-1800	259	303	277	276	242	159	122	271.4	234	
1800-1900	180	253	212	209	196	128	94	210	181.7	
1900-2000	126	139	136	130	125	102	104	131.2	123.1	
2000-2100	70	74	98	95	81	59	56	83.6	76.1	
2100-2200	55	50	76	77	95	71	60	70.6	69.1	
2200-2300	45	46	47	42	68	61	44	49.6	50.4	
2300-2400	24	19	33	22	65	50	24	32.6	33.9	
Totals										
0700-1900	2287	2703	2675	2542	2410	2003	1614	2523.4	2	319.1
0600-2200	2591	3013	3033	2886	2762	2267	1847	2857.0	2	628.4
0600-0000	2660	3078	3113	2950	2895	2378	1915	2939.2	2	712.7
0000-0000	2684	3099	3142	2981	2925	2461	2002	2966.2	2	756.3
AM Peak	800	1100	1000	1000	1100	1100	1100			
	183	224	250	213	206	236	205			
PM Peak	1700	1700	1700	1700	1700	1400	1200			
	259	303	277	276	242	237	236			

			Station Name:ST LAWRENCE						
			Description:AT SCHOOL HEADING NORTH						
			Parish:ST LAWRENCE						
			Start Date/Time:26/01/15 00:00						
			End Date/Time:01/02/15 23:59						
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Week
	26-Jan	27-Jan	28-Jan	29-Jan	30-Jan	31-Jan	01-Feb	Average	Average
Hour									
0000-0100	2	2	4	5	7	19	38	4	11
0100-0200	0	1	2	1	2	9	23	1.2	5.4
0200-0300	2	1	1	0	0	6	18	0.8	4
0300-0400	0	0	1	0	1	6	8	0.4	2.3
0400-0500	3	1	3	1	4	3	1	2.4	2.3
0500-0600	8	6	12	12	16	7	4	10.8	9.3
0600-0700	48	47	46	41	46	21	8	45.6	36.7
0700-0800	163	173	171	193	164	58	26	172.8	135.4
0800-0900	260	267	279	264	259	134	49	265.8	216
0900-1000	141	160	161	158	146	163	87	153.2	145.1
1000-1100	137	172	185	156	152	204	132	160.4	162.6
1100-1200	139	202	215	162	170	237	119	177.6	177.7
1200-1300	169	205	197	175	196	263	168	188.4	196.1
1300-1400	169	203	190	168	175	231	174	181	187.1
1400-1500	208	228	223	218	236	179	135	222.6	203.9
1500-1600	268	242	275	270	268	206	123	264.6	236
1600-1700	267	290	251	230	247	178	130	257	227.6
1700-1800	315	317	292	287	267	168	103	295.6	249.9
1800-1900	181	233	213	176	193	114	56	199.2	166.6
1900-2000	127	115	137	120	116	92	66	123	110.4
2000-2100	66	74	78	69	73	41	47	72	64
2100-2200	39	45	58	68	50	35	28	52	46.1
2200-2300	25	37	42	54	54	59	19	42.4	41.4
2300-2400	12	14	15	25	30	53	8	19.2	22.4
Totals									
0700-1900	2417	2692	2652	2457	2473	2135	1302	2538.2	2304
0600-2200	2697	2973	2971	2755	2758	2324	1451	2830.8	2561.3
0600-0000	2734	3024	3028	2834	2842	2436	1478	2892.4	2625.1
0000-0000	2749	3035	3051	2853	2872	2486	1570	2912	2659.4
AM Peak	800	800	800	800	800	1100	1000		
	260	267	279	264	259	237	132		
PM Peak	1700	1700	1700	1700	1500	1200	1300		
	315	317	292	287	268	263	174		

		Station Name:ROUTE DES ISSUES										
		Description:AT MELBOURNE GARAGE										
		Parish:ST JOHN										
		Start Date/Time:27-07-2014 00:00										
		End Date/Time:02-08-2014 23:59										
		27- Sun	28- Mon	29- Tue	30- Wed	31- Thu	1- Fri	2- Sat	Total	Daily- Avg.	Wkday- Avg.	Wkend- Avg.
00:00	Lane 1 (West)	13	2	3	1	4	0	3	26	4	2	8
	Lane 2 (East)	18	1	5	1	6	3	7	41	6	3	13
	All Lanes	31	3	8	2	10	3	10	67	10	5	21
01:00	Lane 1 (West)	11	1	0	0	3	0	6	21	3	1	9
	Lane 2 (East)	14	2	1	1	2	2	4	26	4	2	9
	All Lanes	25	3	1	1	5	2	10	47	7	2	18
02:00	Lane 1 (West)	12	0	1	1	0	1	3	18	3	1	8
	Lane 2 (East)	6	0	1	0	1	0	4	12	2	0	5
	All Lanes	18	0	2	1	1	1	7	30	4	1	13
03:00	Lane 1 (West)	7	1	1	0	0	2	5	16	2	1	6
	Lane 2 (East)	4	0	2	2	1	0	3	12	2	1	4
	All Lanes	11	1	3	2	1	2	8	28	4	2	10
04:00	Lane 1 (West)	9	12	11	15	16	17	11	91	13	14	10
	Lane 2 (East)	2	17	22	17	14	14	11	97	14	17	7
	All Lanes	11	29	33	32	30	31	22	188	27	31	17
05:00	Lane 1 (West)	14	60	54	59	64	56	30	337	48	59	22
	Lane 2 (East)	12	32	41	25	39	36	22	207	30	35	17
	All Lanes	26	92	95	84	103	92	52	544	78	93	39
06:00	Lane 1 (West)	54	181	174	184	191	162	77	1023	146	178	66
	Lane 2 (East)	36	217	232	231	221	198	74	1209	173	220	55
	All Lanes	90	398	406	415	412	360	151	2232	319	398	121
07:00	Lane 1 (West)	97	221	205	221	212	226	127	1309	187	217	112
	Lane 2 (East)	91	250	262	263	257	234	90	1447	207	253	91
	All Lanes	188	471	467	484	469	460	217	2756	394	470	203
08:00	Lane 1 (West)	185	177	187	197	168	227	204	1345	192	191	195
	Lane 2 (East)	138	193	168	203	198	178	184	1262	180	188	161
	All Lanes	323	370	355	400	366	405	388	2607	372	379	356
09:00	Lane 1 (West)	258	211	229	233	200	213	243	1587	227	217	251
	Lane 2 (East)	164	181	182	191	202	190	228	1338	191	189	196
	All Lanes	422	392	411	424	402	403	471	2925	418	406	447
10:00	Lane 1 (West)	353	210	192	222	245	225	285	1732	247	219	319
	Lane 2 (East)	232	201	208	171	184	231	247	1474	211	199	240
	All Lanes	585	411	400	393	429	456	532	3206	458	418	559
11:00	Lane 1 (West)	424	222	233	272	263	238	319	1971	282	246	372
	Lane 2 (East)	347	195	212	226	231	210	277	1698	243	215	312
	All Lanes	771	417	445	498	494	448	596	3669	524	460	684
12:00	Lane 1 (West)	392	216	260	249	258	219	291	1885	269	240	342
	Lane 2 (East)	351	188	206	202	220	208	265	1640	234	205	308
	All Lanes	743	404	466	451	478	427	556	3525	504	445	650
13:00	Lane 1 (West)	294	258	210	237	232	233	313	1777	254	234	304
	Lane 2 (East)	297	214	222	215	219	206	296	1669	238	215	297
	All Lanes	591	472	432	452	451	439	609	3446	492	449	600
14:00	Lane 1 (West)	263	260	274	219	210	251	293	1770	253	243	278
	Lane 2 (East)	286	209	220	250	231	303	265	1764	252	243	276
	All Lanes	549	469	494	469	441	554	558	3534	505	485	554
15:00	Lane 1 (West)	207	281	286	294	305	274	246	1893	270	288	227
	Lane 2 (East)	288	281	307	333	318	315	241	2083	298	311	265
	All Lanes	495	562	593	627	623	589	487	3976	568	599	491
16:00	Lane 1 (West)	205	320	384	316	387	322	256	2190	313	346	231
	Lane 2 (East)	316	301	311	310	308	286	248	2080	297	303	282
	All Lanes	521	621	695	626	695	608	504	4270	610	649	513
17:00	Lane 1 (West)	139	217	233	244	242	218	155	1448	207	231	147
	Lane 2 (East)	191	191	232	225	207	198	202	1446	207	211	197
	All Lanes	330	408	465	469	449	416	357	2894	413	441	344
18:00	Lane 1 (West)	86	168	134	147	157	126	134	952	136	146	110
	Lane 2 (East)	133	118	164	154	142	142	144	997	142	144	139
	All Lanes	219	286	298	301	299	268	278	1949	278	290	249
19:00	Lane 1 (West)	43	66	89	86	83	74	59	500	71	80	51
	Lane 2 (East)	90	80	91	83	116	88	100	648	93	92	95
	All Lanes	133	146	180	169	199	162	159	1148	164	171	146
20:00	Lane 1 (West)	37	61	68	57	57	43	39	362	52	57	38
	Lane 2 (East)	53	71	72	91	94	69	71	521	74	79	62
	All Lanes	90	132	140	148	151	112	110	883	126	137	100
21:00	Lane 1 (West)	23	25	29	38	38	46	45	244	35	35	34
	Lane 2 (East)	23	41	32	42	44	49	52	283	40	42	38
	All Lanes	46	66	61	80	82	95	97	527	75	77	72
22:00	Lane 1 (West)	14	10	18	20	17	35	38	152	22	20	26
	Lane 2 (East)	13	15	14	27	24	32	54	179	26	22	34
	All Lanes	27	25	32	47	41	67	92	331	47	42	60
23:00	Lane 1 (West)	8	8	4	10	12	26	33	101	14	12	21
	Lane 2 (East)	6	4	1	6	6	17	28	68	10	7	17
	All Lanes	14	12	5	16	18	43	61	169	24	19	38
Total		6259	6190	6487	6591	6649	6443	6332	44951	6422	6472	6296
Percentages		13.92%	13.77%	14.43%	14.66%	14.79%	14.33%	14.09%	100.00%	14.29%	14.40%	14.01%

		Station Name:ROUTE DES ISSUES										
		Description:AT MELBOURNE GARAGE										
		Parish:ST JOHN										
		Start Date/Time:01/26/14 00:00										
		End Date/Time:02/01/14 23:59										
		26- Sun	27- Mon	28- Tue	29- Wed	30- Thu	31- Fri	1- Sat	Total	Daily- Avg.	Wkday- Avg.	Wkend- Avg.
00:00	Lane 1 (West)	26	6	5	6	5	8	18	74	11	6	22
	Lane 2 (East)	23	4	0	5	3	6	15	56	8	4	19
	All Lanes	49	10	5	11	8	14	33	130	19	10	41
01:00	Lane 1 (West)	19	1	1	2	2	1	8	34	5	1	14
	Lane 2 (East)	18	0	1	0	1	2	7	29	4	1	13
	All Lanes	37	1	2	2	3	3	15	63	9	2	26
02:00	Lane 1 (West)	10	1	0	0	0	0	8	19	3	0	9
	Lane 2 (East)	12	0	1	1	1	1	7	23	3	1	10
	All Lanes	22	1	1	1	1	1	15	42	6	1	19
03:00	Lane 1 (West)	6	0	1	0	0	1	2	10	1	0	4
	Lane 2 (East)	3	0	0	1	0	0	2	6	1	0	3
	All Lanes	9	0	1	1	0	1	4	16	2	1	7
04:00	Lane 1 (West)	3	1	1	2	1	1	2	11	2	1	3
	Lane 2 (East)	6	2	1	1	1	2	0	13	2	1	3
	All Lanes	9	3	2	3	2	3	2	24	3	3	6
05:00	Lane 1 (West)	15	12	11	11	17	14	10	90	13	13	13
	Lane 2 (East)	5	7	6	7	8	5	2	40	6	7	4
	All Lanes	20	19	17	18	25	19	12	130	19	20	16
06:00	Lane 1 (West)	8	35	46	35	43	53	13	233	33	42	11
	Lane 2 (East)	5	33	44	41	39	39	14	215	31	39	10
	All Lanes	13	68	90	76	82	92	27	448	64	82	20
07:00	Lane 1 (West)	27	169	177	175	183	185	48	964	138	178	38
	Lane 2 (East)	22	304	314	312	315	308	50	1625	232	311	36
	All Lanes	49	473	491	487	498	493	98	2589	370	488	74
08:00	Lane 1 (West)	72	336	284	337	295	331	136	1791	256	317	104
	Lane 2 (East)	51	351	347	340	346	329	111	1875	268	343	81
	All Lanes	123	687	631	677	641	660	247	3666	524	659	185
09:00	Lane 1 (West)	135	225	206	222	228	210	228	1454	208	218	182
	Lane 2 (East)	100	224	210	194	181	183	166	1258	180	198	133
	All Lanes	235	449	416	416	409	393	394	2712	387	417	315
10:00	Lane 1 (West)	195	184	182	185	182	197	303	1428	204	186	249
	Lane 2 (East)	154	177	170	169	162	204	255	1291	184	176	205
	All Lanes	349	361	352	354	344	401	558	2719	388	362	454
11:00	Lane 1 (West)	211	184	189	228	181	227	326	1546	221	202	269
	Lane 2 (East)	179	171	165	198	193	183	266	1355	194	182	223
	All Lanes	390	355	354	426	374	410	592	2901	414	384	491
12:00	Lane 1 (West)	278	209	216	225	222	244	363	1757	251	223	321
	Lane 2 (East)	237	210	183	209	192	238	349	1618	231	206	293
	All Lanes	515	419	399	434	414	482	712	3375	482	430	614
13:00	Lane 1 (West)	194	198	201	181	212	237	333	1556	222	206	264
	Lane 2 (East)	169	163	213	222	188	227	277	1459	208	203	223
	All Lanes	363	361	414	403	400	464	610	3015	431	408	487
14:00	Lane 1 (West)	185	238	230	249	247	281	285	1715	245	249	235
	Lane 2 (East)	185	212	228	210	227	251	289	1602	229	226	237
	All Lanes	370	450	458	459	474	532	574	3317	474	475	472
15:00	Lane 1 (West)	163	279	293	274	307	268	272	1856	265	284	218
	Lane 2 (East)	129	255	274	252	260	287	253	1710	244	266	191
	All Lanes	292	534	567	526	567	555	525	3566	509	550	409
16:00	Lane 1 (West)	143	280	325	344	322	318	249	1981	283	318	196
	Lane 2 (East)	180	229	242	279	288	226	213	1657	237	253	197
	All Lanes	323	509	567	623	610	544	462	3638	520	571	393
17:00	Lane 1 (West)	126	317	280	335	358	318	165	1899	271	322	146
	Lane 2 (East)	149	210	223	235	235	232	196	1480	211	227	173
	All Lanes	275	527	503	570	593	550	361	3379	483	549	318
18:00	Lane 1 (West)	73	169	165	213	164	175	120	1079	154	177	97
	Lane 2 (East)	94	124	115	149	139	135	104	860	123	132	99
	All Lanes	167	293	280	362	303	310	224	1939	277	310	196
19:00	Lane 1 (West)	35	88	114	128	109	141	112	727	104	116	74
	Lane 2 (East)	46	77	104	106	103	121	102	659	94	102	74
	All Lanes	81	165	218	234	212	262	214	1386	198	218	148
20:00	Lane 1 (West)	31	55	55	70	61	93	64	429	61	67	48
	Lane 2 (East)	35	58	53	63	56	101	52	418	60	66	44
	All Lanes	66	113	108	133	117	194	116	847	121	133	91
21:00	Lane 1 (West)	19	38	55	47	61	50	29	299	43	50	24
	Lane 2 (East)	32	38	51	45	46	48	45	305	44	46	39
	All Lanes	51	76	106	92	107	98	74	604	86	96	63
22:00	Lane 1 (West)	17	16	26	17	31	29	40	176	25	24	29
	Lane 2 (East)	14	21	29	26	22	24	30	166	24	24	22
	All Lanes	31	37	55	43	53	53	70	342	49	48	51
23:00	Lane 1 (West)	5	11	9	11	13	39	31	119	17	17	18
	Lane 2 (East)	8	6	13	13	16	26	31	113	16	15	20
	All Lanes	13	17	22	24	29	65	62	232	33	31	38
Total		3852	5928	6059	6375	6266	6599	6001	41080	5869	6245	4927
Percentages		9.38%	14.43%	14.75%	15.52%	15.25%	16.06%	14.61%	100.00%	14.29%	15.20%	11.99%

30/08/13	01:00	2	0	0	0	0	1	1	0	0	0	0	29	30	31	0	2	0	0	0
30/08/13	02:00	4	0	0	0	1	2	0	1	0	0	0	26	28	27	0	4	0	0	0
30/08/13	03:00	1	0	0	0	0	1	0	0	0	0	0	29	29	29	0	1	0	0	0
30/08/13	04:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
30/08/13	05:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
30/08/13	06:00	3	0	0	0	0	3	0	0	0	0	0	27	29	30	0	3	0	0	0
30/08/13	07:00	20	1	0	1	9	8	0	1	0	0	0	22	25	29	1	17	2	0	0
30/08/13	08:00	51	1	0	3	23	18	5	1	0	0	0	22	25	29	3	38	8	2	0
30/08/13	09:00	70	1	0	2	20	33	11	2	1	0	0	22	27	31	3	60	4	3	0
30/08/13	10:00	33	0	0	0	13	18	2	0	0	0	0	22	26	28	3	24	5	1	0
30/08/13	11:00	44	1	0	5	28	7	3	0	0	0	0	21	23	26	1	37	5	1	0
30/08/13	12:00	69	0	0	7	27	29	4	2	0	0	0	22	25	29	1	54	11	3	0
30/08/13	13:00	44	4	3	10	11	15	1	0	0	0	0	16	22	27	1	39	3	1	0
30/08/13	14:00	48	4	2	0	15	22	3	2	0	0	0	22	25	30	1	43	4	0	0
30/08/13	15:00	44	0	1	3	18	17	4	0	1	0	0	21	26	29	3	37	3	1	0
30/08/13	16:00	67	1	2	7	27	27	1	2	0	0	0	21	24	28	4	55	8	0	0
30/08/13	17:00	44	1	0	2	25	15	1	0	0	0	0	22	24	27	0	37	6	1	0
30/08/13	18:00	51	0	0	7	17	20	7	0	0	0	0	21	26	29	3	44	3	1	0
30/08/13	19:00	35	0	0	1	16	13	4	1	0	0	0	23	26	30	1	31	1	2	0
30/08/13	20:00	29	0	0	3	8	14	3	1	0	0	0	22	26	29	1	25	2	1	0
30/08/13	21:00	15	0	0	0	9	4	2	0	0	0	0	23	26	29	0	13	1	1	0
30/08/13	22:00	9	0	0	1	3	3	2	0	0	0	0	21	26	31	0	8	0	1	0
30/08/13	23:00	13	0	0	0	3	8	1	0	1	0	0	25	28	30	0	12	0	1	0
30/08/13	24:00	14	1	0	1	3	8	1	0	0	0	0	21	24	29	0	14	0	0	0
30/08/13	06:00-09:00	141	3	0	6	52	59	16	4	1	0	0	22	26	30	7	115	14	5	0
30/08/13	15:00-19:00	197	2	2	17	85	75	13	3	0	0	0	22	25	29	8	167	18	4	0
30/08/13	06:00-22:00	673	14	8	52	269	263	53	12	2	0	0	21	25	29	26	562	66	19	0
30/08/13	00:00-24:00	710	15	8	53	276	286	56	13	3	0	0	23	26	29	26	598	66	20	0
31/08/13	01:00	6	0	0	0	3	2	1	0	0	0	0	25	26	27	0	6	0	0	0
31/08/13	02:00	4	0	0	0	1	2	1	0	0	0	0	27	28	29	0	4	0	0	0
31/08/13	03:00	1	0	0	0	0	0	0	1	0	0	0	36	36	36	0	1	0	0	0
31/08/13	04:00	1	0	0	0	0	1	0	0	0	0	0	29	29	29	0	1	0	0	0
31/08/13	05:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
31/08/13	06:00	2	0	0	0	0	2	0	0	0	0	0	29	29	29	0	2	0	0	0
31/08/13	07:00	8	1	0	1	1	5	0	0	0	0	0	20	23	28	0	6	2	0	0
31/08/13	08:00	22	0	2	2	11	6	1	0	0	0	0	19	24	29	0	18	2	2	0
31/08/13	09:00	45	0	5	5	15	17	3	0	0	0	0	19	24	29	1	35	3	6	0
31/08/13	10:00	44	0	1	9	11	19	3	1	0	0	0	19	24	29	4	37	0	3	0
31/08/13	11:00	53	0	2	6	18	24	2	0	1	0	0	21	25	28	1	47	3	2	0
31/08/13	12:00	63	0	2	9	22	27	2	1	0	0	0	20	24	29	3	53	5	2	0
31/08/13	13:00	66	0	1	6	29	24	6	0	0	0	0	21	25	29	1	58	6	1	0
31/08/13	14:00	55	0	0	6	27	19	3	0	0	0	0	22	24	28	1	49	2	3	0
31/08/13	15:00	47	0	0	9	16	17	5	0	0	0	0	19	24	29	0	40	5	2	0
31/08/13	16:00	42	0	0	9	12	19	2	0	0	0	0	19	24	28	0	38	4	0	0
31/08/13	17:00	43	1	0	8	18	16	0	0	0	0	0	19	23	27	3	39	1	0	0
31/08/13	18:00	29	0	0	3	12	11	3	0	0	0	0	22	25	28	0	29	0	0	0
31/08/13	19:00	28	0	0	2	11	12	2	1	0	0	0	22	26	29	1	26	0	1	0
31/08/13	20:00	20	0	1	3	6	8	2	0	0	0	0	20	24	29	1	18	0	1	0
31/08/13	21:00	14	0	1	1	6	5	1	0	0	0	0	22	25	29	1	12	0	1	0
31/08/13	22:00	9	0	0	2	3	2	2	0	0	0	0	20	26	33	0	8	0	1	0
31/08/13	23:00	7	0	1	1	3	2	0	0	0	0	0	16	22	27	0	6	0	1	0
31/08/13	24:00	8	0	1	0	4	3	0	0	0	0	0	22	23	27	0	8	0	0	0
31/08/13	06:00-09:00	75	1	7	8	27	28	4	0	0	0	0	19	24	29	1	59	7	8	0
31/08/13	15:00-19:00	142	1	0	22	53	58	7	1	0	0	0	21	25	28	4	132	5	1	0
31/08/13	06:00-22:00	588	2	15	81	218	231	37	3	1	0	0	20	24	29	17	513	33	25	0
31/08/13	00:00-24:00	617	2	17	82	229	243	39	4	1	0	0	22	25	29	17	541	33	26	0

01/09/13	01:00	5	0	0	0	2	2	1	0	0	0	0	25	27	29	0	4	1	0	0
01/09/13	02:00	7	0	0	1	1	4	1	0	0	0	0	22	27	29	0	5	2	0	0
01/09/13	03:00	4	0	0	0	0	4	0	0	0	0	0	26	27	27	0	4	0	0	0
01/09/13	04:00	1	0	0	0	1	0	0	0	0	0	0	25	25	25	0	1	0	0	0
01/09/13	05:00	1	0	0	0	1	0	0	0	0	0	0	23	23	23	0	1	0	0	0
01/09/13	06:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
01/09/13	07:00	7	0	0	0	1	5	1	0	0	0	0	26	27	29	0	6	1	0	0
01/09/13	08:00	13	0	1	0	3	9	0	0	0	0	0	22	25	29	0	12	0	1	0
01/09/13	09:00	22	1	2	7	5	4	3	0	0	0	0	16	22	29	4	14	1	3	0
01/09/13	10:00	39	0	2	10	16	10	1	0	0	0	0	19	23	27	1	32	1	5	0
01/09/13	11:00	46	0	1	12	18	14	1	0	0	0	0	19	23	27	1	37	4	4	0
01/09/13	12:00	56	1	0	9	21	24	1	0	0	0	0	20	24	27	3	48	4	1	0
01/09/13	13:00	51	0	1	9	20	18	2	1	0	0	0	20	25	29	0	44	5	2	0
01/09/13	14:00	49	0	1	4	18	25	1	0	0	0	0	21	25	29	1	42	5	1	0
01/09/13	15:00	29	1	1	9	11	6	1	0	0	0	0	18	22	28	1	26	1	1	0
01/09/13	16:00	42	1	0	6	13	20	2	0	0	0	0	20	25	29	3	37	2	0	0
01/09/13	17:00	49	0	0	5	21	20	3	0	0	0	0	21	25	28	3	45	0	1	0
01/09/13	18:00	31	0	0	5	13	12	1	0	0	0	0	21	24	27	0	30	1	0	0
01/09/13	19:00	32	0	0	3	17	7	4	0	1	0	0	22	25	29	1	28	2	1	0
01/09/13	20:00	11	0	0	0	4	4	2	0	1	0	0	23	28	31	1	9	1	0	0
01/09/13	21:00	15	0	0	0	8	4	2	1	0	0	0	22	26	31	0	14	1	0	0
01/09/13	22:00	4	0	0	0	1	3	0	0	0	0	0	26	27	28	0	4	0	0	0
01/09/13	23:00	2	0	0	0	1	0	1	0	0	0	0	24	29	34	0	2	0	0	0
01/09/13	24:00	4	0	0	0	1	3	0	0	0	0	0	26	27	27	0	4	0	0	0
01/09/13	06:00-09:00	42	1	3	7	9	18	4	0	0	0	0	21	25	29	4	32	2	4	0
01/09/13	15:00-19:00	154	1	0	19	64	59	10	0	1	0	0	21	25	28	7	140	5	2	0
01/09/13	06:00-22:00	496	4	9	79	190	185	25	2	2	0	0	21	25	29	19	428	29	20	0
01/09/13	00:00-24:00	520	4	9	80	197	198	28	2	2	0	0	22	25	28	19	449	32	20	0
02/09/13	01:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
02/09/13	02:00	2	0	0	0	1	0	1	0	0	0	0	24	28	32	0	1	1	0	0
02/09/13	03:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
02/09/13	04:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
02/09/13	05:00	1	0	0	0	0	1	0	0	0	0	0	29	29	29	0	1	0	0	0
02/09/13	06:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
02/09/13	07:00	28	1	0	2	3	15	7	0	0	0	0	22	27	31	1	19	7	1	0
02/09/13	08:00	64	0	0	3	24	31	6	0	0	0	0	23	26	29	4	53	5	2	0
02/09/13	09:00	71	0	1	7	32	25	6	0	0	0	0	21	25	29	4	56	9	2	0
02/09/13	10:00	44	0	1	4	17	21	1	0	0	0	0	21	25	29	2	31	10	1	0
02/09/13	11:00	40	1	0	2	16	19	2	0	0	0	0	22	25	28	3	33	4	0	0
02/09/13	12:00	46	0	1	4	17	24	0	0	0	0	0	22	25	27	1	35	8	2	0
02/09/13	13:00	43	0	0	5	22	14	2	0	0	0	0	21	24	28	2	33	4	4	0
02/09/13	14:00	37	0	1	6	19	11	0	0	0	0	0	19	23	26	1	33	3	0	0
02/09/13	15:00	42	0	0	5	20	13	4	0	0	0	0	21	25	29	2	35	2	3	0
02/09/13	16:00	59	1	0	12	26	17	3	0	0	0	0	19	23	27	0	49	6	4	0
02/09/13	17:00	48	0	2	8	21	15	2	0	0	0	0	19	24	29	5	40	3	0	0
02/09/13	18:00	52	0	0	4	22	21	5	0	0	0	0	21	25	29	3	45	4	0	0
02/09/13	19:00	31	0	1	2	10	11	7	0	0	0	0	22	26	31	3	26	2	0	0
02/09/13	20:00	18	0	0	2	7	7	2	0	0	0	0	22	26	29	0	16	0	2	0
02/09/13	21:00	22	0	0	3	4	12	3	0	0	0	0	22	26	30	1	17	3	1	0
02/09/13	22:00	7	0	0	0	4	2	0	1	0	0	0	22	26	28	0	5	1	1	0
02/09/13	23:00	5	0	1	1	1	1	1	0	0	0	0	19	24	30	0	4	0	1	0
02/09/13	24:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
02/09/13	06:00-09:00	163	1	1	12	59	71	19	0	0	0	0	22	26	30	9	128	21	5	0
02/09/13	15:00-19:00	190	1	3	26	79	64	17	0	0	0	0	20	25	29	11	160	15	4	0
02/09/13	06:00-22:00	652	3	7	69	264	258	50	1	0	0	0	21	25	29	32	526	71	23	0
02/09/13	00:00-24:00	660	3	8	70	266	260	52	1	0	0	0	22	25	29	32	532	72	24	0

Site Name: La Rue de la Frontiere
 Discription: 20metres before S bend to Rue desButtes
 Direction: Heading Northwes
 Parish: St Mary

Date	Time	Count	Speed bins [mph]									v15	vm	v85	Length bins [m]					
			10	15	20	25	30	35	40	45	50				>50	2.1 Cycles	5.4 Cars	8.0 LGV	12.0 HGV1	15.0 HGV2
29/08/13	01:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	02:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	03:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	04:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	05:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	06:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	07:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	08:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	09:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	10:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	11:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	12:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	13:00	41	0	1	8	15	15	1	1	0	0	0	19	24	28	1	35	4	1	0
29/08/13	14:00	42	0	0	7	11	19	5	0	0	0	0	20	26	29	1	38	2	1	0
29/08/13	15:00	53	0	1	11	17	18	5	1	0	0	0	19	24	29	2	42	7	2	0
29/08/13	16:00	57	1	0	10	27	15	4	0	0	0	0	20	24	27	3	45	7	2	0
29/08/13	17:00	40	0	0	4	9	22	4	1	0	0	0	23	26	30	0	35	4	1	0
29/08/13	18:00	58	1	2	5	23	21	4	2	0	0	0	21	25	28	6	45	6	1	0
29/08/13	19:00	54	0	3	1	18	24	7	0	1	0	0	23	26	30	5	47	1	1	0
29/08/13	20:00	37	1	0	5	10	18	2	1	0	0	0	21	25	29	2	30	4	1	0
29/08/13	21:00	23	0	0	1	10	11	1	0	0	0	0	22	26	29	4	18	1	0	0
29/08/13	22:00	19	0	0	2	7	9	1	0	0	0	0	23	25	28	0	18	0	1	0
29/08/13	23:00	8	0	0	1	4	1	2	0	0	0	0	21	25	31	1	7	0	0	0
29/08/13	24:00	4	0	0	0	2	0	2	0	0	0	0	25	28	31	0	4	0	0	0
29/08/13	06:00-09:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	15:00-19:00	209	2	5	20	77	82	19	3	1	0	0	22	25	29	14	172	18	5	0
29/08/13	06:00-22:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29/08/13	00:00-24:00	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
30/08/13	01:00	4	0	0	0	3	1	0	0	0	0	0	23	24	24	0	4	0	0	0
30/08/13	02:00	1	0	0	0	0	1	0	0	0	0	0	27	27	27	0	1	0	0	0
30/08/13	03:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
30/08/13	04:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
30/08/13	05:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
30/08/13	06:00	1	0	0	1	0	0	0	0	0	0	0	20	20	20	0	0	0	1	0
30/08/13	07:00	6	0	0	0	3	2	1	0	0	0	0	24	27	28	0	5	1	0	0
30/08/13	08:00	21	2	1	4	7	6	1	0	0	0	0	18	22	27	4	15	1	1	0
30/08/13	09:00	33	1	0	4	11	12	5	0	0	0	0	21	25	28	1	28	4	0	0
30/08/13	10:00	42	0	2	4	19	12	5	0	0	0	0	21	25	29	1	32	7	2	0
30/08/13	11:00	47	0	0	3	20	21	3	0	0	0	0	21	25	28	0	35	11	1	0
30/08/13	12:00	38	1	0	3	13	19	2	0	0	0	0	22	25	28	2	32	3	1	0
30/08/13	13:00	42	0	0	13	20	9	0	0	0	0	0	19	23	27	0	32	9	1	0
30/08/13	14:00	42	0	2	8	9	18	5	0	0	0	0	18	25	29	1	37	3	1	0
30/08/13	15:00	53	0	2	6	23	17	4	1	0	0	0	21	24	29	3	39	9	2	0
30/08/13	16:00	47	1	0	4	20	16	4	2	0	0	0	21	25	28	2	37	6	2	0
30/08/13	17:00	48	0	3	2	15	24	4	0	0	0	0	21	25	29	0	39	8	1	0
30/08/13	18:00	71	0	0	2	22	38	8	1	0	0	0	23	27	29	3	56	9	2	1
30/08/13	19:00	45	0	1	6	6	20	8	4	0	0	0	22	27	34	2	39	2	2	0
30/08/13	20:00	30	0	0	4	8	16	1	1	0	0	0	21	26	29	1	28	0	1	0
30/08/13	21:00	12	0	0	1	6	5	0	0	0	0	0	22	25	28	1	11	0	0	0
30/08/13	22:00	9	0	0	1	3	3	2	0	0	0	0	22	26	31	0	8	0	1	0
30/08/13	23:00	9	0	0	0	4	5	0	0	0	0	0	22	25	28	0	9	0	0	0
30/08/13	24:00	5	0	0	1	1	1	1	1	0	0	0	25	28	32	0	4	0	1	0
30/08/13	06:00-09:00	60	3	1	8	21	20	7	0	0	0	0	21	24	28	5	48	6	1	0
30/08/13	15:00-19:00	211	1	4	14	63	98	24	7	0	0	0	22	26	30	7	171	25	7	1
30/08/13	06:00-22:00	586	5	11	65	205	238	53	9	0	0	0	21	25	29	21	473	73	18	1
30/08/13	00:00-24:00	606	5	11	67	213	246	54	10	0	0	0	22	25	28	21	491	73	20	1

31/08/13	01:00	3	0	0	0	2	0	1	0	0	0	0	21	26	32	0	3	0	0	0
31/08/13	02:00	3	0	0	0	1	2	0	0	0	0	0	21	25	27	0	3	0	0	0
31/08/13	03:00	4	0	0	0	2	1	1	0	0	0	0	24	27	28	0	4	0	0	0
31/08/13	04:00	2	0	0	0	0	1	1	0	0	0	0	27	30	32	0	2	0	0	0
31/08/13	05:00	2	0	0	1	0	1	0	0	0	0	0	19	24	28	0	0	1	1	0
31/08/13	06:00	2	1	0	0	0	1	0	0	0	0	0	7	17	27	1	0	1	0	0
31/08/13	07:00	3	0	0	0	1	1	1	0	0	0	0	25	28	32	0	3	0	0	0
31/08/13	08:00	16	0	0	2	7	7	0	0	0	0	0	21	25	28	0	14	1	1	0
31/08/13	09:00	26	2	0	4	7	10	3	0	0	0	0	18	24	27	2	21	2	1	0
31/08/13	10:00	45	0	0	9	16	15	5	0	0	0	0	19	24	29	0	42	2	1	0
31/08/13	11:00	68	1	7	8	26	24	2	0	0	0	0	17	23	28	7	49	6	5	1
31/08/13	12:00	54	0	2	9	21	15	6	1	0	0	0	19	25	30	0	47	2	5	0
31/08/13	13:00	52	1	3	10	21	15	2	0	0	0	0	17	23	28	2	42	4	4	0
31/08/13	14:00	56	0	1	14	15	19	6	1	0	0	0	18	24	30	1	50	3	2	0
31/08/13	15:00	60	0	2	7	20	28	3	0	0	0	0	21	25	28	3	54	3	0	0
31/08/13	16:00	57	0	1	6	23	24	3	0	0	0	0	21	25	28	1	52	3	1	0
31/08/13	17:00	35	0	0	5	15	14	1	0	0	0	0	21	25	28	0	28	6	1	0
31/08/13	18:00	40	1	2	8	13	14	2	0	0	0	0	18	23	28	3	30	4	3	0
31/08/13	19:00	16	0	0	2	6	6	2	0	0	0	0	21	25	30	1	12	2	1	0
31/08/13	20:00	16	0	1	1	6	7	1	0	0	0	0	22	25	29	1	14	0	1	0
31/08/13	21:00	14	0	0	5	7	2	0	0	0	0	0	19	22	25	1	12	1	0	0
31/08/13	22:00	6	0	0	1	2	0	3	0	0	0	0	23	27	32	0	5	0	1	0
31/08/13	23:00	9	0	0	0	5	2	2	0	0	0	0	21	26	31	0	9	0	0	0
31/08/13	24:00	10	0	1	2	4	3	0	0	0	0	0	18	22	29	0	9	0	1	0
31/08/13	06:00-09:00	45	2	0	6	15	18	4	0	0	0	0	21	25	29	2	38	3	2	0
31/08/13	15:00-19:00	148	1	3	21	57	58	8	0	0	0	0	20	24	29	5	122	15	6	0
31/08/13	06:00-22:00	564	5	19	91	206	201	40	2	0	0	0	20	24	29	22	475	39	27	1
31/08/13	00:00-24:00	599	6	20	94	220	212	45	2	0	0	0	20	24	29	23	505	41	29	1
01/09/13	01:00	10	0	0	1	5	4	0	0	0	0	0	23	24	27	0	10	0	0	0
01/09/13	02:00	6	0	0	0	3	2	1	0	0	0	0	22	27	30	0	6	0	0	0
01/09/13	03:00	4	0	0	1	1	1	1	0	0	0	0	25	26	26	0	4	0	0	0
01/09/13	04:00	2	0	0	0	2	0	0	0	0	0	0	24	24	24	0	2	0	0	0
01/09/13	05:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
01/09/13	06:00	1	0	0	0	0	0	1	0	0	0	0	34	34	34	0	0	1	0	0
01/09/13	07:00	2	0	1	0	0	1	0	0	0	0	0	13	21	28	1	1	0	0	0
01/09/13	08:00	8	0	1	0	4	3	0	0	0	0	0	21	23	27	0	6	2	0	0
01/09/13	09:00	9	0	0	0	6	3	0	0	0	0	0	22	25	29	0	8	1	0	0
01/09/13	10:00	40	1	1	8	14	15	1	0	0	0	0	19	23	27	7	33	0	0	0
01/09/13	11:00	45	2	4	6	18	12	3	0	0	0	0	18	23	27	2	37	2	4	0
01/09/13	12:00	53	0	1	6	23	19	3	1	0	0	0	21	25	29	12	35	3	3	0
01/09/13	13:00	49	0	2	6	19	18	4	0	0	0	0	20	24	28	1	42	4	2	0
01/09/13	14:00	63	1	2	10	27	20	3	0	0	0	0	20	24	28	2	55	5	1	0
01/09/13	15:00	49	0	1	9	17	18	3	1	0	0	0	19	25	28	2	35	10	2	0
01/09/13	16:00	47	1	1	6	19	19	1	0	0	0	0	19	24	28	1	44	1	1	0
01/09/13	17:00	53	1	7	6	29	9	1	0	0	0	0	18	22	26	4	42	3	4	0
01/09/13	18:00	34	0	2	5	10	15	2	0	0	0	0	19	24	29	1	25	7	1	0
01/09/13	19:00	17	0	0	1	6	9	1	0	0	0	0	22	26	28	1	15	1	0	0
01/09/13	20:00	16	0	0	3	7	3	2	1	0	0	0	18	25	32	1	15	0	0	0
01/09/13	21:00	8	0	0	1	2	5	0	0	0	0	0	22	24	26	0	8	0	0	0
01/09/13	22:00	4	0	0	0	0	3	1	0	0	0	0	29	30	30	0	4	0	0	0
01/09/13	23:00	6	0	0	1	1	3	0	1	0	0	0	23	27	28	0	6	0	0	0
01/09/13	24:00	3	0	0	0	0	3	0	0	0	0	0	27	28	30	0	3	0	0	0
01/09/13	06:00-09:00	19	0	2	0	10	7	0	0	0	0	0	19	23	28	1	15	3	0	0
01/09/13	15:00-19:00	151	2	10	18	64	52	5	0	0	0	0	20	24	28	7	126	12	6	0
01/09/13	06:00-22:00	497	6	23	67	201	172	25	3	0	0	0	20	24	28	35	405	39	18	0
01/09/13	00:00-24:00	529	6	23	70	213	185	28	4	0	0	0	22	25	28	35	436	40	18	0

01/06/13	01:00	16	0	0	5	7	2	1	1	0	0	0	18	24	29	0	16	0	0	0
01/06/13	02:00	10	0	0	1	7	1	0	1	0	0	0	21	24	26	0	10	0	0	0
01/06/13	03:00	3	0	0	0	2	1	0	0	0	0	0	23	25	27	0	3	0	0	0
01/06/13	04:00	4	1	0	1	1	1	0	0	0	0	0	18	19	24	0	3	0	0	1
01/06/13	05:00	4	0	0	2	1	1	0	0	0	0	0	20	23	25	0	4	0	0	0
01/06/13	06:00	4	0	0	3	0	0	1	0	0	0	0	20	23	20	0	4	0	0	0
01/06/13	07:00	29	0	1	10	9	7	1	0	0	1	0	18	23	27	0	25	11	3	0
01/06/13	08:00	81	4	10	37	21	7	2	0	0	0	0	15	19	23	4	65	11	1	0
01/06/13	09:00	115	14	30	51	18	2	0	0	0	0	0	11	16	21	4	100	8	3	0
01/06/13	10:00	139	6	28	80	19	4	2	0	0	0	0	13	18	21	2	124	12	1	0
01/06/13	11:00	240	30	84	112	14	0	0	0	0	0	0	11	15	18	11	212	15	1	1
01/06/13	12:00	254	30	77	118	27	2	0	0	0	0	0	11	16	19	10	232	9	2	1
01/06/13	13:00	235	30	68	108	26	3	0	0	0	0	0	11	16	20	11	210	13	1	0
01/06/13	14:00	236	43	44	114	33	1	1	0	0	0	0	9	16	20	7	220	7	1	1
01/06/13	15:00	238	23	50	136	28	1	0	0	0	0	0	13	16	19	9	220	6	0	2
01/06/13	16:00	214	20	44	117	31	2	0	0	0	0	0	13	17	21	12	199	1	0	2
01/06/13	17:00	182	30	45	78	28	1	0	0	0	0	0	9	15	21	10	160	7	4	1
01/06/13	18:00	230	24	40	131	30	5	0	0	0	0	0	13	17	21	8	218	3	0	0
01/06/13	19:00	164	17	34	74	37	2	0	0	0	0	0	13	17	22	6	153	2	2	1
01/06/13	20:00	123	10	24	57	22	9	1	0	0	0	0	13	18	24	4	116	2	0	1
01/06/13	21:00	73	1	2	37	24	8	0	1	0	0	0	18	21	24	1	71	0	1	0
01/06/13	22:00	47	0	1	23	21	2	0	0	0	0	0	18	20	24	0	46	1	0	0
01/06/13	23:00	52	3	6	33	9	0	1	0	0	0	0	15	18	22	3	47	1	1	0
01/06/13	24:00	34	2	2	16	10	3	0	1	0	0	0	16	20	23	0	33	0	1	0
01/06/13	06:00-09:00	225	18	41	98	48	16	3	0	0	1	0	15	20	24	8	190	20	7	0
01/06/13	15:00-19:00	790	91	163	400	126	10	0	0	0	0	0	12	16	21	36	730	13	6	4
01/06/13	06:00-22:00	2600	282	582	1283	388	56	7	1	0	1	0	13	17	22	99	2371	98	20	10
01/06/13	00:00-24:00	2727	288	590	1344	425	65	10	4	0	1	0	15	19	23	102	2491	99	22	11
02/06/13	01:00	24	1	0	9	12	1	1	0	0	0	0	18	21	24	1	22	1	0	0
02/06/13	02:00	10	1	0	3	3	3	0	0	0	0	0	19	21	26	0	9	1	0	0
02/06/13	03:00	13	2	1	4	3	2	1	0	0	0	0	12	19	26	1	11	0	1	0
02/06/13	04:00	8	2	0	0	3	2	0	0	1	0	0	6	22	27	0	7	1	0	0
02/06/13	05:00	4	0	1	1	0	0	2	0	0	0	0	19	24	31	0	4	0	0	0
02/06/13	06:00	7	0	0	1	5	0	0	1	0	0	0	21	23	24	0	6	0	1	0
02/06/13	07:00	16	0	0	8	7	1	0	0	0	0	0	18	21	24	0	15	1	0	0
02/06/13	08:00	26	3	3	11	8	1	0	0	0	0	0	13	18	22	1	21	4	0	0
02/06/13	09:00	92	18	19	29	23	3	0	0	0	0	0	9	16	22	5	77	8	2	0
02/06/13	10:00	148	27	34	62	25	0	0	0	0	0	0	9	15	21	14	123	9	2	0
02/06/13	11:00	164	35	43	71	14	1	0	0	0	0	0	9	14	19	18	142	4	0	0
02/06/13	12:00	240	33	47	138	20	2	0	0	0	0	0	11	16	19	12	218	7	3	0
02/06/13	13:00	273	49	69	131	20	4	0	0	0	0	0	9	15	19	18	244	6	4	1
02/06/13	14:00	201	19	49	106	24	3	0	0	0	0	0	13	16	20	12	187	2	0	0
02/06/13	15:00	190	20	45	90	33	2	0	0	0	0	0	13	16	21	9	175	5	1	0
02/06/13	16:00	205	15	57	106	26	1	0	0	0	0	0	13	16	19	11	190	2	2	0
02/06/13	17:00	235	19	48	134	31	3	0	0	0	0	0	13	17	20	5	222	6	2	0
02/06/13	18:00	237	13	41	136	40	7	0	0	0	0	0	14	17	21	7	224	5	0	1
02/06/13	19:00	141	12	13	84	29	3	0	0	0	0	0	14	18	21	3	135	1	1	0
02/06/13	20:00	83	9	7	44	21	1	1	0	0	0	0	14	18	22	3	80	0	0	0
02/06/13	21:00	81	9	7	45	17	3	0	0	0	0	0	15	18	22	4	72	4	0	1
02/06/13	22:00	50	1	0	29	13	7	0	0	0	0	0	17	20	25	0	50	0	0	0
02/06/13	23:00	38	4	6	10	12	5	1	0	0	0	0	13	19	25	2	34	1	1	0
02/06/13	24:00	9	0	0	4	3	2	0	0	0	0	0	18	22	27	0	9	0	0	0
02/06/13	06:00-09:00	134	21	22	48	38	5	0	0	0	0	0	13	18	23	6	113	13	2	0
02/06/13	15:00-19:00	818	59	159	460	126	14	0	0	0	0	0	14	17	20	26	771	14	5	1
02/06/13	06:00-22:00	2382	282	482	1224	351	42	1	0	0	0	0	13	17	21	122	2175	64	17	3
02/06/13	00:00-24:00	2495	292	490	1256	392	57	6	1	1	0	0	14	18	23	126	2277	68	20	3
03/06/13	01:00	1	0	0	0	1	0	0	0	0	0	0	21	21	21	0	1	0	0	0
03/06/13	02:00	3	0	0	2	0	1	0	0	0	0	0	19	22	26	0	3	0	0	0
03/06/13	03:00	1	0	0	1	0	0	0	0	0	0	0	18	18	18	0	1	0	0	0
03/06/13	04:00	0	0	0	0	0	0	0	0	0	0	0	-	-	-	0	0	0	0	0
03/06/13	05:00	3	0	1	1	0	1	0	0	0	0	0	13	19	27	1	2	0	0	0
03/06/13	06:00	18	0	1	8	8	1	0	0	0	0	0	18	21	23	0	17	0	1	0
03/06/13	07:00	57	3	3	23	20	3	5	0	0	0	0	18	21	25	3	49	4	1	0
03/06/13	08:00	336	38	48	179	66	5	0	0	0	0	0	12	17	21	10	313	13	0	0
03/06/13	09:00	334	41	73	175	41	4	0	0	0	0	0	11	16	20	10	306	17	1	0
03/06/13	10:00	179	23	35	90	28	3	0	0	0	0	0	11	16	21	7	153	18	1	0
03/06/13	11:00	178	36	41	85	16	0	0	0	0	0	0	9	15	19	4	166	6	2	0
03/06/13	12:00	184	18	47	88	29	2	0	0	0	0	0	13	16	21	7	162	14	1	0
03/06/13	13:00	186	16	33	116	19	2	0	0	0	0	0	13	17	19	5	169	10	2	0
03/06/13	14:00	182	25	49	89	18	1	0	0	0	0	0	11	16	19	12	149	17	1	3
03/06/13	15:00	227	13	53	129	32	0	0	0	0	0	0	13	17	20	5	211	11	0	0
03/06/13	16:00	230	18	58	133	19	2	0	0	0	0	0	13	16	19	6	211	13	0	0
03/06/13	17:00	266	31	91	116	27	1	0	0	0	0	0	11	15	19	10	246	9	1	0
03/06/13	18:00	241	32	66	120	22	1	0	0	0	0	0	11	15	19	15	219	5	2	0
03/06/13	19:00	155	26	34	75	19	1	0	0	0	0	0	10	16	20	6	139	6	2	2
03/06/13	20:00	124	7	11	68	33	5	0	0	0	0	0	16	18	22	7	114	3	0	0
03/06/13	21:00	82	8	5	37	23	7	1	1	0	0	0	14	19	23	1	76	2	3	0
03/06/13	22:00	53	4	5	24	13	6	0	0	1	0	0	15	19	24	1	49	3	0	0
03/06/13	23:00	15	7	0	6	2	0	0	0	0	0	0	3	13	20	3	8	2	2	0
03/06/13	24:00	14	1	1	5	5	1	1	0	0	0	0	16	20	24	0	13	0	0	1
03/06/13	06:00-09:00	727	82	124	377	127	12	5	0	0	0	0	14	18	22	23	668	34	2	0
03/06/13																				

01/06/13	01:00	11	0	0	3	6	2	0	0	0	0	0	20	22	25	0	10	1	0	0
01/06/13	02:00	8	0	0	4	4	0	0	0	0	0	0	19	21	22	0	8	0	0	0
01/06/13	03:00	3	0	0	0	3	0	0	0	0	0	0	21	22	22	0	3	0	0	0
01/06/13	04:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	0
01/06/13	05:00	5	3	0	1	0	1	0	0	0	0	0	6	13	17	1	3	1	0	0
01/06/13	06:00	12	2	0	1	7	2	0	0	0	0	0	20	21	24	0	12	0	0	0
01/06/13	07:00	30	4	0	6	16	4	0	0	0	0	0	18	21	25	1	24	4	1	0
01/06/13	08:00	73	9	3	31	26	4	0	0	0	0	0	15	19	24	3	56	11	3	0
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01/06/13	10:00	195	35	20	74	62	4	0	0	0	0	0	9	17	22	3	174	15	3	0
01/06/13	11:00	258	37	39	137	43	2	0	0	0	0	0	11	17	21	13	220	21	4	0
01/06/13	12:00	210	27	14	113	55	1	0	0	0	0	0	13	18	21	7	193	9	1	0
01/06/13	13:00	267	42	25	141	57	2	0	0	0	0	0	10	17	21	9	234	21	3	0
01/06/13	14:00	305	55	45	151	52	2	0	0	0	0	0	10	16	21	10	278	10	6	1
01/06/13	15:00	250	34	24	138	50	4	0	0	0	0	0	13	17	21	5	231	9	5	0
01/06/13	16:00	207	26	19	126	33	3	0	0	0	0	0	12	17	21	7	181	14	5	0
01/06/13	17:00	206	20	17	88	74	7	0	0	0	0	0	14	19	23	4	196	5	1	0
01/06/13	18:00	204	37	24	92	44	7	0	0	0	0	0	9	17	21	7	183	9	5	0
01/06/13	19:00	174	28	6	77	58	5	0	0	0	0	0	10	18	22	6	159	7	2	0
01/06/13	20:00	111	24	3	39	37	8	0	0	0	0	0	9	18	23	7	97	5	2	0
01/06/13	21:00	55	3	4	16	28	4	0	0	0	0	0	16	20	24	0	52	3	0	0
01/06/13	22:00	31	1	0	12	12	6	0	0	0	0	0	19	22	26	0	27	3	1	0
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01/06/13	24:00	39	0	2	18	14	5	0	0	0	0	0	18	20	24	0	38	0	1	0
01/06/13	06:00-09:00	223	37	10	77	87	12	0	0	0	0	0	14	19	24	14	179	23	7	0
01/06/13	15:00-19:00	791	111	66	383	209	22	0	0	0	0	0	11	18	22	24	719	35	13	0
01/06/13	06:00-22:00	2696	406	250	1281	692	67	0	0	0	0	0	12	18	22	92	2404	154	45	1
01/06/13	00:00-24:00	2808	416	253	1328	733	78	0	0	0	0	0	14	19	22	95	2508	156	48	1
02/06/13	01:00	18	0	0	9	7	2	0	0	0	0	0	19	21	23	0	18	0	0	0
02/06/13	02:00	8	0	0	4	4	0	0	0	0	0	0	20	21	22	0	8	0	0	0
02/06/13	03:00	9	2	0	3	3	1	0	0	0	0	0	7	18	23	0	9	0	0	0
02/06/13	04:00	5	1	0	1	3	0	0	0	0	0	0	20	19	22	0	4	0	1	0
02/06/13	05:00	8	1	0	2	2	2	1	0	0	0	0	19	22	26	0	7	1	0	0
02/06/13	06:00	6	1	0	2	1	2	0	0	0	0	0	20	21	27	0	5	1	0	0
02/06/13	07:00	25	2	1	7	12	3	0	0	0	0	0	16	21	24	2	21	0	2	0
02/06/13	08:00	55	4	2	14	31	4	0	0	0	0	0	19	20	24	3	51	1	0	0
02/06/13	09:00	62	11	3	27	19	2	0	0	0	0	0	9	18	22	1	57	4	0	0
02/06/13	10:00	175	36	30	72	34	3	0	0	0	0	0	8	16	21	17	150	7	1	0
02/06/13	11:00	210	31	30	116	27	6	0	0	0	0	0	11	17	21	8	192	7	3	0
02/06/13	12:00	213	31	36	114	31	1	0	0	0	0	0	11	17	20	9	193	7	4	0
02/06/13	13:00	260	57	31	131	40	1	0	0	0	0	0	8	16	21	17	229	8	6	0
02/06/13	14:00	273	38	36	130	65	4	0	0	0	0	0	11	17	21	6	254	7	6	0
02/06/13	15:00	254	28	21	134	64	6	1	0	0	0	0	14	18	21	10	236	3	5	0
02/06/13	16:00	206	31	20	106	47	2	0	0	0	0	0	11	17	21	8	189	4	5	0
02/06/13	17:00	193	27	14	113	38	1	0	0	0	0	0	13	17	21	11	173	8	1	0
02/06/13	18:00	146	20	5	75	44	2	0	0	0	0	0	15	18	21	2	140	3	1	0
02/06/13	19:00	89	11	3	37	31	6	1	0	0	0	0	15	19	24	3	84	1	1	0
02/06/13	20:00	91	13	4	31	37	4	2	0	0	0	0	13	19	23	5	81	5	0	0
02/06/13	21:00	46	1	1	17	20	7	0	0	0	0	0	19	21	24	1	44	1	0	0
02/06/13	22:00	28	1	1	10	14	2	0	0	0	0	0	19	20	22	0	28	0	0	0
02/06/13	23:00	22	0	3	7	9	3	0	0	0	0	0	18	21	25	0	22	0	0	0
02/06/13	24:00	15	0	0	5	9	1	0	0	0	0	0	19	22	24	0	15	0	0	0
02/06/13	06:00-09:00	142	17	6	48	62	9	0	0	0	0	0	15	20	23	6	129	5	2	0
02/06/13	15:00-19:00	634	89	42	331	160	11	1	0	0	0	0	14	18	22	24	586	16	8	0
02/06/13	06:00-22:00	2326	342	238	1134	554	54	4	0	0	0	0	13	18	22	103	2122	66	35	0
02/06/13	00:00-24:00	2417	347	241	1167	592	65	5	0	0	0	0	15	19	23	103	2210	68	36	0

03/06/13	01:00	2	0	1	0	0	1	0	0	0	0	0	14	21	27	0	2	0	0	0
03/06/13	02:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	
03/06/13	03:00	1	0	0	0	0	0	0	1	0	0	0	36	36	36	0	1	0	0	
03/06/13	04:00	2	0	0	0	1	1	0	0	0	0	0	22	26	30	0	2	0	0	
03/06/13	05:00	5	2	1	1	1	0	0	0	0	0	0	9	14	17	0	3	2	0	
03/06/13	06:00	12	2	0	1	7	2	0	0	0	0	0	20	20	24	1	10	1	0	
03/06/13	07:00	29	3	0	6	16	4	0	0	0	0	0	19	21	25	0	25	4	0	
03/06/13	08:00	153	27	3	90	31	2	0	0	0	0	0	9	17	21	4	129	13	7	
03/06/13	09:00	255	31	25	133	64	2	0	0	0	0	0	13	17	21	4	231	17	3	
03/06/13	10:00	192	28	13	90	57	4	0	0	0	0	0	11	17	22	4	166	19	3	
03/06/13	11:00	181	30	10	103	34	4	0	0	0	0	0	8	17	21	8	151	18	4	
03/06/13	12:00	191	43	28	77	41	2	0	0	0	0	0	8	16	21	10	154	25	2	
03/06/13	13:00	208	17	7	116	66	2	0	0	0	0	0	17	19	21	5	177	25	1	
03/06/13	14:00	192	26	21	96	41	8	0	0	0	0	0	11	17	22	4	168	16	4	
03/06/13	15:00	209	33	22	99	54	1	0	0	0	0	0	10	17	21	2	195	11	1	
03/06/13	16:00	240	25	21	155	34	5	0	0	0	0	0	14	17	21	4	217	15	4	
03/06/13	17:00	317	54	44	148	67	4	0	0	0	0	0	9	17	21	14	287	12	4	
03/06/13	18:00	325	56	39	156	71	3	0	0	0	0	0	10	17	21	18	295	11	1	
03/06/13	19:00	225	30	20	83	81	10	0	1	0	0	0	11	18	23	9	203	7	6	
03/06/13	20:00	112	12	6	45	40	8	1	0	0	0	0	15	19	24	4	102	5	1	
03/06/13	21:00	92	8	2	26	44	11	1	0	0	0	0	17	21	24	2	85	5	0	
03/06/13	22:00	40	1	1	16	19	3	0	0	0	0	0	19	21	24	0	39	0	1	
03/06/13	23:00	28	0	1	13	9	4	1	0	0	0	0	18	21	26	0	27	1	0	
03/06/13	24:00	18	0	2	8	4	3	1	0	0	0	0	18	21	26	0	18	0	0	
03/06/13	06:00-09:00	437	61	28	229	111	8	0	0	0	0	0	14	19	22	8	385	34	10	
03/06/13	15:00-19:00	1107	165	124	542	253	22	0	1	0	0	0	11	17	22	45	1002	45	15	
03/06/13	06:00-22:00	2961	424	262	1439	760	73	2	1	0	0	0	13	18	22	92	2624	203	42	
03/06/13	00:00-24:00	3029	428	267	1462	782	84	4	2	0	0	0	15	19	23	93	2687	207	42	
04/06/13	01:00	3	0	0	0	3	0	0	0	0	0	0	21	22	24	0	3	0	0	
04/06/13	02:00	2	0	0	0	0	1	1	0	0	0	0	27	31	34	0	1	1	0	
04/06/13	03:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	
04/06/13	04:00	0	0	0	0	0	0	0	0	0	0	0	--	--	--	0	0	0	0	
04/06/13	05:00	3	0	0	1	2	0	0	0	0	0	0	18	21	23	0	3	0	0	
04/06/13	06:00	13	2	0	3	5	3	0	0	0	0	0	16	20	26	2	8	0	3	
04/06/13	07:00	43	5	2	3	23	8	2	0	0	0	0	13	21	27	3	36	4	0	
04/06/13	08:00	147	26	9	77	32	2	1	0	0	0	0	10	17	22	5	122	13	6	
04/06/13	09:00	294	26	16	173	75	4	0	0	0	0	0	16	18	21	5	265	22	2	
04/06/13	10:00	205	23	10	108	61	3	0	0	0	0	0	15	18	22	6	182	15	2	
04/06/13	11:00	161	21	21	71	45	3	0	0	0	0	0	12	17	22	4	145	12	0	
04/06/13	12:00	188	25	18	102	39	4	0	0	0	0	0	12	17	21	4	162	20	2	
04/06/13	13:00	182	19	11	90	58	4	0	0	0	0	0	14	18	22	2	160	15	5	
04/06/13	14:00	206	33	13	110	47	3	0	0	0	0	0	9	17	21	7	182	15	2	
04/06/13	15:00	192	22	14	104	47	4	1	0	0	0	0	14	18	22	5	170	15	2	
04/06/13	16:00	248	33	13	134	62	6	0	0	0	0	0	13	18	21	9	216	22	1	
04/06/13	17:00	301	34	26	170	68	3	0	0	0	0	0	14	18	21	10	270	15	6	
04/06/13	18:00	319	41	19	160	91	8	0	0	0	0	0	14	18	22	13	289	14	3	
04/06/13	19:00	233	32	18	107	68	6	1	1	0	0	0	11	18	22	4	218	11	0	
04/06/13	20:00	156	29	11	59	50	7	0	0	0	0	0	8	18	23	4	141	9	2	
04/06/13	21:00	104	5	3	42	47	6	1	0	0	0	0	18	20	24	2	97	4	1	
04/06/13	22:00	44	2	1	21	19	1	0	0	0	0	0	19	20	22	0	41	1	2	
04/06/13	23:00	35	0	2	15	15	3	0	0	0	0	0	17	20	22	0	34	1	0	
04/06/13	24:00	16	0	0	4	10	2	0	0	0	0	0	20	22	25	0	16	0	0	
04/06/13	06:00-09:00	484	57	27	253	130	14	3	0	0	0	0	13	19	23	13	423	39	8	
04/06/13	15:00-19:00	1101	140	76	571	289	23	1	1	0	0	0	13	18	22	36	993	62	10	
04/06/13	06:00-22:00	3023	376	205	1531	832	72	6	1	0	0	0	13	18	22	83	2696	207	36	
04/06/13	00:00-24:00	3095	378	207	1554	867	81	7	1	0	0	0	15	20	23	85	2761	209	39	

3.5 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE BREXIT WORKING GROUP: [9704]

Question

Who are the members of the 'Brexit Working Group'; who decided its membership and make-up and, if political membership is exclusive to the Council of Ministers and its officers, will the Minister explain why; and will the Minister also explain whether other Members of the Assembly who have an interest in this matter will be given the opportunity to serve on the Working Group, and if not, why not?

Answer

The Brexit Working Group is a working-level group that comprises an official from each Department in government with an interest in Brexit. Each Department decided which official

should attend. It has no political membership. FERAG¹ has delegated responsibility for oversight of the Brexit Working Group to the Chief Minister, Minister for External Relations and the Assistant Chief Minister for Financial Services, Digital, Innovation and Competition.

A political briefing on Brexit for all States Members was held on 1st November 2016 when it was agreed that the continued involvement of States Assembly Members on a regular basis was important. I stand ready to take into account the Deputy's suggestions as to the best format for the next meeting, and for future engagement.

3.6 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE DEPARTMENT'S USE OF AGENCY SOCIAL WORKERS: [9705]

Question

Further to the answer provided to Written Question 9678 on 1st November 2016 and information subsequently circulated to Members, will the Minister advise:

- (a) How long each of the agency social workers employed by the Department has worked in the Island, listed individually by year; and
- (b) What number of agency workers have been employed through each of the seven agencies used by the Department?

Answer

- a) Please find below the listing, split by year, of the agency social workers and their period of employment by the Department for the years 2013 to 2016.

2013	
Social Worker	Contracted Months
201301	8
201302	6
201303	1
201304	6
201305	4
201306	5
201307	3
201308	2
201309	1

¹ FERAG is the acronym for the Financial Services and External Relations Advisory Group, chaired by the Chief Minister, with the following political membership: Minister for External Relations; Minister for Economic Development, Tourism, Sports and Culture; Assistant Chief Minister, Financial Services, Digital & Innovation and Competition; Assistant Chief Minister, Social Inclusion and Population; Deputy Chief Minister; Minister for Treasury and Resources.

2014	
Social Worker	Contracted Months
201401	11
201402	3
201403	4
201404	6
201405	4
201406	3
201407	3
201408	2
201409	3
201410	1
201411	1
201412	5
201413	8
201414	7
201415	12
201416	6
201417	3
201418	3
201419	2
201420	4
201421	12

2015	
Social Worker	Contracted Months
201501	1
201502	1
201503	6
201504	8
201505	4
201506	6
201507	6
201508	4
201509	3
201510	2
201511	3
201512	9
201513	2
201514	2
201515	3
201516	1

2015	
Social Worker	Contracted Months
201517	4
201518	1
201519	3
201520	5
201521	1
201522	4
201523	1
201524	4
201525	5
201526	7
201527	4
201528	2
201529	7
201530	4
201531	6
201532	2
201533	1
201534	1
201535	1
201536	1
201537	1
201538	4
201539	6
201540	9
201541	4
201542	4
201543	12
201544	12
201545	8
201546	3
201547	5
201548	1
201549	1
201550	1
201551	1
201552	1
201553	5
201554	3

2016	
Social Worker	Contracted Months
201601	9
201602	8
201603	2
201604	2
201605	9
201606	3
201607	9
201608	9
201609	4
201610	9
201611	9
201612	2
201613	8
201614	9
201615	2
201616	2
201617	7
201618	2
201619	5
201620	3
201621	3
201622	2
201623	5
201624	4
201625	3
201626	5
201627	1
201628	1
201629	9
201630	4
201631	2
201632	7
201633	6
201634	5
201635	3
201636	7
201637	5
201638	3
201639	3
201640	6
201641	1

2016	
Social Worker	Contracted Months
201642	3
201643	1
201644	4
201645	7
201646	5
201647	2
201648	1
201649	1
201650	1
201651	1
201652	1
201653	1
201654	1
201655	4
201656	1
201657	8

- b) The number of agency workers that have been employed through each of the seven agencies used by the Department during the period 2013 to 2016 is:-

Agency	No. of Agency Workers
Caritas	98
Liquid Personnel	16
Sanctuary Personnel	11
Gatenby Sanderson	6
Non-Stop Recruitment	4
Attenti	3
Seven Social Care	3
Total	141

3.7 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING TELEVISION LICENCES FOR RESIDENTS OVER 75: [9706]

Question

Further to the answer given to Written Question 8985 on 5th October 2015, will the Chief Minister list what formal correspondence, meetings and conversations have taken place with the BBC on behalf of Jersey; when specifically such interactions occurred and by whom they were undertaken; and state what was discussed?

Will the Chief Minister also confirm that it is his policy to pursue parity for Jersey's residents aged over 75 with those in the U.K. to have their licences provided free of charge by the BBC and, if not, explain why not?

Will he also state what formal discussions, if any, have taken place with Guernsey on the issue and, if none, will the Chief Minister undertake to engage jointly with Guernsey on this issue?

Answer

Since 2015, States of Jersey officers have been in regular discussions with the BBC and the Department for Culture, Media and Sport (DCMS).

These meetings have covered various subjects within the wider context of BBC Charter renewal. However, States of Jersey officers were tasked specifically with ensuring that the BBC continues to treat the Island fairly with regard to funding for TV licence concessions, and that Jersey continues to receive a high level of service provision from the BBC in the future, in terms of radio, television and other services (such as live coverage of States sittings).²

Where appropriate, these discussions have been conducted on a pan-Island basis with representatives of Guernsey and the Isle of Man, to ensure an equitable approach across the Crown Dependencies. In recent months, meetings between States of Jersey officers, the DCMS and the BBC took place on 16th December 2015 (with the BBC), 17th December 2015 (with the DCMS), 27th April 2016 (with the DCMS), 19th May 2016 (with the BBC), 16th August 2016 (with the BBC and the DCMS) and 04th November 2016 (with the DCMS).

Until a formal agreement has been finalised with the BBC, the full outcome of these discussions cannot be confirmed. However, it is worth noting that officers from the Digital Policy team and the London Office have developed a strong working relationship with their counterparts at both the BBC and DCMS over the course of the past year, and both parties have been receptive to Jersey's requests.

As mentioned briefly, these discussions have taken place within the broader context of agreeing an appropriate replacement to the Charter that forms the constitutional basis for the BBC, as well as an agreement that sits alongside it and adds a level of policy detail. Collectively, the two documents set out the public purposes of the BBC, they guarantee its independence, and they cover its various duties and funding. Both apply to Jersey, and both expire at the end of this year.

Further information will be provided once an agreement between the States of Jersey and the BBC has been finalised. This will be before the end of the year.

A brief statement will be made to the States Assembly that confirms the information contained within this written answer, in order to allow Members to ask questions on the matter.

3.8 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE SITE OF THE FORMER SWIMMING POOL AT FORT REGENT: [9707]

Question

² In early discussions it was established that the agreement between the UK Government and the BBC regarding age-related concessions to the TV licence only applies to people over the age of 75 in the UK and not to the Crown Dependencies. This is partly due to the fact that the social security systems of the jurisdictions are separate and distinct.

What plans, if any, are there for the demolition and / or development of the former swimming pool building at Fort Regent and, if none, will the Minister advise whether the current structure is the best use of the site?

Answer

The Department for Economic Development, Tourism, Sport and Culture is developing proposals for the regeneration of Fort Regent through development of the site. These proposals will define the potential for the site to be regenerated without recourse to public funds, consistent with capital funding allocation within the Medium Term Financial Plan.

There are no current proposals to demolish the swimming pool in its entirety, however the Department for Infrastructure is obtaining costings for the demolition of the bridge link to remove access to the swimming pool to prevent unauthorised entrance and vandalism.

A derelict swimming pool is clearly not the best use for the site, however in the absence of a planning approval for alternative development, maintaining the existing structure protects the development potential and underlying land value of the site. A successful proposal to secure demolition of the building as part of an outline consent would also provide that protection and would be a preferable step forward to determining a future use for the site. The attached correspondence from the previous Minister for the Environment sets out the planning position in 2012.

Minister for Planning and Environment

South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508
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4 July 2012

Deputy Noel
Malgre Tout
La Rue de Haut
St Lawrence
JE3 1JQ

10 JUL 2012
let to Arrondissement

Dear Deputy Noel

I am writing in response to your letter dated 26th June 2012, in which you raise the issue of the demolition of the swimming pool at Fort Regent.

Any such demolition would require planning permission, as demolition constitutes development under the Planning and Building Law 2002. It is not appropriate for me to comment about a possible planning application, but of course all of the relevant material considerations will be taken into account in determining any such planning application. Such matters will include the visual impact on St Helier and you rightly point out Policy GD5: Skylines, views and vistas of the Island Plan 2011 as one such consideration. It is also relevant to note that, from a heritage perspective, the Swimming Pool on the Glacis and the covered passageway across the Counterguard, have introduced buildings where there were none and they undermine the historical relationship and understanding of the Glacis and Counterguard as part of the defensive structure of Fort Regent, and any redevelopment of this site would need to address this issue.

You specifically request a mechanism whereby the site's future development potential can be protected, despite any demolition of the structure.

In this regard I cannot do more than state what the planning status of the site would be once the site has been cleared. It will of course have an existing planning history, which more recently has included the swimming pool building. Its planning status extends beyond that and also includes all previous uses on the site. At the current time, the site is within the built up area boundary for St Helier and is within the green backdrop zone. It is adjacent to protected open space, and is set within a site of significant heritage value. I would imagine that some built form and hard standing would remain, and therefore the site would be classed as a previously developed site, in any future decision.

Any future planning application will need to take into account the site characteristics, its history and be judged and determined against the policies in force at the time. As such I cannot predetermine what those policies will be and therefore it is impossible to provide an open assurance as to what the future status would be and what future decision would ensue.

I would have thought that a key issue for you to consider, which is outside of the planning system, but nonetheless could manifest itself in any comments about a future proposal, is the public perception of a cleared site, and the time lag between any demolition and any new proposal.

I hope these comments are of use.


Deputy R C Duhamel

3.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING APPLICATIONS FOR INCOME SUPPORT PERSONAL CARE COMPONENT LEVEL 4: [9708]

Question

Will the Minister advise what the timeline is for new Regulations to cover the introduction of the new component of Personal Care (PC) Level 4? Will she further advise when, how and by whom applicants for the new care component will be assessed? How many applications are envisaged from current recipients of PC Level 3 along with new applicants over the period outlined above?

Answer

Officers of the Social Security Department are preparing the necessary law drafting required for the introduction of the new flexible Personal Care component of Income Support. This has sometimes been referred to as Personal Care Level 4. The Regulations will be lodged early in 2017. This will leave adequate time to communicate to Family Nursing & Home Care (FNHC) customers prior to the planned introduction of the new component in July 2017, and for Social Security staff to prepare for any new claims or changes to existing claims.

Applicants for the new Flexible Personal Care component will have a package of care assessed by qualified staff in Health and Social Services, the value of which will then be incorporated into the calculation of Income Support entitlement. The care assessment will be similar to the current assessment process for the Long Term Care benefit. All current FNHC home care clients are being offered such an assessment by Health and Social Services, and this offer will be reiterated prior to any changes coming into force. Some are already claiming Income Support and they can choose to take up the new component when it becomes available without any further assessment. Some FNHC clients may choose not to apply for any assistance from Income Support.

It is not possible to give an estimate of how many new customers will choose to claim the new component, as a proportion of FNHC clients will not require assistance from Income Support, and will continue meeting their care costs themselves. Current recipients of Personal Care 3 (PC3) who have an assessment can choose to move to the new component if the cost of their 2017 care package exceeds the value of PC3 (which is currently £145.25 a week).

3.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING MEASURES TO REDUCE THE NUMBER OF OVER- AND UNDER-PAYMENTS IN INCOME SUPPORT: [9709]

Question

Will the Minister detail the “*operational improvements*” mentioned in answers given during questions without notice on 1st November 2016 in relation to the reduction in numbers of over- and under-payments in Income Support, and provide figures to show how such improvements have addressed the issue?

Answer

The reference to operational improvements on 1st November 2016 was made by Deputy Southern quoting from a recent Scrutiny report. The written response to that report made the following comment:

Operational review

The Panel acknowledged that their report was finalised without a discussion with the Minister for Social Security in respect of operational matters. On page 62 of the Review they note –

*This section contains accounts of some experiences of people living on a low income in dealing with applications to the Social Security Department. **The Scrutiny Panel has not yet had the opportunity to discuss all the issues raised in this section** with the Minister for Social Security but will take them up in a forthcoming Quarterly Hearing. The issues here provide significant authentic feedback to the department from their clients and the Panel considers it appropriate to include this section in our report **despite the fact that the Minister for Social Security has not yet had an opportunity to respond.***

(Emphasis added)

It is disappointing that the Panel were not able to discuss these issues with the Minister prior to publication. Over the last 12–18 months, there have been significant improvements in the administration of Income Support and in the treatment of claimants' applications, amongst a number of other areas. It is a shame that it was not possible for these improvements to be formally recorded in the Panel's findings.

The Social Security Department has invested heavily in improving the customer experience and the ability to deal with customer contact on a "right first time" basis. The full list of improvements made is extensive, but changes include an increase in staff capacity in customer facing areas, the introduction of online forms for certain benefits and changes, and the allocation of key officer contacts for third party partner organisations.

The result has been a considerable reduction in the time taken to process benefit applications and changes to existing benefits over the last year. For example, new claims to Income Support can now often be made and processed within 4 working days. Applications for a Special Payment are processed on the same day, changes to benefit are often made within one working day. This has made a real and welcome change to the customer experience. In particular, under and over payments of benefit have reduced.

The Panel suggests that moving to a general payment in arrears would reduce overpayments. However, this could also create significant difficulties for vulnerable claimants at the start of a claim or following a change in circumstance. Such a change would also require major administrative and IT changes, necessitating a considerable financial investment.

In addition to the information already published, please note that the Social Security Department has made significant and ongoing investments in improving its customer service. This has been made possible by smarter allocation of staff resources and our commitment to the States-wide LEAN initiative. Under and overpayments occur when a household is paid the incorrect rate of benefit, in most cases because there has been a delay in providing or processing the information needed to amend the claim. Therefore, the numbers and durations of these under and overpayments can be reduced by both encouraging customers to provide the correct information as soon as a change occurs to their entitlement and improving our processing times.

In recognising this the Department has invested heavily in improving the customer experience and in our ability to deal with customer contact on a "right first time" basis. This has led to a considerable reduction in the time taken to process benefit applications and changes to existing

benefits. As noted this has the effect of reducing under and over payments, because the longer a change takes to action, the longer a household is paid the incorrect rate of benefit.

In terms of specific improvements, at the beginning of 2016, we expanded the number of Income Support desks in our front office to 8. This has allowed us to carry out more activity with our customers in real time, meaning that a customer with a change to their entitlement can visit the Department and have the change applied to their claim immediately. This reduces the potential for over or underpayments by making it easier for customers to give us the right information with the minimum of delay and for any queries to be resolved at the same time. This task was previously split into a number of separate back office processes and took much longer to complete.

An online form has recently been introduced allowing the customer the option of completing an electronic form to inform us of any change in their income, and this is actioned by the next working day. Also, if a customer emails us any information about changes to their claim, this is generally actioned within two working days.

A certain level of overpayment is an inherent feature of a benefit system that pays in advance. It has been suggested that Income Support should shift to paying in arrears, but this could create significant difficulties for vulnerable claimants at the start of a claim or following a change in circumstance. A change from paying in advance to paying in arrears would require major administrative and IT changes, necessitating a considerable financial investment.

3.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE RESPONSE TO RECOMMENDATION 10 OF 'LIVING ON LOW INCOME' (S.R.4/2016): [9710]

Question

Will the Minister detail the arguments, and provide the underlying figures, which were used to support the rejection of Recommendation 10 of 'Living on Low Income' (S.R.4/2016), namely that an officer from the Department take on the role of pursuing absent parents for maintenance on behalf of lone-parent recipients of Income Support?

Answer

The published response of the Minister in respect of recommendation 10 noted that:

“The Minister accepts that it is sensible to investigate what support could be made available to help parents pursue maintenance. This investigation will be carried out in conjunction with the results of the Access to Justice Review, currently being undertaken by the Chief Minister’s Department.

The Minister will request officers to investigate how families can be better helped to secure maintenance. However, the Minister does not consider that creating a role and hiring an officer would be cost effective.”

A significant number of lone parents already have maintenance agreements in place with absent partners supporting their children on an ongoing basis. Of those lone parents that do not receive maintenance, there are several categories where maintenance will never be expected, for example:

- The other parent is deceased
- The child is a grandchild, or has been fathered through a donor process
- The parents have a 50/50 shared care arrangement

In other situations, it may be possible to collect maintenance in the future, but not under the current circumstances, for example:

- Parent is also on benefits or has no current income
- Parent is in prison
- Safeguarding concerns
- Parent's whereabouts are not known.

Of the minority of claims where maintenance could be pursued and is not being received, a range of appropriate actions is already available. Aside from the recently-increased disregard on maintenance income within Income Support, the States of Jersey already provides assistance for parents wishing to pursue maintenance, in part by funding some of the cost of Citizens' Advice, and through the Petty Debts Court.

As proposed in the Scrutiny review, an additional post within Income Support would necessitate funding an individual with an appropriate legal qualification, and it is difficult to justify this expense for the relatively small number of claims which could be successfully pursued within the remit of the legal powers available in Jersey.

As a comparison, the UK's Child Maintenance Service (CMS) operates with specific legal powers, and can operate based on an economy of scale for the size of the United Kingdom. Even so, the CMS generally cannot pursue maintenance where the ex-partner has left the country, and was reported in 2012 to have inherited approximately £3.8 billion of arrears³ from the former Child Support Agency.

The Minister is keen to investigate solutions that would help parents who would benefit from receiving any maintenance that is due to them. As noted in the joint ministerial response to the Scrutiny Panel's Review, the Minister accepts that it is sensible to investigate what support could be made available to help parents. This investigation will be carried out in conjunction with the results of the Access to Justice Review, currently being undertaken by the Chief Minister's Department.

3.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE DEGREE OF SUCCESS IN REDUCING POVERTY: [9711]

Question

Will the Minister advise what degree of success she and her predecessors have had in achieving the "*aim of reducing poverty*", as outlined in Section 8 ('Measuring Success') of 'Income Support System' (P.86/2005), using the measures which were proposed therein, namely:

- (a) 50% of median income (before and after housing costs);
- (b) 60% of median income (before and after housing costs);
- (c) The Gini Coefficient; and
- (d) 90/10 percentile?

Answer

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214338/cm-arrears-and-compliance-strategy-2012-2017.pdf

The Deputy’s question refers to a report produced in 2005, well in advance of the introduction of Income Support in 2008. The four measures referred to at that time are standard measures used internationally to provide overall information about the income distribution within a particular jurisdiction.

These statistics require a detailed income distribution survey to be undertaken and results are publicly available in respect of the surveys undertaken in 2009/10 and 2014/15. These results reflect the behaviour of the economy as a whole and cannot be used on their own to determine the success of a benefit system.

These reports are available on the gov.je website:

[2009/2010](#)

[2014/2015](#)

Since 2011, an Annual Report has been published providing an extensive range of information on the Income Support system itself.

These reports are available on the States Assembly website:

2011 [R.126/2012](#)

2012 [R.134/2013](#)

2013 [R.123/2014](#)

2014 [R.111/2015](#)

2015 [R.104/2016](#)

The report for 2015 identified two key areas demonstrating the success of Income Support over the previous five-year period. An extract from the report is set out below:

“The previous five years have seen a significant decrease in the percentage of Income Support households that are wholly reliant the weekly benefit as their source of income.

Table 1 shows that this trend can be seen across all household types.

Year	65+	Adult/s without children	Adults with child/ren	Single adult with child/ren	Total
2011	1%	34%	6%	20%	18%
2012	1%	34%	6%	17%	19%
2013	1%	32%	6%	17%	17%
2014	1%	29%	4%	17%	15%
2015	1%	25%	2%	14%	13%

Table 1: *Percentage of Income Support households wholly reliant on Income Support by year and household type as at 31 December, 2011 to 2015.*

Over the previous five years from 2011 to 2015, the percentage of working age households with no adults with earned income has decreased steadily from 60% to 49%. In addition, the percentage of children in workless households has decreased at a similar rate, as shown in

Table.

<i>Year</i>	<i>% of Working Age Households with No Earned Income</i>	<i>% of All Children in Working Age Households with No Earned Income</i>
2011	60%	39%
2012	58%	35%
2013	55%	35%
2014	52%	32%
2015	49%	28%

Table 2: *Percentage of children in households with no earned income as at 31 December, 2011 to 2015.*”

3.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE FUNDING OF HOME CARE: [9712]

Question

Further to the answer supplied to Written Question 9681 on 1st November 2016, will the Minister provide for the years 2015 and 2016 a breakdown of the funding allocated for the delivery of the following services, with the figure for each service shown separately; will he advise whether 2017 funding levels have now been agreed and, if so, will he also supply the figures agreed for 2017 for these services?

- (a) District nursing
- (b) Sustained home visiting
- (c) Enablement
- (d) Rapid response
- (e) Children's services (Including palliative care)
- (f) Home care provision

Answer

Family Nursing & Home Care funding		
	2015 £'000's Actual	2016 £'000's Forecast
District Nursing, Home Care and Children's Services (health visiting, school nurses,	6,402	5,970

community paediatrics)		
Rapid response	462	531
Reablement	180	200
Sustained home visiting (children)	335	335
Total funding for FNHC	7,379	7,036

As stated in the answer to written question 9681, the intention is to agree the funding for 2017 by 30th November 2016.

4. Oral Questions

4.1 Deputy R.J. Renouf of St. Ouen of the Minister for Social Security regarding the provision of information relating to people with a zero-hours contract: [9717]

Will the Minister provide regular updates, to coincide with the publication of the Jersey Labour Market Survey reports, relating to the number of people with a zero-hours contract as their main job, and the industries worked in by those with a zero-hours contract as their main job?

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

The Labour Market Survey collects information on employees, their type of contract and their industry. This information is gathered under the Control of Housing and Work Law, which is the responsibility of the Chief Minister. The Labour Market Survey is published by the Chief Statistician. I have already asked the Chief Statistician and he has agreed to include information on the number of unique individuals who only have zero-hours employment within the main Labour Market Survey.

[9:45]

This is published twice a year. This figure will give a reasonable estimate of the number of people who have a zero-hours contract as their main job and will be included within the Labour Market report itself. However, to check accurately the number of people who are zero-hours contract as their main job the earnings data held by Social Security needs to be cross-matched against the manpower data collected by the Chief Minister to identify people who gain most of their earnings from the zero-hours contract but also have a separate contract, which is not zero hours. People in this category cannot be identified from the data available for the manpower survey. This detailed analysis and the other information which relies on cross-matching between manpower data and Social Security data is being undertaken and this analysis will be published in the next few weeks. In future this cross-matched information will be published once a year in respect of the June data.

4.1.1 The Deputy of St. Ouen:

It is pleasing to note that some action is now being taken by the Statistics Unit and the Minister's commitment to publish that information at least once a year. Given the significance of zero-hours working in the Island would the Minister agree that it is important for this Assembly to have that information?

Deputy S.J. Pinel:

Yes, but as I said in my opening comments, it has to be cross-matched with the Statistics Unit and it will be published based on the manpower returns.

4.1.2 Deputy G.P. Southern:

Does the Minister not further agree that given the prevalence of zero-hours contracts in Jersey she should act to improve our Employment Law to give those concerned more protection?

Deputy S.J. Pinel:

I think I have answered this question many times previously, that we have already this year changed the Employment Law to give more protection to people on zero-hours contracts and I think there is a misunderstanding across the board that we are not like the U.K. (United Kingdom) when it comes to protection for people on zero-hours contracts. People on zero-hours contracts have the protection of Employment Law, i.e. they have a statutory 2-weeks' holiday pay, they have protection against unfair dismissal, maternity rights, and this is not the same as the U.K. and so this protection already exists.

4.1.3 Deputy M. Tadier of St. Brelade:

Does the Minister, notwithstanding that answer about the protection she believes that workers on zero-hours contracts have, acknowledge that there is not a parity of arms when it comes to somebody in that position necessarily knowing about their rights to contesting what may appear to be a zero-hours contract but which is being used inappropriately and that more needs to be done to inform and empower workers who may be subject to an abuse of zero-hours contracts?

Deputy S.J. Pinel:

Again, as I have said previously, there is no evidence of abuse or misuse of zero-hours contracts. However, the Health and Social Services Scrutiny Panel did advise us that we should be more informative across the board about the rights of workers on zero-hours contracts and that has already been done by J.A.C.S. (Jersey Advisory and Conciliation Service) in their website and in their information.

4.1.4 Deputy M. Tadier:

Clearly if one keeps one's eyes shut and puts one's finger in one's ears then one will not find evidence no matter how much evidence there is out there. But does the Minister acknowledge that there is evidence of the fact that exclusivity clauses are being misused and she need look no further than the Scrutiny Report that was just done by the relevant panel to find that evidence?

Deputy S.J. Pinel:

No, we have not come across, and this will come up in the debate and the amendment in P.92 later. There has been no evidence that we have come across in Social Security with our inspectors or with J.A.C.S. at all of any misuse of zero-hours contracts and the exclusivity clauses therein.

4.1.5 The Deputy of St. Ouen:

Does the Minister accept the information recently provided by the Statistics Unit, and which are circulated to all Members, that it is likely there are 4,700 people working on zero-hours contracts as their main job?

Deputy S.J. Pinel:

As I said in my opening comments, you cannot get the information totally accurately just from one source. It has to be cross-matched with the Social Security Department. What you can do with the information that the Deputy circulated is to count how many people only had zero-hours contracts and this will be an under-estimate of the number of people with zero hours as their main job. The

data circulated by the Statistics Unit gives this simpler analysis. The analysis that the Social Security Department is working on takes the manpower data and compares it with Social Security data on contributions. So anyone who has a zero-hours contract and another contract is left out of the zero hours total as it is assumed that the non-zero-hours contract is the main one. So, as I said in my opening comments, the 2 need to be worked together and cross-referenced in order to give an accurate total.

4.2 Senator S.C. Ferguson of the Minister for Economic Development, Tourism, Sport and Culture regarding the grant provided to the Jersey Rugby Club: [9713]

Has use of the grant provided by the department to Jersey Rugby Club met its objectives, and does the Minister intend to renew it?

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

The Senator's question assumes that my department provided grant funding to the rugby club. We did not, and do not. We sponsor a club that performs on the national stage at one of the highest levels of sport with a huge following in exchange for a package of marketing and promotional services. The sponsorship benefits are used carefully to promote the Island to sports tourists and as part of Jersey's highly successful and much-needed inward investment programme. The result captured in visitor numbers and inward investment growth speak for themselves, not to mention the numerous other benefits that sponsorship such as this brings. If we are offered the opportunity for the 2017 season it will be evaluated, as it has in all previous years, and considered against the potential benefits and previous performance set against the cost.

4.2.1 Senator S.C. Ferguson:

I should note that I am a big supporter of the rugby club and the academy they provide. But there are something in the order of 378 visitors to matches, and deducting the departmental representation this is about 300. According to the Freedom of Information I have received resulting from the international matches there are 3 high-net-worth individuals and 3 investment businesses. So there is not a great deal of return in tax, so is this a reasonable return?

Senator L.J. Farnham:

Yes, it absolutely is a reasonable return. In fact, it is an excellent return, because while you cannot quantify the total financial benefit of inward investment companies and high-net-worth individuals, just the tax from the high-net-worth individuals repays the sponsorship probably twice over. But it is more about that. The Senator should remember that sponsorship of sport helps to build communities in the Island. Especially now, we have all heard in the last week that the going is getting tough for Jersey Rugby Club so rather than toss a few grenades into the equation we should be getting behind them and finding ways to support them. But on top of that, I would like to say that just the rugby club alone, just from their own admin, have been contributing in social security, I.T.I.S. (Income Tax Instalment Scheme), G.S.T. (Goods and Services Tax) and accommodation to the tune of about £1 million in the last 4 years. That is just in the administration of the club and its players and their players' affairs. Not to mention the additional visitors that come to the Island to watch rugby. So I have no doubt that our sponsorship has been helpful. It has helped Locate Jersey to develop business and it is good for the Island.

4.2.2 Deputy A.D. Lewis of St. Helier:

I am sure the Minister will agree the multiplier effect on the economy of sponsoring the rugby club is significant. Does he have any figures to hand that he can make Members aware of as to what the economic multiplier effect is of investing in the rugby club in the way that you currently do?

Senator L.J. Farnham:

If we look at the increasing visitor numbers, there are some there. I cannot recall them off the top of my head, but since 2014 we have seen a considerable increase in staying leisure visitors and we know much of that has been attached to sporting and other types of events. I will try and get some more accurate information relating to the rugby club, but it does bring in visitors. They do stay, they do spend; it is very beneficial to the economy.

4.2.3 Deputy M. Tadier:

Would the Minister confirm that his department has ruled out giving any financial support to the Jersey Rugby Club given the fact that they find themselves in financial difficulty?

Senator L.J. Farnham:

We have not needed to rule it out, because we have not been requested to. I think if the States were to be approached, it would be a matter for the Minister for Treasury and Resources. But I have spoken with the chairman of the rugby club, who has been keeping the department briefed, and as Members may know from the media they have made new financial arrangements, which will see them through the rest of this year and set them up, hopefully, for the next 5 years. The arrangements they have made with the sale and lease back of some of the club's assets are based on a very reasonable 5-year plan.

4.2.4 Deputy M. Tadier:

But given the importance that the Minister said that Jersey Rugby has - I think which we all agree with - not just in economic terms but across the board, would he give an undertaking that if necessary his department will be willing to underwrite the future of Jersey Rugby Club to make sure that they are successful, so that the continuing good work that they do cannot go under?

Senator L.J. Farnham:

I am sure that all Members will join me in saying that we would not sit by and let professional rugby in this Island disappear because of financial restraints. However, it is only right that the Jersey Rugby Club are given time and allowed to sort out their own financial affairs. That is exactly what they have done and I commend them for doing that. **[Approbation]**

4.2.5 Deputy G.P. Southern:

Will the Minister confirm that he is prepared to circulate some figures which show the direct benefit of the rugby club to the Island's economy?

Senator L.J. Farnham:

I will do that with absolute pleasure, although I am surprised the Deputy needs those figures. The benefit of the rugby club, in its entirety to this Island and its community, is huge. But I will circulate figures.

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

Notwithstanding the benefit of the rugby club, and I am a great rugby fan myself, up there on a Saturday afternoon. But the follow-up Senator Ferguson asked the Minister was there was around, I think, 70 employees from the department who attend regularly. I would like to know who pays for these people to attend regularly, and they do attend regularly. Is it the corporate or is it the department? How do you justify it if it is the department?

Senator L.J. Farnham:

I think the Deputy's figures are incorrect, because it is nothing like 70 members of staff. On occasions, as part of the sponsorship package, Locate Jersey get tables for the sponsors' lunch at home matches where usually an officer and a Minister, or Assistant Minister, will attend with invited guests, and the expenses are paid for as part of the sponsorship package.

4.2.7 Senator S.C. Ferguson:

From the figures that I have been looking at, it is probably about 6 or 7 members attend each week. However, a grant/sponsorship is money from the States. The lady at the bookshop and I have had the greatest trouble trying to find the accounts. It was agreed some years ago that all organisations receiving money from the States in grants, or sponsorship, or so on, would supply a set of accounts which would be available at the bookshop. We could not find them. Would the Minister like to dig out the accounts please and circulate them to States Members?

Senator L.J. Farnham:

There is a level of an amount and I am not sure, the Senator should know, because I think it was on her proposition that was introduced, that organisations in receipt of States money over a certain amount, I think it is £100,000, in any one year must produce accounts.

[10:00]

The Economic Development sponsorship has never exceeded that amount in any one year. It started at £78,000 for the 2012 season and has gradually reduced and this season the total sponsorship is £18,375.

4.3 Deputy K.C. Lewis of St. Saviour of the Chief Minister regarding the level of personal information required of Islanders by Jersey banks: [9718]

What representations, if any, has the Chief Minister received regarding the level of personal information required of Islanders by local banks; can he advise whether Islanders are being asked to provide much more information than previously and, if that is case, is he aware of the reasons why?

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

Could I ask Senator Ozouf to answer this question, as it falls within his remit?

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

Jersey banks are required to comply with legislation that protects the Island from the threat of money laundering and terrorist financing. This legislation is implemented, so to be in accordance with the international standard set by bodies such as the F.A.T.F. (Financial Action Task Force) and the O.E.C.D. (Organisation for Economic Co-operation and Development). I am sure that Deputy Lewis will be aware of the recent results of the assessment by MONEYVAL in 2015 against those standards and of the high standards of conduct expected by our banks and in Jersey generally and the high marks that Jersey got. I cannot really say whether specific Islanders have been asked in very recent times to provide more information than they were previously; however, recent changes to legislation should not really change the impact on banks that were required to effectively undertake K.Y.C. (Know Your Customer) and A.M.L. (Anti-Money Laundering) checks. It is up to individual banks to decide how they approach and implement the requirements. Given the international focus on this whole area and the actions taken by the regulators - all of the international focus on this issue, fines of 300 billion by the US to certain banks for non-compliance of these issues - there is never before more importance than, effectively, banks knowing who their

customers are and, now, the additional information of where their tax domicile, or where their tax residency is.

The Bailiff:

Assistant Chief Minister, K.Y.C., A.M.L., just for the benefit of the listening public.

Senator P.F.C. Ozouf:

I am sorry. K.Y.C., know your customer and anti-money laundering.

4.3.1 Deputy K.C. Lewis:

I think we are all very much aware of the world situation and funds going from one country to another, but local Islanders having presented passports, utility bills, many years ago to open accounts, some people have been with the same bank 40, 50 years. Is the Assistant Minister aware that many people have been very upset by banks recently demanding yet more personal details, including social security number, income tax number and very personal details of any income coming in whatsoever - I am not sure how they can check social security number and income tax number without breaching data protection - with some customers having their accounts shut down because they did not respond to a request. Does the Minister agree that this is unjust?

Senator P.F.C. Ozouf:

I do not and I will have to consult with my colleague, the Minister for Treasury and Resources. It is a requirement, as I am sure the Deputy knows, that income information is shared internationally by a competent authority; this Assembly is passing shortly the new international standard of the F.A.T.C.A. (Foreign Account Tax Compliance Act) arrangements whereby information on income must be shared with other authorities, and particularly, in the first instance, the United States and the United Kingdom. There is now an international standard, which the Minister for External Relations has before the Assembly shortly, which was signed in Berlin at the end of 2014. It is normal that banks will be collecting information and they will be ... the good news is they will be able to be populating people's tax returns so that they do not have to go and fill that information themselves. That means that, for example, people can have a tax return automatically filled in, like Deputy Wickenden and I saw in Estonia, which means that, for example, bank interest automatically is on the tax return, so the individual, who has nothing to hide, does not have to do anything at all. We can expect more compliance and more information to be held by banks, so that anti-money laundering, tax evasion, can be dealt with.

4.3.2 Deputy S.M. Wickenden of St. Helier:

I am glad the Assistant Minister mentioned Estonia. Estonia currently use additional I.D. (identification) or an e-residency programme that the financial services use within their K.Y.C. Could the Assistant Minister give us his views on that and whether he is working with our financial services to look into this solution?

Senator P.F.C. Ozouf:

I think Deputy Wickenden might know the answer to that question, and the answer is: yes. That is the only thing that I would say. I think that all of us are frustrated, perhaps, in needing to take a utility bill and most of the Members of the Assembly will be P.E.P.s, that is politically exposed persons and, of course, there is enhanced due diligence on P.E.P.s, that means people in political office and, effectively, what Deputy Wickenden is saying is that if we can have a verified and vetted universal identifier that will mean that the banks do not have to ... the J.F.S.C. (Jersey Financial Services Commission) accepts it and we are in discussion with the J.F.S.C. That means that we will not have to do the sort of old-fashioned kind of checks of taking in passports, because

there will be a central database of knowing vetted and verified individuals, which will also be able to be rolled out for government services.

The Bailiff:

Can we come back to Deputy Kevin Lewis's question please?

Deputy M. Tadier:

May I raise a point of order?

The Bailiff:

Excuse me, Deputy, I am talking. That was right at the very edges of the margins, Deputy Wickenden, and to turn it into a question from the Assistant Minister to the Minister about his own subject is not appropriate.

Deputy M. Tadier:

I think you just ruled on the point of order I was going to raise, Sir.

4.3.3 Deputy T.A. Vallois of St. John:

Could the Assistant Chief Minister advise what he would recommend for people to do, who have experienced issues where they have provided such sensitive information to the banks and been advised that their accounts have been closed down, because they have not provided the information, and the information has been lost? There have been many applications to the Data Protection Commissioner with regards to this particular situation and there are serious concerns about the sensitive information going missing.

Senator P.F.C. Ozouf:

First of all, the banks are all subject to, of course, the most stringent oversight by the Financial Services Commission, who are, of course, the regulator and they will be, of course, being assessed on to their compliance with the standards of knowing who their customers are. There is an ombudsman now, so people do have that additional ability to complain in the ... I am not exactly sure it does not fall within my remit, but I certainly think that that is an option and I will correct it if is not right that they cannot ask the ombudsman. But, certainly, there have been banks, and let us be frank about it, that have been having to do some pretty serious due diligence on their whole portfolio of clients, and that has caused a number of people to be concerned. I understand why Deputy Lewis is asking the question. People at banks ... I have banked with my bank for 46 years but they still want to know my passport and have 2 utility bills. I never say do they know who I am, but I assume they do. But they need to make this requirement. Deputy Wickenden's question, I know you ruled it inappropriate, but having a verified and central database of people, knowing who they are, that is being held by the J.F.S.C., can be relied upon by banks, is going to be a much better solution.

4.3.4 Senator S.C. Ferguson:

Given that most of us, or a lot of us, have 2, or 3, accounts at the banks, and given that some of us have already given 2, or 3, copies of our passport, does not the Assistant Minister consider that some of this demanding of information is somewhat Orwellian and, perhaps, over the top?

Senator P.F.C. Ozouf:

I, certainly, have had views expressed in forthright terms from different clients at different banks that the approach, in implementing the stringent requirements of the international community, have varied. It is up to the individual banks to apply those standards in their own way and they will be assessed. The point I would make to Senator Ferguson is that people have a choice. If a bank does

not ... they are not nationalised banks. We cannot tell them what to do. They have to comply with the standards and if a bank is being, effectively, repeated in terms of their requests, then customers will make choices about who they will deal with. There are banks that will deal with the absolute requirements of the letter of the regulations, but will implement it in an appropriate way, rather than repeated requesting of information that has already been received. The market place will be well aware of those banks that are doing a friendly job in difficult circumstances, but a correct job, and those that are basically doing it inefficiently.

4.3.5 Senator S.C. Ferguson:

But is the Minister aware that a number of our clearing banks are, in fact, branches of the main U.K. company and, therefore, are using U.K. money laundering rules and not Jersey money laundering rules?

Senator P.F.C. Ozouf:

Of course I am aware of the banks being branches or subsidiaries. That is the whole debate that is going on and we are seeing a whole series of changes with our financial institutions with the ring-fencing arrangements. There is a whole series of different changes. But this is not the jurisdiction of the United Kingdom, this is Jersey. We have our own regulatory authority and our own regulatory authority which, if I may say, does a splendid and excellent job, as evidenced by the MONEYVAL report, and it is not simply the lifting of U.K. regulations into Jersey. It is the Jersey approach, by Jersey institutions, and they do that job. We collect much more information than other places; beneficial ownership registers, all the rest of it. We stand to stay an exemplar jurisdiction, may I say, better than some other jurisdictions, and that is why we are growing as a finance centre.

4.3.6 Deputy K.C. Lewis:

We are all aware of the K.Y.C. and know your clients, and I am sure everybody is against any kind of money laundering and terrorist money coming to the Island. But I am talking about local customers that have been with the bank 40, or 50 years, who are being unjustly criticised. I am glad that Senator Ferguson mentioned Orwellian, because Big Brother certainly came to mind with banks going to have access to income tax details. That is very worrying indeed. But most people that contact me just think that the demands are over the top, because they already have the passport and utility bills and to keep demanding more and more information is unnecessary, insulting and intrusive and downright rude. Does the Minister not agree?

Senator P.F.C. Ozouf:

I do not know why Deputy Lewis is surprised. This Assembly has debated, and has had explained to it, the new standards that are required that banks have to put information to the Jersey Tax Authority and exchange that information automatically with the United Kingdom and the United States; and now the international standards that were signed in Berlin, all of the multilateral convention on mutual assistance, *et cetera*, and that that information is going to be transmitted to the relevant tax authority. So, therefore, an old record that had somebody without their tax residency being known did need to update their records. That information does need to be gathered and there is an obligation to report that. Deputy Lewis, if he wants to come into the Financial Services Unit to understand what is going on, that is the world that we live in. We have to collect information on income ...

The Bailiff:

Try and keep the answer short.

Senator P.F.C. Ozouf:

... put it to the Tax Authority and it must be basically transferred to the relevant competent authority around the world. There is no place for hiding income anymore. That is why we are growing as a finance centre because we do it properly.

4.4 Deputy G.P. Southern of the Minister for Social Security regarding statements made during a Scrutiny Panel hearing in relation to the use of food banks: (9719)

In light of the recent report into the use of foodbanks, will the Minister accept that her statement to the Health and Social Security Scrutiny Panel on 5th May 2016 that “a very large proportion of the people” claiming food parcels were not entitled to income support and had not been in Jersey for 5 years was incorrect, and what was the evidential basis for that statement?

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

The recent survey, commissioned by the Minister for Housing, has given us for the first time a demographic breakdown of foodbank users and we are very grateful to her for commissioning that. I think it is true to say that I was a little surprised by the results, which did not match the anecdotal information that I had been given previously. The report confirms that users were more likely to be male, born in Jersey, age 35 to 54, and single with no children. During the Scrutiny hearing on 5th May, it was confirmed that a survey was being undertaken and we were waiting for the results.

[10:15]

It was also confirmed that officers from the department were now working much more closely with foodbank organisations and were gaining a better understanding of the users of this service. The published report has now recorded this information as a point for future reference.

4.4.1 Deputy G.P. Southern:

Could the Minister inform Members what these anecdotal sources were and whether she normally uses anecdotal sources to base her policy decisions or policy statements on?

Deputy S.J. Pinel:

It was not a policy statement. It was answering a question at a Scrutiny Panel and I have a very strong association with charities, many of them and, having spoken to them, this was the anecdotal evidence. That is all I could rely on at the time. Now we have the survey and there will be another one conducted at the same time next year, which will give us the comparative results.

4.4.2 Deputy S.Y. Mézec of St. Helier:

Does the Minister agree that the information that has been given to us in this report, combined with the information we received in the Scrutiny reports on living on low income, is a demonstration that her policy to cut support for the people, who are already the poorest in our society, has been the wrong thing to do?

Deputy S.J. Pinel:

No, I do not agree with that. I think that we have been through this argument so many times in debate and it is not cutting support; it is trying to be fair and targeted, which is the whole *raison d'être* for the benefit system which is a safety net. It is not supposed to be a choice of living.

4.4.3 Deputy S.Y. Mézec:

The reports into the usage of foodbanks said that a significant number of people, who were resorting to this, were resorting to foodbanks because they have had their support cut, so can I, therefore, ask the Minister: is it in fact intentional that they want to see more people resorting to

this charity, rather than to provide the support themselves, which I think is what the welfare state should be all about?

Deputy S.J. Pinel:

I think the welfare state does its job extremely well. It is a safety net; it is not a choice to live. It has also been reported in comparative times from, I think it is June this year to June last year, that the foodbanks were handing out less food parcels this year than last year.

4.4.4 Deputy J.A. Martin:

Yes, now the Minister does know that it is not people, who have not been here 5 years, and it is the majority of men over the age of 35 with no children, is she just going to stick to her policies? These are Jersey-born people and they might have no children, but these are the people who, when a marriage splits up, or a relationship breaks down, they are the ones who find themselves on the street with less help and she has heard the evidence now. These are Jersey-born men and is she going to look at changing any of her policies, so that they do not all end up in foodbanks? Thank you.

Deputy S.J. Pinel:

As I have said before, the survey was quite a surprise: that it was people, who were born in Jersey, that were male and single between those ages. There is income support available for these people and the number of people claiming the food parcels during that survey was about 180, some of them claiming 3 or 4 times in that 3-month basis. So, it is very difficult to ascertain, until we have a comparative survey, as to whether it is the same type of people, or different people, so we will wait and see for the next survey.

4.4.5 Deputy J.A. Martin:

A supplementary. Will the Minister then at least work with the Minister for Housing with this? A 35 year-old single Jersey male is not entitled to social housing, so they are out in the private sector, paying extortionate rents, even though they are qualified. So, I would just like reassurance that the Minister for Social Security will work with the Minister for Housing so these people, that are part of our society, are not left out in the cold, literally. Thank you.

Deputy S.J. Pinel:

Of course. I work very closely with my colleagues, but the Social Security Department providing income support cannot dictate how people receiving it spend it.

4.4.6 Deputy M. Tadier:

Would the Minister put on record the fact that there is a risk - and this is the reason I ask this - that there is a message going out that when she thought, or when other people thought, that it was only less than 5 years who were claiming foodbanks, that was okay, but as soon as it is local people, who have been here for 5 years, that is more worrying? Could she put it on record that it is very important that we do look after those who do not yet have their 5-years qualification, so are living in unqualified accommodation and not in mainstream work and that there is a body of work to be done to find out what provision is being made for those who live in relative poverty, under the 5 years, who are basically below the radar in many ways?

Deputy S.J. Pinel:

I do not think that anybody, who is suffering from, as the Deputy says, relative poverty would be ignored at all. We have a huge history of charitable giving and the voluntary sector is much admired by all. There are over 800 charities in this Island and it has always been a very commendable and appreciated charitable giving area. I do not see that this is a particular area other

than any other, be it children, adults or whatever, that should be accepted and I praise the people who support it.

4.4.7 Deputy M. Tadier:

Does the Minister recognise that the evidence put forward in this new survey is a salutary reminder that we should avoid taking anecdotal evidence, otherwise called “pub talk”, and is really just often unfounded prejudice and not substitute that for hard evidence?

Deputy S.J. Pinel:

Yes, I do agree, but there was no hard evidence before this report. I am very grateful to the Minister for Housing for commissioning it, as I said, and all one can do, without the survey and the analysis of that survey, is to talk to charities, which is what I did, and it was not in the pub.

4.4.8 Deputy G.P. Southern:

Is it not the case that the fact that anyone has to resort to foodbanks in order to survive is an indictment of what she calls her “safety net”, the income support system? Is it not a measure that indicates that the safety net is not working?

Deputy S.J. Pinel:

No, I do not believe it is an indication of the safety net not working. As I said before, in answer to somebody else, we cannot dictate how people spend their income support money.

4.5 Deputy J.A. Martin of the Minister for Health and Social Services regarding the site being proposed for the new Hospital: [9699]

Would the Minister advise when the site, now being proposed for the new hospital, was first considered by him or his predecessor, was this site one of the first options to be discarded during initial consideration of potential sites and, if so, why should it now be considered as the best site? Thank you.

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

This site option, as presently proposed, had not been considered previously. The General Hospital site had previously included various options, including a dual hospital site. I dismissed that dual hospital site when I was first appointed as the Minister on the basis that it offered poor value for money in comparison to a new build alternative. The original current site option, which also featured as one of the options alongside the other sites that we considered, this version was considerably more expensive, it would have taken considerably longer to build and was much more disruptive than the current preferred option set out now in P.110. All of that was completed or planned, if you like, within the current planning brief. So what is different? The current option has been developed following extensive consultation with States Members. There was a consensus that this project was of such importance that planning guidance should be revisited. Using that principle, we did revisit the planning guidance. The future hospital team then developed what is now our preferred site on the concept of using existing infrastructure, including Patriotic Street car park, but a much taller building on a much smaller footprint to provide excellent services in a single phase new build and space for future development.

4.5.1 Deputy J.A. Martin:

Yes, I asked this question because, from my memory, I am sure I saw this scheme about 5 years ago and I cannot really see much difference; and the reason this was ruled out was because of all the things the Minister has just said. It is on the same site; it is a massive block; it is going to be one of the hardest sites to build on. I disagree with the Minister. The Minister now says this block

will not cause so much disruption to the people already in the hospital. This was why it was ruled out, I would say, 5 to 6 years ago and I have not heard anything this morning that makes me comfortable that this is not the same scheme, but maybe 2 floors taller. Thank you.

Senator A.K.F. Green:

It is entirely not the same scheme. The original plan involved 40-plus moves on the current site, was limited in height - that is why it was so difficult to configure - was a refurbishment partly of the old hospital and most of us that have been involved in refurbishment know full well that when you get there, you find all sorts of other problems, so it was a very high risk strategy. It was over £600 million, it took 12 years to deliver and had to be developed around chronically ill people, but what we are proposing is a clean site developed alongside the current provision.

4.5.2 Deputy M. Tadier:

Would the Minister for Health and Social Services put on record again that the best site for the hospital, clinically, is the Waterfront? It is not the current option that is being put forward. It is the Waterfront area. Will he explain the reasons that that hospital is not going there, given the fact that it is of such importance for the future of our population and their health care?

Senator A.K.F. Green:

Totally independently, regardless of my view, EY have looked at both the Waterfront and the current proposed development and said that there is little to choose between them. The fact is that we can deliver on this new site south of the line from the granite block, a fantastic hospital for the people of Jersey. We can deliver the best access of any of the 50 schemes we looked at coming straight off the car park. We can deliver expansion potential for the future and, dare I say it, in 70 or 80 years' time when we are all pushing up daisies, the new Minister for Health and Social Services, or whatever they might be called then, will also have a site on the new health campus to deliver the next new hospital or whatever facilities might look like in 70 or 80 years' time. This is a fantastic opportunity for the people of Jersey: using our own land and still allowing the masterplan to go forward on the Waterfront.

4.5.3 Deputy M. Tadier:

Would the Minister perhaps put it on record - because it is all fun and games in the Assembly and we can talk in codes - but the public, I think, know the reality that we have one very vocal and disproportionately vocal Assistant Minister, who likes to throw his weight around at the Council of Ministers, even though he is not a Minister himself, and that that individual wields disproportionate influence when we all know that the best place for the hospital is down at the Waterfront? The Minister for Health and Social Services, I think, knows that, in his heart of hearts, yet he stands here and tries to justify Ernst and Young's report, saying that there is little difference, when we all know that the best place is clearly somewhere, which has not been built on and that he is risking the future of Jersey's interests by letting somebody wield so much influence who has not been elected by this Assembly to that position. Is that not the case?

Senator A.K.F. Green:

No, it is not the case and I do not recognise what the Deputy is describing. This is a lot of work done by professional people and advisers that I have working in the future hospital team. Fantastic, well-experienced people - Gleeds, EY and KPMG - so perhaps they all do not know what they are doing. The fact is that this is a good hospital, but I would just like to say that I am on record on Hansard before to say that the Waterfront was not my first choice, because we cannot get sufficient access there. The plan was to have a footbridge across the carriageway, so that people would park in Patriotic Street. Some would park at the hospital if it was on the Waterfront, but there was not enough space. The plan was to have a footbridge. I ask you, a footbridge, for going to a building

for the infirm, the sick and the young across 6 carriageways, I think, in total, something like that. Ridiculous. We have got a fantastic opportunity here right alongside Patriotic Street that people are familiar with and if you want to understand the concept, go to the Grand Marché and have a look.

[10:30]

4.5.4 Deputy J.A. Martin:

Yes, and I admire the Minister's enthusiasm and gusto for this fantastic site and I am just wondering why we did not have it 7 years ago when they first started looking. Because I say the Minister - maybe not this Minister, but the previous Minister - was presented with a very similar scheme. It was ruled out and now the Minister, and all these experts he has just mentioned, have gone around in a circle and the Waterfront has been dismissed because it is too valuable a land to have a hospital on for your people of Jersey. That is what some of your Ministers say. Does not the Minister agree?

Senator A.K.F. Green:

Absolutely not, because the Assistant Minister was Assistant Minister in the department when this was first looked at and this option that we have developed, which is fantastic, was not an option that could be developed under the current planning brief of the time. That is why they came up with the £600 million refurbishment and slight redevelopment of the hospital, which I know the previous Minister would not have been happy about it either, because of the severe disruption to patients - I think it was 47 moves of patients, who would have been sat in a building site for 12 years - and the financial risk. No, this is a good option. The current new site - and it is a new build on a new site - is a good option. The best option for Jersey. It is deliverable and people will be saying: "Why did we not think of it before?"

4.6 Deputy S.Y. Mézec of the Minister for Home Affairs regarding progress towards making the incitement of racial hatred a crime in Jersey: [9715]

Following the launch by the States of Jersey Police of the True Vision reporting system for hate crime, will the Minister advise what progress, if any, is being made towards making and citing racial hatred a crime in Jersey and explain how such activity can currently be reported as a crime in the absence of such legislation?

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

Thank you. I am grateful to the Deputy for his continued interest in this important topic and I recall that he asked a similar question on this subject earlier this year and also asked the question of the Attorney General in relation to the matter. I must inform the Deputy, however, that the policy position has not changed since the beginning of the year. I have asked my officers to take steps to develop the necessary legislation and given that my current focus is on amending and updating the law on sexual offences, I expect this legislation to progress once the sexual offences project is complete. At the present time, I think, it is important to re-emphasise that activity, which might be charged as inciting racial hatred under specific legislation which exists in England and Wales, may still constitute an offence here in Jersey. In their sentencing policy, the Jersey courts have made it clear that if an offence appears, in court, to be racially motivated, then it is regarded as a significant aggravating factor.

4.6.1 Deputy S.Y. Mézec:

Supplementary. Could I just state on record that I do agree and support what the Minister is trying to do here and I do support this initiative that has been started. Can I just ask her a general question? With this initiative, and that she anticipates it to be the next piece of work she wants to

do after the Sexual Offences Law has been updated, could she give any indication, just out of interest, of why the True Vision reporting system has been introduced now, before that legislation is in place, and is she aware of any statistics on hate crime in Jersey, at the moment, that might give her cause for concern and make her feel like it is something that needs to be pursued relatively soon in the agenda?

The Deputy of St. Peter:

Of course. I have asked the police for specific figures in this area but I have not yet received them, I am afraid, but early indications that we have been getting have been that we have not seen an increase in this crime, as has been seen in other places, which is a good thing. However, we do take it extremely seriously and it is important and the police felt it necessary to join the True Vision process. So, that is there for people to report this crime, which helps us to understand what is going on, if there is a need in the Island, which is important for us to develop a picture as we go forward and as we prepare legislation. I would also like to make it very clear to the Assembly that my department is not just working on the sexual offences legislation. They have also in train many other important pieces of work, such as the Independent Prison Monitoring Board, the Police Law, updated Criminal Procedure Law, Bail Law, marriage legislation, as well as the sexual offences project, but I do appreciate greatly the interest.

4.6.2 Deputy J.M. Maçon:

I am sure the Minister will be aware that hate crimes do not just extend to race and, therefore, in the Sentencing Guidelines for judges, can the Minister confirm whether it is the case, or not, that crimes motivated by sexual orientation, religion and disability also carry the same weight as the crime which involves a racial element to it?

The Bailiff:

Would you like to reframe your question? There are no Sentencing Guidelines from the Executive to judges.

Deputy J.M. Maçon:

In the guidelines that the Minister refers to.

The Deputy of St. Peter:

Thank you for highlighting that, Sir, as I would have done the same. However, when we consider policy, I am sure we will be including in legislation the general remit of hate crime. However, as I have explained, we are in the early stages of developing this legislation.

4.6.3 Deputy J.M. Maçon:

So, is the Minister able to confirm that under the current situation whether those elements are given the same weight, or not?

The Deputy of St. Peter:

I believe that would be a matter for the courts.

4.6.4 Deputy S.Y. Mézec:

In a previous answer, the Minister said she had requested more information, but was still awaiting that. Could I just ask her, when she does get that information and, if it is appropriate, to share it with interested Members so that we can look forward to this legislation in a positive and constructive way?

The Deputy of St. Peter:

Of course. I will be most happy to and particularly with the Education and Home Affairs Scrutiny Panel, of which the Deputy is a member.

4.7 Deputy S.Y. Mézec of the Chief Minister regarding the potential publication of registers of beneficial ownership of companies: [9716]

Following statements made in the House of Commons by the Minister for Security on 25th October 2016, that the U.K. Government hopes the Crown Dependencies might have made their Registers of Beneficial Ownership of Companies public by the end of this year, or into next year, will the Chief Minister advise what discussions he has had and what plans, if any, there are in place to achieve this?

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

There are no plans to make our Registry of Beneficial Ownership public in advance of this becoming an international standard. However, it is recognised internationally that our present combination of a central register of the ultimate beneficial owner, with a high level of vetting and evaluation not found elsewhere, and regulation of trust and company service providers to a standard found in few other jurisdictions, places Jersey in a leading position. This ensures that law enforcement and tax authorities have access to information of a standard of accuracy and timeliness which exceeds that to be found in other jurisdictions, providing greater assistance in tackling tax evasion and financial crime than that provided by the U.K.'s public register. We are also joining with the U.K. in responding to the need for a faster response to requests for information and welcome the action that others are now taking to follow our lead in providing accurate and regulated beneficial ownership information. This, of course, will lead to a more effective global attack on those engaged in money laundering, corruption, tax evasion and the financing of terrorism.

4.7.1 Deputy S.Y. Mézec:

A supplementary. I do not know if the Chief Minister has seen the Hansard from the Parliamentary Debate where the Minister for Security did say that he was hoping that the Crown Dependencies would have their Registers of Beneficial Ownership public either by the end of this year or early next year, which is, of course, a deadline that is looming very quickly. Can the Chief Minister confirm that this is not something that, from Jersey's perspective, is immediately on the cards and that it would appear that the Minister for Security in the U.K. is under a misunderstanding of what direction the Crown Dependencies are going in?

Senator I.J. Gorst:

I have been quite clear. We have no plans to make our Register of Beneficial Ownership public in advance of this becoming an international standard. The British Government, of course, take a different view. They have a wholly different approach to the registration of beneficial ownership which is that they cannot regulate trust and company service providers. Their regulator has not got the ability to regulate and provide information in the way that they have and, therefore, because they are a large jurisdiction, they have decided that the best approach for them is a public register. Of course, they are asking others around the world to consider following their approach. We take the approach which meets the international standard which is, as far as we are concerned, a leading approach. That has been said by O.E.C.D., by MONEYVAL and other third parties and it is for others to follow our approach.

4.7.2 Senator S.C. Ferguson:

It is my recollection that the list of beneficial owners held by the F.S.C. (Financial Services Commission) is not brought up-to-date annually. Have the F.S.C. the powers to demand the up-to-date beneficial owner from the trust companies and so on and are there any plans to ensure that the up-to-date beneficial ownership which should be notified to the F.S.C. annually.

Senator I.J. Gorst:

There are plans to do so even quicker than annually. The law drafting to make amendments is being undertaken and will shortly be before this Assembly to approve. This is one area where, looking at all the work of the international standard setters, we felt was an improvement that we could make to our already leading position and that is why we are doing so.

4.7.3 Deputy G.P. Southern:

Could the Minister give details of the vetting and evaluation process he referred to, particularly in the light of establishing that the beneficial owner is a real person and not some sort of legal entity like a trust?

Senator I.J. Gorst:

The J.F.S.C. have the ability to look through because they will also have information ... if the beneficial owner is a trust, they will also have access to that information that they will be able to provide currently, if so requested, to competent authorities elsewhere, to law enforcement agencies elsewhere, and it is the ability to provide that in the register. They regulate trust and company service providers who, partly in answer to Senator Ferguson's question as well, already have that information. What we are doing is just updating the central register, so it is available today.

4.7.4 Deputy G.P. Southern:

If the route to the ownership goes through a trust, which is in a foreign country, are we reliant on their regulator to work out who the beneficial owner is?

Senator I.J. Gorst:

This is why people should be using a Jersey trust; this is why people should be using a Jersey company, because they can use such instruments and be satisfied that they are meeting the highest international standards. That they have got nothing to hide. That there is appropriate regulation in place and, therefore, they are not associated with a jurisdiction that does not meet those international standards. So, I have got to say to you that more and more companies, banks, trust companies, fund services companies that I meet, together with Senator Ozouf and Senator Bailhache, these are the very reasons that they want to choose Jersey, are choosing Jersey and will continue to choose Jersey into the future.

Deputy G.P. Southern:

Would the Minister stop advertising on behalf of the financial services sector and answer the question. The question ...

The Bailiff:

Deputy, I am sorry, the Chief Minister answered your question. You may not have liked the answer, but he did answer your question.

4.7.5 Deputy M. Tadier:

I am sure that the finance industry are very happy for the advert and the champion they have got in the Chief Minister, but the fact remains from this question; the U.K. Government has asked the Jersey Government to publish its beneficial ownership of companies either by the end of this year or early next year. The Chief Minister has said that he is not going to do that and he has given

reasons why he does not want to do that. So the 2 questions are: is the U.K. Government happy with that response and if not ... well, we will leave it at one question, shall we, for the moment? Is the U.K. Government happy with that response?

Senator I.J. Gorst:

The Deputy knows what was said recently in the House of Commons about the approach that the U.K. Government is taking. Our approach is actually in line with the international standards; not in line with the sole approach undertaken by the U.K. Government. The Deputy also knows that the U.K. Government have taken a different view and have spoken to not only Crown Dependencies, but other countries at international for a, suggesting that the approach should be one of a public register.

[10:45]

The U.K. Government accepts, and has accepted in conversations with us, that our approach meets the policy aims that they are trying to meet and international bodies, standard setters and reviewers, have acknowledged that our approach is a leading approach and is superior to some other approaches taken. He needs to ask the U.K. Government whether they are happy or not. I just would like to pick up on the point that the Deputy said in his opening statement: we should be going out and fighting for Jersey and fighting to get business into Jersey. We are not apologists for the finance industry, but we will set the record straight when misinformation is being delivered outside of our Island and, it sometimes seems, even within these 4 walls.

4.7.6 Deputy M. Tadier:

Of course, we cannot all go away, otherwise there would be nobody left in this Assembly to do the domestic work that so urgently needs to be taken care of, notwithstanding the Chief Minister's laudable comments. He still has not answered the question. It is not my place to ask the U.K. Government whether they are happy with the response that the Minister has given. He still needs to answer the question. If it is the case that they understand and are happy with the status quo that is being followed in Jersey, then should the Chief Minister not be asking them to reverse that statement and say that they are quite happy with the Crown Dependencies' position as it currently stands; that they will no longer be asking us to publish beneficial ownership and to put that on record, because it seems a matter which is of urgent interest, not just to our Assembly, or the Island, but also to the financial industry, which I am sure we all want to see thrive ethically in the Island.

Senator I.J. Gorst:

So it seems to me that the Deputy does not wish to listen to the answers that I give, because I have answered his question. Our approach is not to make public our register of beneficial ownership in advance of that being an international standard. The approach that we have taken has been recognised by third parties, the O.E.C.D., MONEYVAL, as a leading position that others in the world could meet the standards that we meet, which deals with the Deputy's sleight of hand comment, trying to suggest that the financial services industry in Jersey is not ethical. I reject that. The services that we provide here meet the very highest international standards and it is unbecoming of the Member to suggest anything other than that, as he just did. The U.K. Government, as I have also answered, take a different view to us. Some of the reasons that they take that different view is because they are a large country and cannot take the approach of a regulated, vetted, verified central register that we are able to take. The approach that we take is a far superior approach to meeting the policy aims of making sure no one jurisdiction, or country, is used for tax evasion, money laundering or the financing of terrorism.

Deputy M. Tadier:

I was going to ask if you want to raise a point of order, or whether I should do that. I believe that the Chief Minister is impugning my integrity and going against Standing Orders by simply standing up and saying that we all want an ethical finance industry is true, I would hope, and to suggest that somehow that is sleight of hand and that I am impugning the integrity of the finance industry is completely unacceptable. I would hope that the Chief Minister would withdraw that statement.

The Bailiff:

Chief Minister, did you intend to make that imputation?

Senator I.J. Gorst:

If the Deputy, as he now states, did not intend, when he made his final comment, to suggest that the finance industry was anything other than ethical then I misunderstood his intention, for which I apologise and withdraw. So if he did intend that, of course, I stand by what I said.

4.7.7 Deputy S.Y. Mézec:

With the answers that we have had from the Chief Minister, it is clear that the understanding that is being put out by U.K. Government Ministers in the House of Commons on what Jersey's position is, is different to what the position of the Jersey Government is when it comes to having a public register of beneficial ownership where this Chief Minister will say we will not adopt it until it is an international standard; yet the U.K. Government seems to think that it is something that is imminent. Given that there is a disparity there between what the U.K. Government's perception is and what the reality is in Jersey, could I ask the Chief Minister what work is, therefore, being done to correct Government Ministers, so that they do not stand up in the House of Commons and make assertions about what is imminently going to happen in Jersey when that is manifestly not the case that that is something that will be adopted in the near future.

Senator I.J. Gorst:

There is a whole different world between asking a question and then getting the answer that one may wish. We stand by the approach that we have taken, both at official and ministerial level. That is an approach that we have communicated to the U.K. Government.

4.8 Senator S.C. Ferguson of the Minister for Health and Social Services regarding the laundry services at the Hospital: [9714]

Will the Minister advise whether there has recently been any inability to obtain additional bedding in the Hospital over week-ends and, if so, what the reason for that was, and will he further advise whether the in-house laundry has been outsourced?

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

I can confirm that there have been a couple of occasions in the last month, or so, where staff have identified difficulty in obtaining laundry supplies at the weekend and I apologise for that. The Facilities Department have investigated these concerns. They have identified that stockpiling of laundry in some clinical areas, including those that do not operate at weekends, was going on and they have now agreed appropriate stock levels for the department. They identified that the last laundry delivery on Friday is too early. We have now changed that. They also identified that there is more Saturday working in the hospital than previously and stocks have been adjusted to take account of this activity. I can confirm that the laundry service has not been and it is not planned to be outsourced.

4.8.1 Senator S.C. Ferguson:

I thank the Minister for the work that has been done, but it still does not take away the fact that the temperature in the hospital has been turned down, as I recall, to save money and this will become obviously a constant worry to people who are in hospital over the weekend that they will not be able to have an extra blanket to keep warm. Will the Minister confirm that there are instructions that the blankets should be available over the weekends?

Senator A.K.F. Green:

I do not think the Senator listened to my answer. My answer said that we had identified some problems. There were 3 areas where we have now taken action and, in addition to that, we have put £40,000 worth of extra laundry into the system. The heating has not been turned down primarily to save money. The heating has been turned down because patients told us they were too warm.

4.9 Deputy G.P. Southern of the Minister for Social Security regarding the effect of recent changes in benefits policy on the use of food banks: [9720]

What assessment has her department made of the effect of recent changes to benefits policy on the increased use of foodbanks and what other factors does she consider are responsible for that increased use?

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

I apologise in advance for any repetition in answer to very similar questions from Deputy Southern. Following on from the previous question, I would also like to take this opportunity to thank the Minister for Housing for her informative report on the use of foodbanks. Media reports in 2015 suggested a growth in the use of foodbanks compared to previous years. The recent changes to benefits, mentioned in the question, took effect from January 2016. The survey ran from January to March. As this is the first time that such a survey has been undertaken, it is not possible to say whether the use of foodbanks has increased, or decreased, in respect of any specific factor. As has already been announced, the survey will be repeated next year and that will allow us to understand any trend in usage. At that time we will be able to review any changes against a range of factors, including the number of people claiming benefits, such as income support and long-term incapacity allowance, as well as considering underlying economic factors such as the rate of inflation and employment numbers. It should also be recognised that charities rely on volunteers and voluntary fundraising and the level of activities, of any particular type of charitable enterprise, will also depend on the number of organisations and individuals involved from time to time.

4.9.1 Deputy G.P. Southern:

Does the Minister not accept that this survey was conducted at a time when benefits, particularly disregards on income support, were being enacted and taking place; and that the responses as to main reasons for having to use foodbanks can say it is about 40 per cent of them are something to do with benefits reduced, benefit sanction, do not qualify for benefits, awaiting approval, about reductions in benefits? Does the Minister accept that reductions in benefits were responsible for this use of resorting to foodbanks and, if not, what does she think is responsible for the existence of foodbanks on this Island?

Deputy S.J. Pinel:

There have always been foodbanks, the same as there has always been considerable charitable action in this Island. I have to say to the Deputy, with some figures in front of me; in June 2015, 96 parcels were distributed; in June 2016, 82. As I mentioned in the previous answer, I do not want to read out all of the figures, the foodbank parcels have been reduced as at June, July, August and

September. This is public knowledge. Last year the Grace Trust handed out 1,253 parcels to 320 people, so it does prove that people are going back time and time again for the same parcels.

4.9.2 The Deputy of St. John:

Could the Minister advise what efforts her, and her department, are, or will be, making to identify exactly which benefits or components are directly correlated to what is identified in the report provided by the Minister for Housing with regard to the usage of foodbanks and make an assessment to bring forward next year amendments, if necessary?

Deputy S.J. Pinel:

I thank the Deputy for her question. We have already met with a lot of the distributors of food parcels and charitable situations like the Salvation Army, which are not necessarily food parcels, but hand out living parcels to people and have a long record. Now, it increased in the survey done by the Housing Department of working with them so that we can identify that, but this is the first survey that has been done, so we need to use that analysis in order to work with the various charities and further improve the situation.

4.9.3 The Deputy of St. John:

Could the Minister advise then on that basis how she will inform either Members or even the public as to her results and when that may be?

Deputy S.J. Pinel:

As I said in a previous answer, that survey will be conducted again next year, so that we have some sort of comparison. All we have are the figures I have just distributed by the Grace Trust. We need to analyse the figures of the parcels that are distributed and it is an ongoing piece of work. I cannot answer the Deputy's question as to when the results will come forward, but we need the survey from next year in order to make comparisons.

4.9.4 Deputy S.M. Brée of St. Clement:

Would the Minister not agree that the very fact that such an affluent island has foodbanks and has a large number of charities, that people rely on, is a complete indictment of this Government's policies and her own policies on the treatment of the less fortunate in this Island?

Deputy S.J. Pinel:

No, I would not agree, because, as I have said in answer to previous questions, the income support system is a safety net. It is not to be a choice of living and the charities have always, historically, provided support for people across the board and the foodbanks, or food parcels, have come to the fore in the media in the last couple of years, as they have in the U.K., with supermarkets asking to buy 2 cans of soup and donate one to a charity, and so they have been much widely publicised.

[11:00]

In St. Clement, my Parish, we have had the community support scheme in operation for a long number of years, who have always taken food parcels and hampers to people who need it. It is not an indictment of the Government at all. It is just helping people who need it and that is what the charitable sector does.

4.9.5 Deputy S.Y. Mézec:

The report on foodbanks itself says that a significant proportion of the people, who are having to resort to foodbanks, have done so because of their support from her department being cut. Does she completely ignore the correlation that is evident in that report and, if she does not ignore it, what is she going to do for her own policies to try and reverse it?

Deputy S.J. Pinel:

No, I am not ignoring it and, once again, I refer to the report, which is the first one of its kind, and so we now have figures as opposed to assumptions. It was 26 per cent of people in the report who said that the reduction in benefit was one of the main reasons for seeking food assistance. But, again, to repeat what I said last time, we, as a Social Security Department, cannot dictate to people how they use their money. If they use it for reasons other than buying food; we cannot tell them how to spend their money.

4.9.6 Deputy S.Y. Mézec:

Supplementary. The implication I hear behind what she is saying there is that if people on income support are having to use foodbanks it is their own fault, because they have just not spent their own money responsibly enough. Could she confirm that that is not what she is implying, because it certainly does sound like that from the words she has used?

Deputy S.J. Pinel:

No, that is not what I was implying at all. Some people find budgeting very difficult and this is where J.A.C.S., the Jersey Conciliation Association, have been extraordinarily helpful with people. People do find it difficult to budget from week to week.

4.9.7 Deputy G.P. Southern:

Does the Minister recognise that using the phrase “choice of living” in a sentence that income support should not be a choice of living, is tremendously insulting to those who have to steel themselves to go and seek charitable sources to eat? Will she withdraw that statement?

Deputy S.J. Pinel:

No. I think it is ... ever since income support came into being in 2008, which replaced the Parish Welfare System, it is a safety net and the whole idea behind income support is to encourage people to move into financial independence and to encourage them to get jobs. It is a safety net. It should not be a choice of a way to live.

5. Questions to Ministers without notice - The Minister for External Relations

The Bailiff:

We come now to questions to Ministers without notice. The first question period is for the Minister for External Relations.

5.1 Deputy A.D. Lewis:

I just wonder if the Minister, or his department, in the wake of the U.S. (United States) elections is expecting to have to do anything, in addition to what they are currently doing, in order to mitigate what people are talking about being the “Trump effect”.

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

The Government of Jersey has cordial relations with the Government of the United States and obviously will hope that those cordial relationships will continue. I am not quite sure what the Deputy has in mind when he refers to the “Trump effect”. The rhetoric of a campaign is quite often very different from the rhetoric of government and one would expect and, indeed, hope that some of the things that we have all heard during the recent election campaign in the United States fade gracefully into the darkness.

5.1.1 Deputy A.D. Lewis:

Supplementary. The Ministers in Europe felt that this was a serious issue and arranged an exceptional meeting to discuss it. It would appear that the U.K. Government did not attend. Does that mean that the Ministers here would take the similar view: wait and see?

Senator P.M. Bailhache:

I think that that is the sensible approach to take.

5.2 Deputy C.F. Labey of Grouville:

My written question 5 asks about Members' involvement with Jersey's response to Brexit and I note the Minister asks for my suggestions about future engagement. I would like ... indeed, I asked, in my question as to why the involvement was exclusive to the Council of Ministers, albeit an oversight group, which was not answered in my question, because I believe that Brexit is not a matter that should be exclusive to the Council of Ministers. There are many other Members in this Assembly, who should be involved, if they wish to be, and I would like the Minister's assurance that we will be given the opportunity to be involved, because I feel that there are decisions being made, such as the grandfather rights - without any detail - which should be a matter for discussion among States Members, if not as a sort of States debate on the issues.

Senator P.M. Bailhache:

I entirely agree with the Deputy that Brexit is a serious matter, which poses serious challenges for the Island and that as many people as possible should be involved in discussions leading to debates, perhaps, and conclusions on what the response of Jersey should be. The Deputy, I am sure, will remember that the Government took the opportunity, before the referendum in June, to brief States Members upon the preliminary plans that have been made by the Government leading to the agreement on a plan and leading to the lodging of a report very shortly after the referendum in this Assembly. The Deputy, herself, was present at a briefing session which took place a short time ago. It is certainly my intention that there should be further briefing sessions and, indeed, workshops involving Members of the States, so that all these issues can be thoroughly discussed before any decisions come to be made. I do not think any decisions are currently being made on grandfathering of rights. It is a matter which is obviously under discussion between officials and discussion, generally speaking, among all kinds of people, but no decisions have yet been made and none can be made until the United Kingdom Government itself has determined on what its policy is going to be.

5.2.1 The Deputy of Grouville:

Would the Minister not agree that briefing sessions and, as some Members call it, death by PowerPoint presentations, are not the same as being involved in decision-making and could we have his assurance that States Members, who wish to be involved in Brexit and the formulating of any decisions or propositions that will come to this Assembly, they will be given the opportunity to be involved?

Senator P.M. Bailhache:

I am certainly happy to give to an undertaking to the Deputy that States Members will be consulted and involved in any serious decisions which have to be made in the interests of the Island. The current position is that we are not anywhere near that position. We have a Brexit working group, which is a working group of officials from all departments which have an interest, or a potential interest, in the effects of Brexit upon Jersey. That working group of officials is being led by officials in my ministry and at this stage I do not think it is possible to say that any decisions have been made, but I am certainly prepared to confirm that the Deputy, and any other Members who wish to be involved in detailed discussion as to the formulation of policy, will be given the opportunity to do so.

5.2.2 The Deputy of Grouville:

I would have to disagree with the Minister about no decisions have yet been made, because the Chief Minister announced, the day after Brexit, that grandfathering rights would be given to all E.U. (European Union) nationals currently in the Island. He did. I was at that briefing and I noted it down and I have subsequently asked him questions about it, because no date in time was given that those rights would be given and I think that was a mistake, so I would like the Minister for External Relation to comment.

Senator P.M. Bailhache:

Well, the Deputy will have the opportunity to put the question very shortly to the Chief Minister, but I certainly have no recollection, whatsoever, of any such statement being made by the Chief Minister.

5.3 Senator S.C. Ferguson:

Following on from the Deputy of Grouville and the particular matter of Brexit, will the Minister be taking care to ensure that the fishing industry is supported in the discussions and that the industry representatives are included in those discussions?

Senator P.M. Bailhache:

Before the referendum took place, I invited representatives of the Jersey Fishermen's Association to come and talk to me to make it clear what the aspirations were in the event that there should be a vote to leave the European Union. So, we are clear on what the industry aspirations are and one of the 4 work streams, in which our officials are working with officials in D.Ex.E.U. (Department for Exiting the European Union), the Cabinet Office in the United Kingdom, concerns agriculture and fisheries. So we are taking every opportunity to make it very clear to the United Kingdom Government what the aspirations of the fishing industry in Jersey are.

5.3.1 Senator S.C. Ferguson:

Supplementary. Will we be applying to be joining the North East Atlantic Fisheries Commission just as the Faroe Islands have?

Senator P.M. Bailhache:

I do not know.

5.4 Deputy G.P. Southern:

I have noted, written down, the chair's acceptance of a second supplementary "if it is quick" but ...

The Bailiff:

Not always, Deputy.

Deputy G.P. Southern:

I may test it one of these days. What attention has the Minister given to the report which came out this morning, suggesting that the British Government will be in no situation to trigger Article 50 for at least 6 months and has to pursue some 500 lines of negotiation in order to achieve that. What credence does the Minister give to that?

Senator P.M. Bailhache:

My understanding is that the United Kingdom Government has denied that any such situation exists but that is a matter for the United Kingdom Government and not for me, or for the Government of Jersey. I think it would not be surprising if we were to conclude that the United Kingdom Government has a great deal of work to do, particularly in the light of the acknowledged fact that

no real consideration was given by officials in the United Kingdom to the possibility that the people of the U.K. might vote to leave the European Union and, therefore, the United Kingdom Government began on 24th June with a blank sheet of paper. So there is, undoubtedly, a great deal of work to do, as we have discovered in Jersey, even looking at our situation under the very limited extent to which we are concerned under Protocol 3.

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

So far, and I fully understand the reason for it, the department has procured from the E.G.D.P (economic growth drawdown provision) fund £3.9 million and I can fully understand why. I mean, there is some very important negotiations ahead for the Island and it is so important to build the team that will work on behalf of Jersey as time goes on. Brexit will be, effectively Article 50, launched at the end of March.

[11:15]

I anticipate negotiations to go on for some time. Really need to know, is £3.9 million going to be enough and does the Minister envisage needing more money at some point in the future?

Senator P.M. Bailhache:

I think I should make it clear that the £3.9 million, if that is the correct figure, is not all money that has gone to the Ministry of External Relations and is a sum of money that has been spread across a number of different departments and States organisations in order to carry out the preparations which are necessary for the leaving of the European Union, which will happen in 2 years' time or so. I hope that the sum of money, which has been allocated, will be sufficient but, obviously, circumstances may change and it may be that a further request will have to be made in due course but there is no current intention to make any further application.

5.6 The Deputy of St. John:

Could the Minister advise, since the production of the report by Education on higher education funding in March, whether he has had any interaction, or discussions, with the Education Secretary, or the Student Loans Group in the U.K., with regards to higher education funding for students from Jersey?

Senator P.M. Bailhache:

The Minister for Education and I have had a number of discussions on the question of higher education and there is a question of possible discrimination by a small number of educational institutions in the United Kingdom against students from the Crown Dependencies and that is a matter which is being looked at by officials at the moment and I hope that discussions will take place with the appropriate departments in the United Kingdom very shortly.

The Bailiff:

Very well, we come on now to a question ... Deputy Brée, you have got about 30 seconds.

5.7 Deputy S.M. Brée:

With regards to Brexit, would the Minister undertake that any final policy decisions made by his department are firstly brought by proposition to this Assembly prior to any action or communication being made externally, as opposed to the use of his ministerial executive powers?

Senator P.M. Bailhache:

I do not know if the Deputy would like to specify which ministerial powers I am alleged to have.

Deputy S.M. Brée:

Ministerial decisions.

Senator P.M. Bailhache:

The question of what decisions ultimately have to be taken in relation to important matters like migration and any ...

The Bailiff:

Make it snappy, Minister, please.

Senator P.M. Bailhache:

I am sorry. Time expired? **[Laughter]**

The Bailiff:

Not yet, no. I am extending time to enable you to finish but make it snappy. **[Laughter]**

Senator P.M. Bailhache:

Any important matters will clearly be brought to this Assembly for decision.

6. Questions to Ministers without notice - The Chief Minister

The Bailiff:

We come now to the second question period for the Chief Minister.

6.1 Deputy J.M. Maçon:

I see in the media that the Chief Minister of Guernsey has sent a congratulatory statement to the President-Elect Trump in America. Will this Chief Minister be doing the same?

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

I have not done so, nor currently do I plan to do so.

6.2 Senator S.C. Ferguson:

I am sorry I cannot get 2 questions, because my question to that is: why not? A recent Freedom of Information regarding temporary social workers reveals a considerable expense, amounting in one case to an annual rate of £125,000 or £208,000 in total. Are these totals included in the answer to the written question 9705 today and would the Chief Minister explain why it was necessary to avoid proper controls during hiring?

Senator I.J. Gorst:

I do apologise. I was just thinking about the response to her first question which I could give, if she wished, but I really do need her to repeat the main question that she was asking.

The Bailiff:

That is absolutely fine. Senator, if you repeat the main one and I shall add another 30 seconds to the question.

Senator S.C. Ferguson:

Yes, Freedom of Information regarding ... a recent F.O.I. (Freedom of Information) regarding temporary social workers reveals a considerable expense, amounting in one case to an annual rate of £125,000, or £208,000 in total. Are these figures included in the totals in the answer to the written question, 9705, today and would the Chief Minister explain why it was necessary for the States Employment Board to avoid proper controls in hiring?

Senator I.J. Gorst:

Of course, the Senator can ask any question she likes in questions without notice, but if she wants to ask detailed technical questions about individual persons and what their costs were, which is what she is trying to do, then I am not in a position to provide her with that detailed information, but I can certainly ensure that she is provided with that detailed information. But what I would say, generally, in that regard is: I am sure that the Senator is aware that the difficulty that the department has had over a number of years in recruiting high quality, high calibre social workers to the Social Services Division, be that in adult social work, or in children's social work, and the States Employment Board works with the department to ensure that they can. Sometimes that is on a temporary basis and sometimes it is on a permanent basis. They have only recently been able to move from temporary to permanent and they need all the support they can to recruit up to the full complement.

6.2.1 Senator S.C. Ferguson:

Supplementary. The Chief Minister is quite aware that from questions last week they have something in the order of 57 temporary workers, who have been working this year for the Social Services Department. My question was: these ones listed in the Freedom of Information return, are they separate to the ones in the answer to my question, or are they additional, which gives us a considerable number of extra social workers? Perhaps he would like to find out and come back to me, because according to the Freedom of Information these were hired through the States Employment Board.

Senator I.J. Gorst:

All staff, with the exception of Crown appointments and one or 2 other appointments, are employed technically and legally by the States Employment Board. I do not involve myself with the answering of Freedom of Information questions. They are done separately. I imagine that those numbers would be included, dependent on how the question was framed, but I will certainly provide the information to the question that the Senator asked for.

6.3 Deputy G.P. Southern:

Following the circulation to tenants of Le Marais high rise of a letter, concerning the modernisation of their accommodation and the need for them to vacate their properties for a period of 6 to 8 weeks with all the disruption that that causes, and stress that that causes, is the Minister disappointed to hear that I, as a Member of this Assembly, cannot hold the Minister for Housing to account for the operational actions of Andium Homes, who run three-quarters of our social rented accommodation?

Senator I.J. Gorst:

Of course, the first I heard about the potential issue that the Deputy is referring to was when he raised the issue of whether he could raise an urgent oral question earlier this morning. It would seem to me that a question, framed in similar terms to the one that he has just framed, could be addressed either to the Minister for Housing or to the Minister for Treasury and Resources, more likely the Minister for Treasury and Resources, who could consult with Andium and provide, hopefully, satisfactory answers for the actions that they have taken.

Deputy G.P. Southern:

Will the Chief Minister ...

The Bailiff:

I think, Chief Minister, the question was whether you thought it was undesirable if he could not ask the question. That was the question put to you.

Senator I.J. Gorst:

That is a question for the speaker.

The Bailiff:

Thank you, Senator.

6.3.1 Deputy G.P. Southern:

Will the Chief Minister talk to his Minister for Treasury and Resources and his Minister for Housing, in particular, to ensure that a start date, which is reasonable, is given for this work and that compensation is paid for the stresses and the disruption involved?

Senator I.J. Gorst:

I imagine that they are operating within their normal processes and procedures, but I will certainly communicate with the Minister for Housing and the Minister for Treasury and Resources.

6.4 Deputy A.D. Lewis:

Is the Chief Minister satisfied that there is an effective enough communication between government departments and arm's length bodies such as the Jersey Development Company? If he feels there is, could this, then, in future, avoid embarrassing situations such as the recent situation with the ice rink? I could just also clarify and say that a clever person solves a problem. A wise person avoids it. That was a quote from Albert Einstein. Does the Minister feel that he could have avoided this problem by communicating better with the arm's length bodies than the States has?

Senator I.J. Gorst:

I have been criticised for even responding to a Facebook petition, asking me to involve myself. I am criticised if I do not involve myself. I think that the work that the Economic Development team did was first class. They initially looked at some out-of-date information when they rightly, as Members of this Assembly would expect, updated that information. They, on balance, felt that the potential loss, once they have crunched the numbers of the people who would go through the gate of a second ice rink, was one that they would not wish to bear, but what they have done is already set up a meeting for January, to avoid this happening in the future and, if the Deputy means that by communication that sort of approach should be taken, then they are already taking it.

6.5 Deputy K.C. Lewis:

Something the Chief Minister said earlier on intrigued me regarding the American presidential election. I will not get into the whys and wherefores and who was the best candidate, that is a matter for the American people, but the Chief Minister mentioned that he would not be sending congratulations to the President Elect and Guernsey has done. Does he think that is a wise move?

Senator I.J. Gorst:

I will not correlate that question with the previous question. I stated the facts as they are. I am not aware that the outgoing President of the United States of America was sent a congratulatory letter and that is the process that we follow. We do not send every head of government, or head of state, a congratulatory letter.

6.6 The Deputy of Grouville:

If I could put to the Chief Minister the question I asked in the Brexit briefing the day after the result and that was, if it is Jersey's intention to negotiate a Protocol 3 version 2, as we have just heard, where U.K. and E.U. nationals will retain exactly the same rights as they have now in the Island, what negotiations are there to give Jersey people here those same rights in the U.K. and the E.U.?

Senator I.J. Gorst:

It is all included in the same negotiation. You cannot separate out different issues. It all needs to be included together. I have answered that question and given exactly the same answer as I give now that all of those issues must be, and we intend to negotiate our position together. The Deputy asked the Minister for External Relations about my statement whereby people would be given grandfathering rights. I quite clearly said that is what we would seek, which is very different from saying they would, because we do not know yet what the negotiation will result in, but we will need to ensure that Jersey people, with the stamp in their passport, receive the same rights during this negotiation as everyone else.

[11:30]

6.7 Deputy G.J. Truscott:

It seems that there is movement with regard to building 5 at the International Finance Centre. I just wondered ... well, first of all, I always thought there was an agreement with the Assembly that before things progressed there would be X amount of pre-lets agreed. I just wondered if the Chief Minister could advise what is happening with regard to that.

Senator I.J. Gorst:

That criteria has not changed. So in order for building 5 to be built, it would need to meet the same criteria in regard to the undertaking that was given to this Assembly.

6.8 Deputy G.P. Southern:

Does the Minister accept that we will have to wait until the Minister for Housing brings forward some regulations in the future, and we do not know how long that will be, until we can have any accountability over the actions that Andium Homes, for example, and from the Minister for Housing?

Senator I.J. Gorst:

No, I do not accept that. There is an approach. I do not know whether the Deputy has already spoken to the Minister for Housing, or to the Assistant Minister for Treasury, in regard to the concerns that he raised earlier in the day. That should be the first port of call, because I have no doubt whatsoever that Andium would deal with those concerns in an appropriate and sensitive matter. If he does not get satisfaction there then, of course, he can arrange to then meet in person, together with Ministers, with Andium Homes as well but they have a board of directors in place. This Assembly agreed the structure that is now currently in place and we have to let that structure and system work.

6.8.1 Deputy G.P. Southern:

Is the Chief Minister satisfied that we can have no accountability over the actions of Andium Homes, which are delivering three-quarters of our social rented housing?

Senator I.J. Gorst:

There is accountability and the Deputy knows that from the structure that this Assembly agreed.

The Bailiff:

Any other questions for the Chief Minister? If not ...

Senator I.J. Gorst:

Perhaps I could just add an addendum to that answer. The Deputy does know, of course, that the Minister for Housing is bringing in regulation as well and that would be another opportunity for the

Deputy to look at that regulation if he is not satisfied that it delivers what he is looking for in this regard.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Assistant Chief Minister - statement regarding television licences for people aged over 75

The Bailiff:

Very well, that brings questions without notice to the Chief Minister to an end. There is nothing under J. Under K, matters of official responsibility, the Assistant Chief Minister has a statement to make regarding television licences for people aged over 75.

7.1 Senator P.F.C. Ozouf (Assistant Chief Minister):

I apologise that due to illness in the London office the statement has just been sent to the Greffe and it may be just ... I do apologise to the Assembly but it would be better if it was ...

The Bailiff:

We will come back to that later.

Senator P.F.C. Ozouf:

Yes. The statement on innovation, because there has been some new developments literally in the last 24 hours, I propose to make that statement with your leave hopefully tomorrow morning.

PUBLIC BUSINESS

8. Bailiff of Jersey: cessation of dual role and appointment of an elected Speaker of the States (P.54/2016) - as amended

The Bailiff:

Very well, we now come to Public Business. The first item on the agenda is P.54/2016, Bailiff of Jersey: cessation of dual role and I have asked the Greffier to take over the chair.

The Greffier of the States (in the Chair):

P.54/2016 on the Bailiff of Jersey, if I can ask the Greffier to read the proposition. Maybe first I could check whether Deputy Tadier wishes to have it read, as amended by his own amendment.

Deputy M. Tadier:

Yes, please, sir. I would ask for that to be read out, as amended.

The Greffier of the States (in the Chair):

So be it. As amended please.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - (a) to agree that - (i) from 1st January 2018 the Bailiff should cease to be present in the States; (ii) the Bailiff should continue to be civic head of the Island; and (iii) the States should elect its Speaker from within the ranks of the Senators, Constables and Deputies and to do so for the first time no later than the last sitting in 2017; (iv) the Speaker may, with the agreement of the Assembly, invite the Bailiff to attend and address the Assembly on ceremonial occasions including Liberation Day; (b) to instruct the

Privileges and Procedures Committee to bring forward the necessary changes to the States of Jersey Law 2005 and Standing Orders of the States of Jersey.

8.1 Bailiff of Jersey: cessation of dual role and appointment of an elected Speaker of the States (P.54/2016) - reference to the Privileges and Procedures Committee under Standing Order 77A

8.1.1 Senator I.J. Gorst:

Before the mover of the proposition moves the proposition I should like to ask the Assembly whether they would agree under Article 77(A), I think it is, of Standing Orders to refer the proposition to P.P.C. (Privileges and Procedures Committee). I understand under that Article that I have to explain why I think that is the approach that should be taken, bearing in mind I support the separation of the dual role of the Bailiff. I would like to just say very briefly why I think the P.P.C. should be allowed to do the work that they had set up and were about to start prior to the lodging of the proposition of Deputy Tadier. Firstly, the proposition suggests that the role should be split at the beginning of 2018. That is neither the start of a new Assembly, nor do we know whether it is at the start of the term of the office for a new Bailiff. I believe that both of those issues should be considered, rather than just simply the starting of a calendar year. I think to deal with all the issues as well that this proposition entails there would not be sufficient time to do that. Secondly, or thirdly, cost. There is no consideration of the cost. I think there would be a cost involved. That does not stop me from supporting the separation of the dual roles, but it is a cost that Members should be aware of prior to them making the decision. That is connected with the next point, which is the need to establish a Speaker's office. That also needs to be considered, so that Members can be aware of exactly how that will work, where it will sit and again the costs involved in that. That is appropriate, so that Members can have the full information in front of them before they make their decision, which, I hope, they will make, and also the role of Deputy Speaker. Currently, we know that when the Bailiff is not available to sit we have the Deputy Bailiff sitting. When they are not available you, yourself, take the chair and, very occasionally, an elected Member is requested by the Bailiff to take the chair. But if we are to have a Speaker, which I support, we will also need a Deputy Speaker and the proposition is silent in that regard as well. Finally, I think the other area of work that P.P.C. should be allowed to undertake is one of representation. It seems to me that the Deputy is absolutely right. It should be an elected Member of this Assembly that acts as Speaker but we need to consider what effect that will have upon their representation in this Assembly. Will they have the right to vote and how will that work because Members also, I believe, need to have that information with them? Of course, this is an issue which is touched on in the Deputy's report on page 4, but not in any great detail. P.P.C. was going to start and undertake some of this work, perhaps not quite as fully as I have just outlined. This is the right thing to do, in my opinion, but over the course of the last number of days, many Members have said to me, while they understand the need in principle to make this change, they have lots of questions, some of which I have outlined there and those questions can only be satisfactorily resolved, I believe, with the piece of work that P.P.C. were going to undertake and can undertake and, therefore, I propose that this proposition is referred to P.P.C. so that they can undertake this work.

The Greffier of the States (in the Chair):

Is the reference to P.P.C. seconded? [**Seconded**] Does anybody wish to speak on this issue?

Deputy M. Tadier:

Before I speak, I just wanted to ask if Standing Order 77A could be read out for Members, so we fully understand what that is asking us to do.

The Greffier of the States (in the Chair):

Maybe the Greffier could find it and read it.

The Deputy Greffier of the States:

77A, proposal to refer proposition to Minister or committee. A member of the States may propose without notice, at any time before the debate on a proposition commences, that the proposition be referred to the relevant Minister or committee in order that the Minister or committee may decide whether to report upon it.

The Greffier of the States (in the Chair):

Do you wish to speak, Deputy Tadier?

Deputy M Tadier:

I wish to reserve my right to speak, Sir.

The Greffier of the States (in the Chair):

Does any other Member wish to speak?

8.1.2 Connétable L. Norman of St. Clement:

Obviously, I am speaking in my role as Chairman of the Privileges and Procedures Committee. Of course, we will do whatever the States request us to do. However, in our comments on this particular proposition we have given advice, we have detailed the history and given links to every report that has been published on the subject during the past 16 years. It is very difficult to know what additional information we can bring, and give, which would be helpful to the States but, if the States wish us to do more then, of course, we will do it. However, many of the things that the Chief Minister has asked for more information about really only come into play if the States have made a decision that there should be a separation of the roles of the Bailiff. Perhaps that decision should be made before this additional work should be done. We know that there will be additional costs if we have an elected Speaker, because that Speaker will need an office, in addition to the Bailiff's office. All this has been known for 16 years; we cannot quantify it exactly at the moment but, if we are going to do all this work, perhaps the States should decide first before we do that work. If, as the Chief Minister suggested, there may not be sufficient time by 2018 to get the separation of roles organised and a new Speaker appointed, in that case, if we have already decided on the principle, the Privileges and Procedures Committee will come back and notify the States accordingly. That should not be a reason not to make the decision in principle, if that is the decision that we want to make. It is quite strange, is it not, that the Chief Minister is asking for this delay and yet it was him who invited Lord Carswell to come over last week to explain to the States his reasoning in supporting Deputy Tadier's proposition. Clearly, we shall do whatever the States require us to do, what they request us to do, but I do think it is a bit unnecessary and it would be helpful to P.P.C. if the decision in principle was made before we did that actual work.

8.1.3 Connétable A.S. Crowcroft of St. Helier:

When the Chief Minister stood for his second term as Chief Minister, I asked him in question time whether he would be coming back to the recommendations of the Carswell review next year; that would be 2015, and Senator Gorst replied, as he has just done now, by saying that he supports the separation of powers, but he replied that: "I am left with a position of believing that what we need to do is to start a conversation with our community about how we deliver the separation of powers and yet how, at the same time, we respect the historic role." I think it is a pity that conversation has not taken place, because Members today are in the position, I would suspect, as I am, of not having been engaged by their constituents rapping on our doors and saying: "For goodness sake. We have got to have an elected Speaker." Lots of phone calls and emails. There has been no conversation with the community about this subject. So I think, while I absolutely support the proposition, I do

not see much hope of it being approved today, because there has not been that consultation with the community.

[11:45]

Members will remember, when I proposed the same separation of powers, it was amended to include a referendum. We will not go into why I opposed that, but Members will have views about how referendums go now, perhaps more than they did then. Clearly, we have to have the support of the public, we have to have consulted the public before we make such a major change, and I am wondering what the point is in having this debate at the present time. I am also, of course, not convinced that referring it to P.P.C. is a good idea: they are hardly desperate to have the subject. Indeed, when I was Chairman of P.P.C., there was not even a majority of Members who wanted to discuss it. I am not sure if it has changed that much. So, referring it to P.P.C. probably is not the answer; having the debate probably is not the answer; so maybe it is up to a Member to propose that we move on to the next item.

The Greffier of the States (in the Chair):

Yes. One at a time. [Laughter]

8.1.4 Senator P.F.C. Ozouf:

Like the Chief Minister, I stood on an election manifesto which basically said that there should be a separation of the dual role; in no disrespect to the historic position of a Bailiff, but because, in a positive sense, I was struck by the importance of what an elected Speaker can do in improving, widening and deepening democracy in a way that a Crown officer cannot. I was struck by what I learnt from the former Speaker of the New Zealand Parliament in basically changing the way that New Zealand had operated and the power that the Speaker had in order to effectively push forward democracy to celebrate and to be, effectively, a much more visible way in the way that the Bailiff cannot be in terms of entering the political fray. He is almost shackled from entering the political fray. I am with the Constable of St. Helier on this issue: I cannot vote in favour, and I do not want to speak against the Chairman of P.P.C., and I think we are in a difficult position on P.P.C. because how can we decide on a proposition, which I do not even think passes the financial and manpower implication statement, to say that this is, effectively, cost-neutral? Now, I realise that P.P.C. need to do some work, but the description of the way that a Speaker's office, if the dual role is to be separated ... you cannot just simply say: "It is going to be done." A Member of this Assembly, in discharging the functions of a Speaker, is going to require a much greater support, if I may say, than a qualified judge and individual who has been through the ranks of, normally, Solicitor General, Attorney General, Deputy Bailiff, *et cetera*. It is inevitable that there is going to have to be a complete change in the way that the Speaker's office works. Now, I do not know whether that is an issue that P.P.C. can look into. I realise that there is the dilemma of the agreement in principle, but this proposition is too proscriptive in terms of being absolutely on a date with certain issues decided. As the Constable of St. Helier says, no consultation with the community. I did not agree with the referendum issue, with the greatest of respect to my good friend, Senator Bailhache, at the time, and I just think we cannot make such a momentous decision on the back of a proposition that has got zero manpower implications; that must be wrong, that the thing has not been talked through, discussed in detail. We are asked to agree that, from 2018, the Bailiff should cease to be President of this Assembly, and everything else just follows. Well, this Assembly makes so many decisions in principle without understanding the consequences. I want to see the full consequences. I do want to understand how to deal with the public's sensitivity. I got a right ear-bashing when I said at the Trinity hustings that I was going to propose that the Bailiff's dual role should be stopped. I understand people's sensitivities. At the same time, I also understand the importance of the Speaker and the Speaker upholding, at all times ... and I recall the words of

Speaker Lenthall when he fell before the knees of Charles I and said: “Please, your Majesty, I have neither the eyes to see, nor the ears to hear, but as this House is pleased to direct me, whose servant I am here.” I believe that is a correct quote. Indeed, the Speaker is the servant of this Assembly, and I do not say that the Bailiff is anything else apart from the servant of this Assembly, but in all Parliaments there is effectively mostly now an elected person, but that elected person has to have support, and this proposition does nothing, it does not explain anything. There has been no discussion at all about that and you just simply cannot make decisions on the hoof like this. I am in favour of it, but I am in favour of doing it properly, with proper information after the work has been done and taking people with us, rather than just simply throwing out something which will really upset many of our Island community.

8.1.5 Senator L.J. Farnham:

The Chief Minister has raised some incredibly important and valid points and I concur with the Constable of St. Helier and Senator Ozouf, who have underlined those points. Before we discuss and potentially make a decision on what amounts to centuries of tradition and decades of practice, we really must get our heads around the logistics and the costs and public consultation. Again, this is another piecemeal approach of how we constitute and reform our Assembly and its practices. Just to give notice, and I am not sure that now is the time, but depending on how the vote goes on the Chief Minister’s proposition to refer this to P.P.C., I would like to ask for some clarification from the Chair. Because, effectively, Deputy Tadier’s proposal possibly will affect the constitution of the Assembly, and I believe there are rules relating to the vote required to do that. So perhaps we could have some advice on that, if it is appropriate.

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

I came into the States specifically today for this debate. I have not been feeling well of late. I was wondering where the wrecking motions were going to come, because every time this Assembly has addressed this issue, there is always someone trying to sabotage the proposition: whether it be an amendment or a refer-back, or this, that and the other. I am amazed that the people who are the ones doing it today are some of those who, for the last few years, have been saying: “Oh, we believe that there should be a separation of the powers. We believe that the Bailiff should not be in the Assembly.” They always seem to be the same ones that keep on putting it off. We have got the Constable of St. Helier; probably when he was a Deputy he was arguing the case for the separation of power, but it never comes to pass. We have got Senator Ozouf, another one who, again, is supposed to have had the view that there should be the separation of powers, but always there is something that is wrong with this. The Assembly has got until May 2018 if this Assembly is going to decide this issue. To be perfectly honest, I think if we delay the debate today and give a steer, perhaps, to P.P.C., it will never be done in this Assembly by the Members that are here. I believe that we should go ahead. All I can say is I am just appalled. It is just another wrecking attempt, and they should be ashamed of themselves.

8.1.7 Deputy J.A. Martin:

I feel very like Deputy Higgins. I stand, really, to support the President of the P.P.C. What do you want us to do? It goes back to Clothier 2000, separate powers, and then again and again and again; all the things that the Chief Minister wants referred back to P.P.C. have been known, they could be costed, they could have been looked at. No Minister has ever decided to do it, so, when it does not fit into a box: “Send it back to P.P.C.” P.P.C. are already trying to reform the States, how we elect you. If that happens before 2018 I will be very surprised, but: “They have Senator Ozouf on it, they have so-and-so on it, and it is going to happen.” I can assure you, it is not. What we need, if you want us to go and do the work, again, because I have been on successive P.P.C.s with the

Constable of St. Helier, the Constable of St. Mary, now the Constable of St. Clement, and we know the issue. Oh, sorry, and Deputy Maçon. I seem to be on all ...

Deputy J.M. Maçon:

It was a very brief time.

Deputy J.A. Martin:

No, Deputy, but it is quality, it is not always quantity. **[Laughter]** Very, very good, and we worked very well together on our Sub-Committee of Standing Orders, thank you. I love my Constable of St. Helier, but he has the gall to stand here today and tell me he does not know what his public wants. Since this has been lodged, we have had 6 Parish Assemblies. Did the Constable think to put it on? Did the Constable of any Parish think in their Assemblies: “Oh, this is coming up. It is a massive constitutional change that the Deputy of St. Brelade is proposing.” Not one. This is why I am told we keep the Constables: “Because they have their ears very close to the ground. They meet their parishioners at their Parish Assemblies. They come to the Rates Assemblies, they come and tell them when they are not happy about something.” So if, from 24th May, you - sorry, they are all sitting to the right of me - had wanted any indication, why did you not put it to your Parish Assemblies? But to come here today and say: “Oh, I have got no idea. People are not really phoning up.” No, because they are going down to food banks, or they cannot get on the housing list and they are really ... but we want to change something constitutional going back thousands of years, or hundreds of years; I do not know how long. But we will go back to this. Forget this issue of money. How much do you think it costs our top judge not to sit next door? We have to employ someone to sit next door when our top judge is sitting here doing a job that a very good paralegal could do. No disrespect. You can look at me like that, Senator Ozouf. **[Laughter]** That is no disrespect to the Greffier, who I do not think should be put in the position of sitting in our chair and trying to herd us around, because we have not thought it through. But do not send this back to P.P.C. I am on P.P.C; I do not want it back to me, I want a decision. If you do not want to get rid of the Bailiff, do not vote for it; it is quite easy, very easy. Senator Ozouf and the Chief Minister sit there, as it has just been said by Deputy Higgins: “Oh, yes, we support it, but we want more information.” We are not going to give P.P.C. any more money, we are not going to give P.P.C. any more support, we are just going to go over and hash the old arguments again. We will come back and they will say ... and when you vote on it, you will get 6 votes, maybe, because nobody really wanted to change it, but we need to know that before we go and do the work. As if P.P.C. have not got enough to do. I really do despair when people, especially a Constable of the biggest Parish, and you will hear all the rest of them say it: they do not know what their parishioners want. Well, it was in your hands, you have had months to do it. Go out and find out that this massive constitutional change, that was being proposed today, has been put off, put off, and put off, and not one of you asked. I am very sorry, I do not want it sent back to P.P.C., I want to vote. I am on P.P.C., I want to do no more work until you, the rest of my fellow States Members, give me the steer and not the stare you are looking at that I am getting from the Senators’ Benches, that we go and do the work. We are already drowning in the work of electoral reform. As I started this speech, if that gets to us before 18th May, I will be very surprised. Please, do not send us off to do some more work, navel-gazing, with no extra staff. You know the answers; it is not rocket science. You either believe the Bailiff stays or the Bailiff goes. Simple: you vote one way or the other. Do not send it back. I am not supporting this and I am certainly not supporting ... we have already had Senator Farnham stand up and say: “Well, if you do not get this, I am going to move on to the next item.” So I give up.

Senator L.J. Farnham:

I did not say that or mention the next item, but it has given me a good idea.

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

No, I will not be supporting the move to P.P.C., I think, on 2 fronts: one is, as we have heard from the President and from Deputy Martin, because what are we asking them to consider? In theory, they are going to be considering the terms of the proposition and I think that will be too limiting. Secondly, I think it is going to be regarded as a device anyway, and it is the usual story: I have had it, all Members have had it at different times: “If you do not like the proposition, do an amendment to it.” I think the Chief Minister is being very political in his stance on this, and I think let us get on with the debate and have that.

[12:00]

8.1.9 Connétable J. Gallichan of St. Mary:

The first thing I would like to say, just in regard to something that Deputy Martin raised before: there is an excellent article on the parish.gov.je website, explaining the role of the Parish Assembly and explaining what it can and cannot have jurisdiction over. It is quite clear, the role of the Parish Assembly does not extend to matters beyond those specifically related to the administration of the Parish, so just to answer her well-meaning, I would say, criticism of the Parish Assemblies in this respect. I came to this debate today perfectly prepared to have the debate and knowing pretty certainly, I think, where my vote will be going, but obviously waiting to hear, I am sure, the excellent arguments that will come out during that debate. Listening to what the Chief Minister said, but more importantly, to what the Constable of St. Helier said, this is quite an interesting situation. We have debated this several times before: the first time in my recollection in 2008, 5 Members supported the proposition, 46 Members voted against. The next time, in 2014, a slightly different wording of the proposition, but then 5 people supported the proposition. More people had moved to abstain. I am conscious, if I asked the question at the time of the original debate, I think, whether we needed an absolute majority for this under Article 89A, and I am convinced that we do, unless something has changed, and I am sure you will correct me if we do not. The question for me is: when are we going to move this issue on? Are we convinced that we know enough to make sure that we achieve an absolute majority to move this matter forward? That is a matter only Members can be sure on. I am fairly sure I know where I will stand, but until the vote is called, I do not know. What I want to ask the Chief Minister on this specific question that he has raised, the proposition he has made, if the Assembly today votes to support him, much as we have heard that P.P.C. will perhaps struggle to find what meaningful new research they can bring out, will the Chief Minister utilise that time to engage a meaningful public debate on this issue, to bring the questions that we are asking ourselves here in this Assembly today into the public domain and to the forefront of the public domain? Will he advise me, when he sums up, how he will do that? Because that is the only advantage that I can see in not having this debate here and now today. I am ready for it and I would just like to understand whether the Chief Minister has anything in mind to move the public’s understanding of this situation forward so that we can get feedback from them. I have monthly sessions where the Deputy of St. Mary and I meet together with parishioners: since I have been elected Constable, which is some considerable time now, no one has come to me and said: “When are we going to split this role?” But since the proposition has been lodged, no one has come to me and said: “Can you explain it? What will it mean? What do we do?” So I think our job is to move that debate on but, unless the Chief Minister has a concrete plan for that, I cannot see the point in not having the debate today.

8.1.10 Deputy S.M. Brée:

If I may just bring Members’ attention back to the proposal that the Chief Minister is making, which is that, rather than having a debate today on this proposition, which was lodged on 24th May 2016, he wants to refer it back to P.P.C. This raises a whole number of questions in my mind as to

what benefit is there to referring it back to P.P.C? P.P.C. through their comments, and I sit on P.P.C. as well, have given a clear indication to Members where they can find the information that is required so that they can make an informed decision during the debate. There is nothing else, really, P.P.C. can bring to this debate. The decision has to be made by this Assembly as to whether, or not, they do support, to quote from the proposition: “The cessation of dual role in the appointment of an elected Speaker of the States.” Now, interestingly, and somewhat bizarrely, it would appear that the people who are speaking the most vehemently supporting the Chief Minister’s proposals are those who in the past have spoken most vehemently in supporting the cessation of the dual role of the Bailiff. This does raise a bit of a question in my mind: why on earth would they not wish this debate to go ahead? Because, essentially, this debate is saying: “If we agree with the concept, then it needs to be referred to P.P.C. for P.P.C. to do the necessary work, to then report back to this Assembly.” Perhaps the reason why the Chief Minister wishes to refer this back to P.P.C. is that he is of the opinion that this Assembly, with the Members who sit in it at the moment, will not support the cessation of the dual role. Perhaps it is more a question of the Chief Minister asking this Assembly not to have the debate now, because he has managed to gauge the feeling of this Assembly and knows that this proposition, in all likelihood, will get defeated. So it does not give the Chief Minister the opportunity to then move to remove the Bailiff from this Chamber. Irrespective of what your views are on whether, or not, the Bailiff should be maintaining the dual role, or the roles should be separated, the important thing is this debate should be allowed to go ahead. There is no reason why it should not. I would urge Members to ensure that Deputy Tadier’s proposition is debated. We have had since 24th May to look at it. Other than the amendment brought by Deputy Tadier himself, nobody has brought an amendment to this. That is 24th May; nobody has brought an amendment. One can only assume that everybody is happy and that we should continue with the debate otherwise then, surely, an amendment should have been lodged by either the Chief Minister, Senator Ozouf as Assistant Chief Minister, or any Member of this Assembly. I would urge Members to allow this debate to go ahead. Irrespective of your views on the subject matter, this is a debate that should be allowed to proceed without further involvement of P.P.C.

8.1.11 Deputy G.P. Southern:

The essential issue, the nub of the issue, is: do we debate today? Win, lose or draw, do we debate today? As the previous speaker mentioned, this has been lodged for over 5 months. If there are defects in its structure, where is the amendment to correct it? We have had plenty of time, especially those who wish, who say that they support the principle of ceasing the dual role: “But not yet.” What sort of argument is that? Where is the amendment that puts this right? Oh, no: “We want to hand it on to P.P.C.” P.P.C., led by the pragmatist from St. Clement, says clearly: “We do not want it. Debate it today, give us a steer. Do you want us to do the work? Then we can do the work. At least we will have had a steer, a decision in principle.” In principle, the Chief Minister is in favour of the cessation of the dual role. In principle, Senator Ozouf is. In principle, my own Constable is. So why not debate in principle today? If we are to hand it on, hand it on with a structure that says: “Work it out and then bring it back.” Win, lose or draw, that is what we are paid to do, not to endlessly put it off, put it off, put it off, until the grass grows over it. Let us make a decision today.

8.1.12 Deputy S.Y. Mézec:

I will be brief, as other Members of P.P.C. have also spoken and echoed part of what it is that I believe as well. I think the point is that one of the reasons that this proposition was lodged in the first place was because, despite it having been a manifesto commitment from people from different sides of this Assembly, and despite the fact that P.P.C. had undertaken a small amount of work to look at it, nothing had been done; literally nothing had been done. P.P.C. has 7 members. From

my estimation, there are 3 of us who support ending the dual role of the Bailiff, there are 3 of us who do not support ending the dual role of the Bailiff and there is one who is on the fence. That breakdown will not lead to any positive contribution, one way or the other, if it is given extra work to do it. Now, as somebody who does support the separation of powers, and as a member of P.P.C., I have wanted to push for this to be something on our agenda, for it to be something that the committee itself, as a whole, takes forward, and it has not. Part of why it has not is because the committee is split on it. So, I think, to reference it back to P.P.C. to do extra work when we have already had 2 comprehensive reviews that have looked into it, when there has been legal advice, when the Chief Minister has put forward comments to this proposition previously, with a whole host of legal opinions on the subject, I simply do not think that P.P.C. has anything positive to contribute on this subject. Ultimately, it is a matter for this Assembly to decide who we want to be in the chair presiding over this Assembly. If the majority of Members of this Assembly decide that we want the Bailiff to continue to be our presiding officer, then that should be what continues and we should stop wasting taxpayers' time and money debating something that has no chance of succeeding. If we decide that we do want a separation of powers and we do want somebody who is not the Bailiff to preside over this Assembly, then we should make that decision sooner rather than later and we should get on with it. I think, to kick this into the long grass without a steer from this Assembly, one way or the other, on who we want to be our presiding officer, is a recipe to just waste time and money. This Assembly has on other subjects as well, like electoral reform, also wasted taxpayers' time and money, and I think that, on principle, is the wrong thing to do when we should be debating the issues that matter to our constituents' lives. It is clear from the enthusiasm that has been expressed by the majority of those Members that have spoken, P.P.C. does not really want to do this work. Members of this Assembly, I think, should make that decision today, give the Assembly and P.P.C. a steer one way or the other, and we can get on with things that are much more important to the public.

Senator P.F.C. Ozouf:

Sir, may I raise a point of order?

The Greffier of the States (in the Chair):

If you wish.

Senator P.F.C. Ozouf:

Thank you, Sir. Sir, my point of order is that a number of Members have said the word "steer" and my reading of the proposition is that it is not a steer, it is an instruction with a date. Could you rule as to whether or not the word "steer" is correct or not? It has been used repeatedly, Sir, as though it is just sort of a direction. A steer is not an instruction, and Members have repeatedly used the word "steer" and I just would be pleased for your guidance.

The Greffier of the States (in the Chair):

Can I deal with this first, Deputy Tadier? Members can read a proposition and they can form their judgment on what they read. I think the word "steer" came up after the chairman of the committee said that, for example, if the committee received this proposition and felt later on that 1st January 2018 was not achievable, it would come back and seek to change matters. I think that is the context in which the word "steer" was used, but the English language is pretty clear. The States are asked to agree a number of things and to instruct the committee to come back with changes to the law. That is what it says in the proposition. Deputy Tadier?

8.1.13 Deputy M. Tadier:

Well, clearly, whatever the result of the debate, if it is ever allowed to happen this afternoon now, will give some kind of steer because, even if it loses, Members will get up and speak and they will

say why they can or cannot support this proposition. So even in the event, which I do not want to happen, that the proposition loses, maybe by a narrow margin, and there will be comments on the Hansard saying: "I might be able to support this if ..." and there would certainly be a steer. Of course, in either scenario, which is more important, P.P.C. would know exactly where they stood. So if the proposition loses then P.P.C. do not need to do any work, because it is not the will of the Assembly that they do any work. There is nothing to follow up, of course. The proposition is quite clear that, if we do agree it, then part (b) is exactly where the work that the Chief Minister, and others who support him, will be done.

[12:15]

The questions of cost and how the actual office of Speaker would work will be addressed in that intervening period in which P.P.C. will work concretely to bring that proposition to the States to tell us and put in a framework for electing our Speaker from within the membership. The proposition is quite clear. I took time to make sure that I drafted the proposition as clearly as I could to anticipate possible amendments. None were forthcoming. Indeed, I spoke directly with the Chief Minister throughout the whole process. One of the movers, supporters of the Chief Minister's reference to P.P.C. is a member of P.P.C. himself, and he would have been quite capable of bringing an amendment should he have wished to, and no amendments were brought forward. That is because, ultimately, and I would say this, the proposition itself is sound: the decision is whether or not we agree with it. You could say it is a bit like Marmite: if I say to somebody: "You do not like Marmite. Well, let me sit down and explain it to you, these are the reasons you should like Marmite, because it has got all this yeast in it, it has got vitamin B12, that is really good for you" all these reasons: "and maybe after a period of review you will end up liking Marmite." I think the issue is that many Members in this Assembly have fixed views and, hopefully, not everybody has a fixed view, and that is not necessarily going to change by any amount of reviews which cannot get us any further. We have had 2 very esteemed individuals and bodies doing those reviews. One was called Clothier, with the Jersey support that was given, and that was over 16 years ago now, or 16 years ago exactly, and the other was called Clothier with the Jersey support from other esteemed individuals, and that was over 6 years ago. So we have all the information that we need, we simply need to make an in-principle decision. I am disappointed by the Chief Minister. I am grateful to him for proposing this, but only in a very limited and superficial way, because it did give me a chance to get my breath back when I ran, very quickly, from downstairs up to here finding out that 2 statements had been pulled and that I was the next one immediately to be up to speak. But, apart from that, I am disappointed, and I am particularly disappointed with the Constable of St. Helier, who himself was subject to a wrecking amendment back in 2014 with P.60, referring his proposition, not just to a committee but to a referendum. It is completely unfair, of course, to say that the 5 votes that the Constable got back then were representative of the views of the Assembly, because we were not voting on the decision of splitting the roles, we were voting on whether to have a referendum on something that the Assembly did not want to do. Clearly, those are 2 very different things. I would hope that the debate can ensue today. I think, first of all, we owe it to our constituents to have this debate today. I think we owe it to the potential future chair of the Assembly, whoever that might be, to get this result, but I think we owe it to ourselves to get this issue sorted. There are clearly lots of other arguments, but I think they have been well made, not least by the Chairman of P.P.C. The bottom line is, P.P.C. do not want this referred to them, the Chairman does not want it referred to them. I made sure I spoke to a majority of P.P.C. members before: they do not want it referred to them either. So let us just get on with the debate and, if there are strong reasons for kicking this out, whether they be on principle, or due to the technical deficiencies of my proposition, which I do not think is the case, then let us hear them in the main debate.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on this proposition? In that case, I call on the Chief Minister.

8.1.14 Senator I.J. Gorst:

I believe that all Members stand for election to this Assembly to see change, not just to have a debate, air the issues, but to see change. There comes a point where principle requires the application of practicality. Many Members have said to me that they understand the principles of the need to change. Members had a very compelling presentation from Lord Carswell only last week; I invited Lord Carswell to come again to Jersey, because Deputy Tadier made the request of me. He, with other members of our community, of course, published back in 2010 the Crown Officer Review, and Members, when they think about the principle, can understand the issues involved and can understand the principle of the need to change. Some of those who said we should carry on with the debate, of course, do not accept the principle; I could go round now and name them, but I will not. They do not want to see any change; they do not accept the principle. But there are many Members who do see the merit of the principle and the arguments around the principle of the separation of powers, as embodied by the dual role of the Bailiff. Their concern is with practicality, because, in order to give effect to a principle, there has to be practical application. Despite how much P.P.C. may protest, perhaps they protest a little too much, and despite how some members of P.P.C. suggest all Members need to do is follow a whizzy little link on the internet, and they will have all their questions answered about the practicalities, we all know that is not the case. Because nowhere does any of those documents talk about the practicality of setting up a Jersey Speaker's office, nowhere are those practicalities of what it is going to cost addressed. Nowhere are those practicalities discussed of how that Speaker and the necessary Deputy Speaker will represent their constituents in our community. Those practicalities are missing. That engagement with the public has been missing. That is rightly work to be undertaken by P.P.C. The Connétable of St. Mary asked about the support for P.P.C.; at some point some Members seemed to be suggesting they did not have the resource to undertake the work. I could argue with that but, if that is the case, and representations are made to me and to the Minister for Home Affairs ... I would be careful not to offer her officers out too widely, but there are officers in her department working with P.P.C. around electoral reform. I see no reason whatsoever why that piece of work could not be extended and their good officers could not be extended to allow and give extra resource to P.P.C. to undertake this work. The Constable also said: "When are we going to move this issue on?" From my conversations with Members across the Assembly, if we go and reject the proposal to refer it to P.P.C., we will not move the issue on. We will not have the information about practicalities, because Members will vote against Deputy Tadier's proposition, not because of the principle, but because of the practicalities. Because it is not an in-principle decision that Deputy Tadier is asking us to undertake, he is asking us to agree that, on a set date, the system will change and that P.P.C. will bring back the law changes. My contention is quite simple: there is a piece of work which falls within the remit of P.P.C. which I am prepared, together with the Minister for Home Affairs, to offer staff to support that piece of work, to answer the question of practicalities. Because, if we are to have principles, if we are to see those principles put into action to ensure that we continue to be a modern, forthright, democracy that is able to change, then we need to understand what the practical implications of that are and how we will practically deliver a modern Assembly. It is attractive to suggest: "An amendment should have been made here, an amendment should have been made there." Let us just deal with the principle. If we are to move this issue forward, and we absolutely should, and I would challenge - and some Members are shaking their head - any Member that listened to the presentation of Lord Carswell, who has read the Crown Officer review, who has looked around to see how democratic, elected assemblies and parliaments operate throughout the world, they would see that we here, together with our colleagues in Guernsey, are now out of kilter in being able to show we are able to change and modernise to give

confidence to our people that we are a model, democratic assembly. In order to move that we need the practical questions answered. The only way we can do that today is to refer it back to P.P.C. and not to carry on on a wing and a prayer and then have the proposition rejected. I urge Members to vote to have the practical work undertaken, to have their questions answered. They may not like the answers to the questions, but currently they do not have the answers to the questions and if they are going to reject the principle, they should at least have the answer to the practicalities before they do that. I urge them to refer it to P.P.C. **[Approbation]**

The Greffier of the States (in the Chair):

The appel has been called for. I ask Members to return to their seats. I ask the Greffier to open the voting.

Senator I.J. Gorst:

Can we just confirm it is a pour to refer it to P.P.C?

Deputy M. Tadier:

And a contre not to.

The Greffier of the States (in the Chair):

I think that is clear.

POUR: 22		CONTRE: 24		ABSTAIN: 0
Senator P.F. Routier		Senator P.M. Bailhache		
Senator P.F.C. Ozouf		Senator S.C. Ferguson		
Senator A.J.H. Maclean		Connétable of St. Clement		
Senator I.J. Gorst		Connétable of St. Brelade		
Senator L.J. Farnham		Connétable of Grouville		
Senator A.K.F. Green		Connétable of St. John		
Connétable of St. Helier		Connétable of Trinity		
Connétable of St. Peter		Deputy J.A. Martin (H)		
Connétable of St. Lawrence		Deputy G.P. Southern (H)		
Connétable of St. Mary		Deputy of Grouville		
Connétable of St. Ouen		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Martin		Deputy K.C. Lewis (S)		
Connétable of St. Saviour		Deputy M. Tadier (B)		
Deputy of Trinity		Deputy of St. John		
Deputy E.J. Noel (L)		Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		Deputy J.M. Maçon (S)		
Deputy R.G. Bryans (H)		Deputy of St. Martin		
Deputy of St. Peter		Deputy R.J. Rondel (H)		
Deputy A.D. Lewis (H)		Deputy S.Y. Mézec (H)		
Deputy of St. Ouen		Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		Deputy S.M. Bree (C)		
Deputy M.J. Norton (B)		Deputy T.A. McDonald (S)		
		Deputy G.J. Truscott (B)		
		Deputy P.D. McLinton (S)		

Senator L.J. Farnham:

I wondered if you could clarify the position in relation to this proposition insofar as if it is approved it could change the number of sitting Members and I understand that a different majority may be required in such a circumstance and if it is applicable to this proposition.

8.2 Bailiff of Jersey: cessation of dual role and appointment of an elected Speaker of the States (P.54/2016) - resumption

The Greffier of the States (in the Chair):

Thank you. Standing Order 89A applies to this substantive proposition because it would alter, if approved, the membership of the States of Jersey. Therefore, to be approved it requires a majority of the elected Members, so 25 by my count. We now come to the actual proposition which has been read, so Deputy Tadier.

8.2.1 Deputy M. Tadier:

If only we could have kept it going another quarter of an hour I would have had the lunch break to also prepare.

[12:30]

I look forward to all those who voted to refer it to P.P.C. because it is so important to support this proposition so that it can be referred to P.P.C. because, at the end of today, if you will not support this proposition, it will not be referred to P.P.C. and it will be parked. It would be nice if the Chief Minister, in particular, could use his great enthusiasm for this urgent democratic change that needs to happen to finally support this proposition rather than finding ways to stall it. I look forward to his strong support and that of other Ministers, who have already spoken broadly in terms of the principles. I was downstairs typing the words pretty much as I had heard the proposition being referred to be read out and I was typing as to why it is so difficult to bring a proposition relating to who chairs this Assembly to the floor of the House. I was writing those notes saying it is not easy when you stand up and try to change a role, or roles that affect the most powerful man in the Island. That is perhaps one of the reasons why it has been so difficult to even get a debate to the floor of the Assembly as the Constable of St. Helier found in the past. When he debated P.60 it was subject to an amendment, which many of us saw at the time, if not intentionally, having the effect of being a wrecking amendment, and subsequently it received 5 votes, rather than having a proper debate and the full support that it could have got, which would have clearly been much higher than that. I think this is one of those propositions where, clearly, there are divided views and in speaking to Members before this proposition, because I knew there would be an attempt to try to circumvent the debate, my issue was not with those who I disagreed with. It was with those who were sympathetic, but did not want the debate to go ahead for whatever reason. I think there were probably very complex and multi-layered reasons why that was the case because at least, the anecdote has been said in the past, when you are knocking on doors during an election and the only person you can trust is the person who shakes your hand, looks you in the eye and says: "I am not going to be voting for you." The old adage of keep your friends close and your enemies closer is not always correct, because sometimes, in politics, your enemies you can trust more than those who speak sometimes on your side. But let us move this on. I accept the fact that there are views that are quite strongly held and this is a good place to put those out there. It is correct that also there is both an argument of principle involved in the dual role and the separation of powers as well as practical reasons which I will be giving for the separation. It has been said already that I think those arguments are compelling, even when faced with the strong arguments of tradition that must always carry some weight. Of course, one needs to be respectful but, as Lord Carswell told us again last Friday, notwithstanding all those very compelling strong arguments and emotive reasons that some of the public might feel about tampering, if you like, with what we have currently in the current set-up. There is more than enough evidence and fact out there to outweigh the *status quo* and to support the need for change. I think the other argument that may come forward and it is necessary to try to think about what these arguments are going to be, is now is not the right time. That is always going to be the lowest common denominator argument. Now is not the right time.

We have just had Brexit. We have just had Trump elected in the U.S. We are in uncertain times. We do not need to add to more uncertainty. I will not try to give that too much credence, because I think that is not a valid argument. If anyone suggests that people coming to the Island, who might want to invest here, look at the Island and say: "I was going to move my business to Jersey and invest my millions of pounds over here, perhaps go down to the rugby club and help them, invest in them, do all that but I am afraid I cannot move to Jersey unless you keep the President of the Assembly as the Chief Justice of your Island. That is one of the preconditions." It is complete nonsense, of course, and I do not mean to poke fun at that, but it is a completely separate issue. The issue of who chairs our Assembly is ultimately for us to decide. It is for no one else and, of course, the public will have opinions on that, but we are not saying we want to get rid of the Bailiff as the civic head, and that is why I, specifically, put that in the proposition and, no doubt, some will wish to focus on whether that is tenable in the long term. But that is not something we can control. The role of Bailiff as civic head of the Island basically has evolved, but that was his original role from a point where he was all-powerful to a point where the powers were curbed and that evolution clearly is ongoing. It is now the time, if anything is to change, for this Assembly, either now or in the future to be part of that evolution. Of course, the role of Chief Justice, if I call him that, but Chief Judge perhaps in the Jersey context, is an esteemed one. Any senior judge is always going to be an esteemed role, but so is the position of Speaker in its own right. We look at the Houses of Parliament, for example, we know the office of Speaker there is necessarily held in high esteem. It is not always somebody that every Member agrees with. It is not, incidentally, who the Government put in place and is some kind of patsy for the Government. I know that privately speaking to Members there have been some who are reluctant to get rid of the Bailiff, our current President, because they think, somehow, it might be somebody put up who is overly sympathetic to the Council of Ministers. That is not the way it works. We know that the Executive are in the minority and it will be a decision for this Assembly. More importantly, if we find out that individual is showing overt bias, or just simply is not competent for the job, then we change that individual. He, or she, serves at the leisure of the Assembly. That is perfectly normal parliamentary practice and, of course, that is not really easy to do in the current scenario, which we can focus on in a moment. Elsewhere both these positions coexist, but in different spheres and they are equally esteemed, especially when held by highly-capable individuals as is normally the case. It is natural that we want to show respect to our Chief Judge, to the civic head of our Island, but the fact that he is automatically the President of our Assembly is clearly bizarre and I think not acceptable in many ways, largely on principle, but also we will see in practical terms because it has an implication for the time that can be spent in the court by the Bailiff, the Deputy Bailiff and the fact that we need to bring over commissioners from the U.K. at great expense when, arguably, we should be using our own very capable lawyers to do that. I think there is a sense in which we are doing ourselves a disservice and there is a sense in which the Assembly does not seem to have the self-confidence which other Assemblies will necessarily have because they are the sovereign bodies, the Parliaments of their particular countries, their jurisdictions. There is no higher Assembly than the Parliament of the land and, of course, that does not mean that the courts are subservient. They are equally esteemed and equally high, but completely separate and that is not something we can truly say is the case in Jersey at the moment. We accept that our courts should be distinct from political interference and we would not accept or want an elected politician to act as a judge in any other official role in the courts. I think that goes without saying. If that were the case it would be highly bizarre and, in fact, politicians would probably be the first one saying that is the case. I think we must also accept the fact, therefore, that it cannot be right for an officer of the court, and not just any officer but the Chief Justice, the chief judges, because there is more than one, to have a role in the Legislature. That is what it boils down to. That is the principle. It has often been said that the principle of separation of powers is that the Judiciary and the Legislature should be separate and of course we know that in many areas the Legislature and the Executive are

fused in a sense because, especially in a unicameral system, we sit in the same Assembly, but there are the checks and balances. Then you say it does not matter if you have somebody who has a notional position in the States because he has no real power and, in any case, he takes precautions to make sure there is no conflict of interest. It is not simply that those 2 institutions should be separate. If I read a memo from the House of Commons authored by Richard Benwell and Oonagh Gay, I hope I have the pronunciations right, it said: "The separation of powers refers to the idea that the major institutions of state should be functionally independent, but also that no individual should have powers that span these offices. The principal institutions are usually taken to be the Executive, the Legislature and the Judiciary." Clearly, in the Jersey context we do have individuals whose powers span these 2 offices. We have that in the office of Bailiff and Deputy Bailiff. Some might say we have it in the role of the Attorney General. That is true and Lord Carswell's report did look at that and it was found to be not the issue it was thought of, but we are not here today to debate that issue. It may be something that comes up in the future, but there will certainly be ongoing issues about it. There are reviews going on at the moment into how the courts were and prosecution services, *et cetera*. That is an argument for a different day. If I move on to the arguments, clearly lots have been written on this issue. We are not going to go through all of it today, Members will be pleased to hear, but I think it is important to refresh our memories. The person I would like to start quoting was somebody who made a submission to the latest review in 2010, but also that was an individual who sat himself on the Clothier panel back in 1999 with the much bigger piece of Machinery of Government Review, which was casually referred to, or colloquially, as the Clothier recommendations and report. It was John Henwood. I think he is already in the public domain. What he said is that: "I had probably not given the issue a great deal of thought until I was invited to be a member of the Clothier panel." I think that is probably the reason why we have not had people knocking down our doors strongly either way, because it can be said to be in some ways ... I am not going to say a dry issue, but it is constitutional: it affects the courts, it affects politicians. It is not something that people spend a great deal of time thinking about, but it does not mean it is not important. It is fundamentally important to our institutions. Of course, there were still a lot of submissions that took place to both those reviews. He went on to say: "It was during the course of taking that evidence and then formulating our views that I formed my view that the roles, currently occupied by one office, that of Bailiff, should be separated. I think it is fundamentally inappropriate for anyone, who has not been elected, to have an influence and, in this case, I would say a powerful influence on the political process." Later on, Mr. Henwood went on to say that he is no iconoclast. In other words, he is not somebody who is radical and wants to go round smashing up traditions for the sake of it, but he came round to the position, when the evidence was put in front of him, that there was no other way and we needed to have the change. Lord Carswell said to him during the hearing, at which he was able to present his evidence, that we have had a number of people representing to us that if one of the Members were elected Speaker of the States then his, or her, constituency would be deprived of representation. A number of people have felt this is a rather serious handicap to the constituency. That is a valid concern. That is why I deliberately tried to address exactly who, or how, the Speaker would be replaced because, otherwise, I think if you do not put it in there, and you may lose votes, of course, by doing that. There may be some people who are quite happy to replace the Speaker with another Speaker, but who do not want it to be from within our internal number. It is important to put that in the text. Otherwise, we risk having 49 different opinions on who could, or might, make a suitable chair and who might be acceptable to the Assembly and we know the problems that can arise from that with other constitutional reviews that are ongoing. If you ask the public how the Assembly should be comprised they will give you more than 49 views. I think we could give you something in that order. I think it is important to set the parameters of the debate early on and Mr. Henwood, like I would say, gave the answer, saying first of all we had 12, we currently have 8 Senators, who are elected by the whole Island collectively. So, it is wrong to say that if one of the Deputies and

Connétables were invited by his peers to be Speaker his constituents are no longer represented. I think the beauty, if there is a beauty in the Jersey context, of having multiple States Members, and it does not look like that is going to change any time soon and even if it did, we know we are going to have at least 2 types of States Member, is that every constituent in our Island is represented by more than one individual. There are currently 8 Senators, so were a Senator to become a Speaker then there are 7 other Senators who can do the work for the constituents but then there is also, of course, the Constable and the Deputy, or Deputies, of that Parish. That is not to say that, as happens already, if they cannot get satisfaction from their actual representatives they can go elsewhere which is often the case in a small island.

[12:45]

I think voters do not necessarily respect the Parish or constituency boundaries when looking for help and, similarly, States Members can have the ability to have a wider portfolio of interests, not strictly always limited to their constituency. Obviously that goes without saying.

The Greffier of the States (in the Chair):

Deputy, I do not want to interrupt the flow unduly, but we have got to 12.45. I wonder whether you are close to finishing, or whether you wish to carry on this afternoon and we adjourn.

Deputy M. Tadier:

I am not close to finishing. Perhaps if I could just finish this point on how we elect the Speaker. It will only take a minute, bring that section to a close now.

The Greffier of the States (in the Chair):

Okay, if the Assembly is happy with that.

Deputy M. Tadier:

Then ask for the break, as it obviously is a heavy debate. I thank Members for that. I think the issue of who would chair the Assembly in the absence of the prescribed Speaker that week already is an interesting one, but I do not think it is the key or, necessarily, the most genuine argument in this. I would find it very strange if there were people out there who say: "I definitely want the Bailiff to be gone, but I do not trust any States Members to be capable of doing it." I think that is to do ourselves, or any future Assembly, a disservice. We clearly have a wide pool of talent in this Assembly. The argument could be made: what if we do not have anybody who is capable of being Chief Minister in the Assembly? We do not know who is going to be elected in the next lot of 49. Some would say, of course, that we do not necessarily have anyone currently, of people outside, who could do the role of Chief Minister, but somebody has to do it and, as such, I have always believed that the role of Speaker is a function of the Assembly and it needs to be fulfilled by an elected Member of this Assembly and that whoever we have, either now or in the future, we would definitely be able to find somebody to do that role. I always remind them, of course, when they say there is nobody in the current Assembly who could be capable of being the Speaker; I say that cannot be true because we have had one in the Assembly, who was the previous Bailiff, and at least we know that he is quite capable of being able to chair the Assembly, and we have seen that States Members, other than the previous Bailiff, are also quite capable of chairing the Assembly. One needs look no further than the Constable of St. Clement. So, I leave those comments there and I ask for the lunch adjournment.

LUNCHEON ADJOURNMENT PROPOSED

The Greffier of the States (in the Chair):

The adjournment is proposed and is agreed so we stand adjourned until 2.15 this afternoon.

The Deputy of St. Peter:

Could I please ask everyone's attention just a moment quickly? Firstly, there is an important briefing downstairs in the common room at lunchtime. It is a briefing on the results of the My Jersey survey, which I hope Members will be interested to attend. Secondly, outside we have a member of the Police Public Protection Unit, who is there to take photographs of anybody who would like to come and show their support for the white ribbon campaign. I hope as many Members as possible will attend. I see there are already a few white ribbons around the House today, which is really pleasing and if I can just quickly remind you that the white ribbon campaign is showing support for men who take action against domestic abuse and violence.

The Greffier of the States (in the Chair):

Thank you very much. We are adjourned until 2.15 p.m.

[12:48]

LUNCHEON ADJOURNMENT

[14:15]

The Greffier of the States (in the Chair):

I invite Deputy Tadier to continue his speech.

Deputy M. Tadier:

Before lunch we talked about the argument that there should be a trained lawyer sitting in the chair and if we did not that is what we are going to talk about now. It has been put forward that one of the advantages of having the Chief Justice of our Island also sitting in our Assembly directing us is the fact that he is a trained lawyer and somehow that helps. I think there are various reasons why this is not a particularly strong argument. The first is that - and many have said that in their submissions, including trained lawyers themselves who were brave enough to give evidence on the record to Carswell - you do not need to be a lawyer to sit in the chair. We have evidence of that now. We have somebody sitting there who is doing I think a perfectly good job who is not a trained lawyer. I presume, so I am making assumptions there, but I think your C.V. (curriculum vitae) did come to us at some point in the not too distant past. It is perhaps paradoxical that it is not necessarily beneficial to have a trained lawyer because we were told by Lord Carswell that it can be an inhibiting factor. We know that the Bailiff in his other role in the other place has to make decisions on the law and it can be a problem if he has been sitting while those laws are being made because, of course, the judge in the other place should be leaving it for the advocates to make their representations and he should then be making his judgments based on how the law is read, not what the intention of the lawmakers was when that law was being made. He quoted something from a mediaeval tome saying to ask me not the statute or I wrote it. Those arguments came quite clearly from many of the submissions presented to the review and one that Lord Carswell highlighted himself. But let us look at other jurisdictions. We know that perhaps much of the time we are U.K.-facing. We are a Commonwealth Parliament ourselves and many, if not all, of the practices we have are in the Commonwealth tradition. We know that a bit of research I did over lunchtime shows the past 5 Speakers of the House of Commons did not have any legal training. They were not trained lawyers. Of course, it is not uncommon. We had a Speaker visit from New Zealand, if I recall, who had been an Attorney General in the past and clearly he was a capable individual for that role but it is by no means a precondition that anybody who takes the role of Speaker who is elected to that position need have legal qualifications. Let us look at some of the last incumbents of the House of Commons. Perhaps the most famous, partly because he is currently there, is John Bercow. He is an interesting character. We have probably all seen him and I think he can definitely be described as lively and probably respected, although who would want to be chairing

the House of Commons with the rabble they have there on both sides shouting? It makes us look positively decorous. Some would even say we do not necessarily need a Chair when faced with the likes of the House of Commons. But I say that in good jest, tongue in cheek because they come from a different tradition to our horseshoe-shaped Assembly we have here. But he was not a lawyer. He did qualify with a degree in government, it has to be said, a first-class one, and then pretty much became a professional politician after a brief stint in finance. But before him there was Michael Martin, who some of us will remember. From Glasgow originally he left school at the age of 15 to become an apprentice sheet metal worker. He basically ended up working in that industry for quite a while before later becoming involved in union activism and getting involved in politics that way and he was also a respected and esteemed Speaker for many years. Before that there was the first female Speaker the House of Commons ever had and again you will remember her, I am sure, with some fondness and that was Betty Boothroyd. She was the daughter of textile workers. She was educated in council schools and did some arts work and qualifications and she became a dancer before becoming a politician. I think some of us can resonate with some of those studies and professions that we have heard. Then if we go back even further where there is Bruce Bernard Weatherill, who was Baron Weatherill at the time, now Lord, of course, and he was an apprentice at the age of 17. He became a tailor and worked his way up to become Director, M.D. (Managing Director) and then Chairman of the business before going into politics. That was, of course, back in the days when people could do apprenticeships and worked their way up, even to the lofty heights of becoming Speaker of the House of Commons. None of those trained classically in law. They did not need to go through a whole prescribed route, which is traditional in Jersey, and becoming a Crown Officer and then working their way up but that is obviously not the way they have. I think that what that shows is that you get much more diversity. It is perhaps not an argument that is classically put forward in the role of the dual separation in the debates. But what we see is that Parliament should reflect society and to a greater or lesser extent Parliament has tried to do that, there is always room for improvement. If we look around the Assembly, certainly within the elected membership, there are definitely elements of that. We all come from different walks of life. We have all found different ways to get into the Assembly and in many ways, of course, superficially looking at us, there is often an accusation that we are all white middle class and some of us are old, some of us are not so old. But, of course, there were parameters within which we have to work and laws that dictate who can and cannot be elected into the Assembly. It is only when it comes to the office of Speaker - which I have said in the past - that should be a function of the Assembly and, similarly, the office of Speaker should reflect a wider society and it should be a 2-way interaction that goes on between that. That is not something that can happen under the *status quo*. With all the best will in the world that is never going to happen when you, essentially, have your civic heads, your quasi-monarch presiding in the Legislature. Something that I find very appealing about change - and change does not always need to be scary, I think it has positive sides - is the idea of outreach. We know that one of the roles of Speaker in any Assembly in any Parliament is that of outreach and it is certainly something that the current Speaker of the Assembly of the House of Commons takes very seriously among his portfolio of work. He does go out there to schools, to civic institutions to engage with the public, invites them into Parliament to have a look round, goes out to them and does that kind of outreach work with him and his Deputy Speakers and the office of Speaker that is supporting him in that work. That is vital because, let us be frank, the Bailiff cannot do that kind of work. He has already got so many demands on his time anyway in the courts, as well as being the civic head, the civic functions which he has to attend, quite rightly, which will continue. But it does give the opportunity for somebody else to do that job and really to be the representative of the Assembly for that full-time position. I want to put a challenge out there as well. Perhaps I should not get personal but I did speak to her at lunchtime, the Deputy of Grouville, and like me and others she does go from time to time to conferences in the U.K., to seminars to the Commonwealth and I think we all find that very useful when we get to

speaking to individuals from outside the Island to learn how they do some things differently. Some things we think: "That is a good idea, that might work" and sometimes we are giving them ideas about how things work in our Island and, in some ways, the powers that Back-Benchers have that maybe they do not have. I think that is appreciated, it is a 2-way street. I would like her to think when she attends the next women's Commonwealth event that she goes to, which I believe she is going to with another 2 male counterparts from the Assembly, presumably because we cannot find 3 women to attend - I am not sure if that is the case and I am sure it does not necessarily need to be 3 women, of course, to attend that - to have a think about when we might expect our next female Speaker to be in the chair of this Assembly. We do live in a society in which 50 per cent of the population are female and in which 100 per cent of the children born come from females. Yet classically, and it is a problem throughout the world, not just in politics, that women are underrepresented in offices of high power. It is quite conceivable one day, perhaps even in the next term of office that we might see a female Chief Minister. We might see a female Minister for Treasury and Resources. In the future we may see a female Greffier and why should we not? At some point that should come through. I do not see any possibility just because of the way things are set up, and that is not a criticism of the institution itself of any possibility of having a female Bailiff any time in the near future, whereas if it was something that we selected we could do that ourselves. That is just obviously one minor role because, of course, we would want to select the best person for the job in any case. But at some point there should not be a practical implication that that would be reserved for a certain type of individual, be they male or female. I think these practical implications do have to be considered. The idea that we, as an Assembly, should be representative, not just among those who make the decisions here but the Chair who would ultimately, under the new model, be an elected Member of the Assembly anyway. Let us go on to the idea of looking more into whether a constituent would really be disadvantaged by having an elected Member of this Assembly. Perceivably, that could be any one of us or in any future Assembly someone might put themselves forward. Traditionally what happens is that a senior or certainly a respected Member of the Assembly - and, of course, they would have to have fairly broad-based support to be able to be elected as Speaker - would be chosen to fulfil that role. Normally, not exclusively or not necessarily, it would be the tradition that somebody who is perhaps coming towards retirement who thinks: "Now is the right time for a change. I do not want to be a Minister. I do not necessarily want to serve on Scrutiny or any of the other functions. I would like to go out and be a Speaker." That could be for one term, it could be for 2 or more, whatever. That person would then cease to, effectively, be an active politician in the sense that they do not take part in debates. But that does not mean for one moment that the constituency work stops. Mr. Bercow and other Speakers around the world still have constituency responsibilities, which they juggle and which they manage. I remember being told, either directly or listening to it being said, that the office of Speaker brings other privileges and other esteems because, of course, if you are the Speaker then you will necessarily get access to Ministers. When you pick up the phone to a Minister and say: "I have this constituent and why is this not being done in this area?" They will necessarily listen. The idea that the Speaker and the constituents lose representation is not a valid one. In many ways it is enhanced but, anyway, we all juggle different roles, do we not, Connétables? I think some of us juggle roles of the dual role in the Parish, we do many different things. The idea that somehow people are disenfranchised I do not think is a valid one. As we said before the lunch break, there are 48 other Members in the Assembly, including the 3 different types who directly or indirectly can represent those districts and those Parishes. I said earlier that there are practical reasons, as well as the theoretical ones that need to be taken into account. As I said, there were lawyers who made submissions and somebody sent me a message yesterday - and I will not say who it is, just out of respect, I think it is right that there is an element of anonymity, people do not want it - but he said I could use his quotes and he said, paraphrasing: "My real beef is not so much with the principles, though I fully support the theoretical principles that underpin the

separation of powers”, which go back, as we know, to Montesquieu and several hundred years old. But it is just the sheer practicalities of it, he said: “I want to know that my best judges in Jersey are in the courts.” He said: “That is what they are there for, that is what they are trained for and that is where their skills are put to best use.” As we have said earlier, the cost benefit analysis surely would show that it does not make sense to bring over Commissioners, esteemed as they may be, from the U.K. to sit and preside in areas when we have 2 perfectly capable senior justices who can do that anyway and when we can simply elect our own person to do that.

[14:30]

I think in many ways it is those practical arguments that should be winning the argument, as well as the principle of the theory of separation of powers. Increasingly, I think things are changing and there might be an argument to say that in the past it served us well. Clearly, when the issue has been raised in the last 10 or 15 years the defenders of the *status quo* will say: “Well, the U.K. cannot really comment because they have the Lord Chancellor.” But I think it is important to focus on that because we know that in fact in the U.K. the Lord Chancellor could in the past sit as judge and he was also a Minister and so forth, depending on where he was at the time, without there necessarily being an issue. But that was changed by statute in 2005, so that argument no longer applies. The world is moving around us, where little Jersey and Guernsey stay the same and even Sark has been forced to catch up; even Sark, the precedent in the Channel Islands for the Crown Dependencies has already been set and you could argue that was perhaps not in the best circumstances. It was a strange circumstance in which some very rich and influential people sitting on the doorstep of Sark forced that change, absolutely. Sometimes change comes from the strangest of sources. Nonetheless, it was bound to happen anyway and there were some powerful individuals who made that happen but it does not mean that the principle was not right. But even before the Lord Chancellor was removed officially as judge - and it was Lord Irvine of Lairg at the time from 1997 to 2003 - concerns were already expressed about the dual role there, including by the Judiciary and the propriety of a Cabinet Minister sitting as a professional judge. It was his successor, Lord Falconer, who had never performed such a role, even before his right to do so was abolished. I think there was a recognition, even in the U.K., where you had this legacy role being performed and they said: “That is not right.” The political mood and also the judicial mood was that it needed to be changed. I guess the challenge that one would put to Jersey is that, how long can we keep on grasping this, clinging on by our fingertips, if you like? Because I think every Member in Assembly knows that change in this role is inevitable, even those who might consider themselves traditional. The Chief Minister has said as much on the election platform. In one sense it is disappointing that it is necessary for a Back-Bencher to have to bring this 2 years into an electoral cycle because the Chief Minister has not done the work on this. We have him pop-up earlier saying: “I will give P.P.C. everything they need to do it. How many staff do you want? There you go, you can have a couple of staff, you can have loads of money and you can do the review, even though we do not know when that will be finished.” I would suggest that that could have been done and should have been done at the beginning of his term of office, not least because it was an election pledge, I think, to do that. The argument about timing is all interlinked, is it not? An environmentalist will tell you that the best time to plant a tree is 20 years ago but the second-best time to plant a tree is today. I think the same argument goes ... there will be those who say: “This is not the right time.” But I would say, of course, this is not the right time. The right time was in 1771 when we were having a wholesale separation of the courts from the Assembly, when we decided that it is absolutely not right. In that case, of course, Jersey was at that time dragged kicking and screaming into the 18th century because there was even resistance then for change and that is completely understandable. Power never gives itself up voluntarily, it has to be done from a mixture of civil, at grassroots, activism and from other perhaps intellectuals, if you like, who consider it from a judicial, legal and also political point of view. But, ultimately, change will arrive

and it can either happen by us doing it ourselves, which, again, we know when it comes to constitutional matters it is very difficult to get this Assembly to change, especially when it is set up to fail. It is perhaps ironic, of course, that we have a Council... the previous Chief Minister stood on a platform saying: "We must keep the Constables in the States. We must keep the 12 most conservative elements in the Island necessarily in the States." Then, of course, when he says: "But I want to reform", realising that when he looks across the way at least 11 of those Constables are not going to be supporting any kind of change. I say that because simply that is the fact and perhaps prove me wrong today if I am wrong but that is the way I see it. I think that the arguments are well-rehearsed on this. I think that change should have happened in the past. I think we have to grasp the nettle today and I am not necessarily going to go through all of the arguments at length but let us at least visit them before we conclude this part of the debate. Again, this brought us back to both principle and practical elements. On page 26 of his report, Lord Carswell and his colleagues tell us: "The current practice is inconsistent with modern ideas of democracy." I do not think we can disagree with that. It is inconsistent. It offends against the Latimer House Principles and that is essentially, again, another Commonwealth group of lawyers, if I recall, who were saying that the principles of separation are not met. It is okay possibly for some very small poor jurisdictions to say: "We have a very small population. We do not have very much money and we have a dearth of individuals who are capable of doing these 2 roles, therefore, it might be acceptable in certain circumstances to do that." I do not see any lack of talent in Jersey or in this Assembly to support that. We have pretty much sufficient money to run the basics of the State, the Judiciary, the Legislature and the Executive, although, of course, we wrangle over how the budget is spent, but we are not a poor nation and we do have a large enough population, including the ones that end up in this Assembly to represent the Island. The argument is very strongly in favour of saying that the Latimer House Principles have not been met and there is absolutely no reason why Jersey should not be able to employ the separation of powers. Again, the practice is unique to Jersey and Guernsey. Every other democratic jurisdiction there is an actual separation from the Judiciary and the Legislature and we have touched on the Lord Chancellor already, which has been changed. The third point is that spending large amounts of time, which we have said but it helps to reiterate before closing this part, a large amount of time presiding in the States is wasteful of the time of a skilled lawyer with judicial ability and experience. I do not know what would be achieved normally when we have the usual wranglings about whether to have a debate or not to refer things back and these are the things that take up time. You do not need a trained lawyer to do that. It is, frankly, insulting that the highest-paid civil servant or public servant, I should say, in Jersey is somebody who is sitting in that chair that one of us could be doing for a fraction of the price, while his time is used much more valuably elsewhere. The fourth point is presiding does not need an officer at Bailiff's level, that kind of goes with the previous point. If the States decide to limit a debate, and I think this is the issue that has not really been touched on because, of course, nobody is saying that the Bailiffs traditionally have not done a sufficiently good job in the States. But it has to be said, first of all, that when you are disciplining Members and saying who can speak, when they can speak and whether somebody has contravened a Standing Order, something is out of order or indeed which questions can and cannot be put to the Assembly; that necessarily becomes political. Even if it is not politically biased it is a political decision that can have political ideas and conjecture projected on to it. We know, of course, that even in the recent past, as well as in the more distant past, that the Bailiff's or the Speaker's decisions, and it happens to be the Bailiff at the moment, are controversial or they can be controversial. We have people outside the Assembly: "Why on earth did that happen?" It brings the senior judge into disrepute. It is perfectly fine for a Speaker to be either directly or indirectly political, so long as, of course, he is not showing any bias. But you cannot have that as a sustainable position when the same person is both your civic head and the person who leads the Royal Court because otherwise he necessarily becomes the subject of discussion as to what his political views are and why he has behaved in such a way in the

Assembly, which is completely unfair to him, if nothing else, as well as the membership, I would suggest. I think the last point here is that there is a risk of a successful challenge under Article 6 of the Human Rights Convention. Of course, the reason I have left that until the end and I think the reason that Lord Carswell was quite clear on that, he said: "Of course we do not know what is going to happen in the future, we do not know what cases may or may not be brought in the Jersey context." What we do know is that only a couple of weeks ago the Minister for Home Affairs brought some changes which directly affected the way that the Board of Visitors worked. She said it was passed unanimously and she said it is no longer acceptable for Jurats to be the sole people who comprise the Board of Visitors, we need an independent monitoring board. Jurats will not be allowed to sit on that, not because they are corrupt or not because they have done anything wrong but simply because it is not the right thing to do. That was passed unanimously. That is exactly the same argument which we are putting forward here today, that there needs to be a separation of powers in fact as well as just in theory, and at the current time we cannot say we have either of those. Of course somebody will stand up and quote the Attorney General's legal advice and say: "Well that is different, is it not, to the legal advice that Lord Carswell had?" With due respect, no surprise there, is there really, and of course you get different legal opinions. Even if it is the case that we knew that there would not be a legal challenge in the next 5, 10 years I do not think that is really the right motivation that we should have for doing that. As has been said to us, there are quite ample reasons - quite apart from the human rights considerations - for the change to be enacted and for it to be done now without any delay, rather than having to wait for it. Of course we could chance it, we might say: "Well, there is only a 50 per cent chance of something being brought and then there is a less than 50 per cent chance of it being successful." But why would we want to take that chance where we can do things properly and not leave ourselves open to that challenge? The point I guess I am making is that we cannot be 100 per cent sure that the current arrangement would not lead to a human rights challenge, and that would be detrimental for the Island in many ways. But what we do know is that if we separate the powers and separate functions now then we will not be open to a human rights challenge because that is a perfectly normal way of doing business. So why take the risk? Perhaps the last point that I will make and then I will sit down - and Members will be pleased to hear that - the last point I think is just what kind of image do we want to project for the Island. We know that Jersey is many things to many people; it is an Island that we all cherish in different ways. I think that is what makes this kind of debate very difficult because of course we are doing things that touch on the very Jersey-ness, what makes Jersey "Jersey", and for some of us that means different things. But of course in terms of Government, in terms of economy, Jersey is an outward looking jurisdiction. It does rely heavily on the way the Island is perceived - primarily of course for our financial services industry - but more generally just because we want to be a co-operative, modern, and cosmopolitan Island which is not overly-rooted in the past and which has a mixture of tradition but also moves with the times. I think we would all agree with that. It was quite telling that when the former Chief Minister, Frank Walker, gave his evidence to Carswell - both in a written submission but then also orally - if you simply just do a search for the times that the word "international" or "internationally" was mentioned you will find it appears very many times. That is because what is at stake here is not simply the way that we run our Assembly or how Islanders feel about changing parts of that significant role which we have been talking about. It is the way we are presented to the rest of the world. It will not be my first trip to Westminster and when I go there, there will be people asking me how the debate went last week - because it will be next week - and they will say: "Have you still got the judge chairing?" I can either say: "Yes, but we are in the process of changing that because we know that it is slightly anachronistic" or I can say to them: "Yes, and I am afraid there is not going to be any change any time soon because the Assembly do not buy the argument." It is not just me, of course there are much more important people who are going around the world representing the Island and I think that when it comes to stability and ideas like that people want to know that going forward they are

investing either their time or their money or their capital or whatever in an Island which is forward looking, which has a basic grip on human rights, which has the proper separation of powers, but everything that goes with that.

[14:45]

It is not simply limited to the area of financial services, of course, it goes much more deeply than that. So I think the arguments that are being put forward are very clear, they are compelling, and I am under no illusion here that of course it is going to be a difficult task necessarily to win this debate but I do ask for Members to come at this with an open mind. I do ask the Chief Minister to speak in favour of this, as he has done partially already, because I think we need that in principle debate. If we are going to move this argument forward then I think that everybody who believes in the principle of the separation of powers needs to support it, and support it now. I would perhaps also go one step forward, even if people know in their heart of hearts that it is right but have reservations, they still know that of course P.P.C. will go off and do that body of work that needs to be done, so they will come back with the facts. I cannot go out there and say how much this might or might not cost, and that is exactly the same as when the Constable of St. Helier lodged P.160. There were no financial and manpower statements for that, quite rightly, and I was simply following that precedent already because in fact we know that to a certain extent we already have an office of Speaker and it is administered by the Greffier. That is not going to change. There will of course need to be discussions and a takeover period where we discuss what it means and whether we elect a Deputy Speaker as well. But all these things are not unmanageable, they are all within the wit and capability of the Assembly to deliver, it just needs us and, with respect, I think it needs the Chief Minister, the supporters of this proposition, working with P.P.C. to make sure that is delivered. So I do make the proposition and I thank Members for their indulgence and I apologise if it has not been presented as articulately as it might have been by the esteemed former High Justice of Northern Island. But I think the arguments speak for themselves, there has been enough material out there, and I do make the proposition.

The Greffier of the States (in the Chair):

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

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

Some Members may remember that earlier this year I represented this Assembly at a C.P.A. (Commonwealth Parliamentary Association) seminar in Brisbane, Australia. It was a very enjoyable and informative event, the success being down to the C.P.A. Queensland branch. I am very thankful to have been able to go and represent my Island, to fly the Jersey flag and to keep the Channel Islands and the United Kingdom in people's thoughts. Present at that meeting were delegations from countries including Cameroon, Fiji, India, Jamaica, Namibia, New Zealand, Nigeria, Pakistan, Québec in Canada, Singapore and South Africa, not to mention England and of course a number of members from all across Australia. During the first few days we discussed issues such as parliamentary ethics, transparency and accountability, the truth agenda, parliamentary committees and the importance of scrutiny, and parliament and the economy. By the end of the second day, Tuesday, everyone knew where Jersey was and were aware of the fact that we are only 100,000 or so people on a small rock who govern themselves and raise their own taxes. They probably thought of us as a little quirky. Wednesday morning consisted of 2 sessions, the first entitled "Parliament, Gender and Human Rights" and I really started to make an increasingly long contribution to the debate. The second session was "Parliamentarian's Role in Tackling Domestic Abuse" and by the end of the morning everyone knew that Jersey punches well above its weight as I spoke at length about our discrimination laws and how we treat that subject, and then used my own personal knowledge of the work done by the Women's Refuge. By the time I had

finished telling the delegates about our successes with M.A.R.A.C. (Multi-Agency Risk Assessment Conference) there was no doubt that little old Jersey was being taken very seriously at the table. During further sessions we debated implementing sustainable development goals. I was able to run off our targets within our Jersey Energy Policy 2050 and then spoke at length about Dr. Ian Skinner's work that Members have had presented to them today with Future Jersey. Again, by the end I suspect everyone was rather envious the suggestions that both the speakers have made were already being implemented over here. More evidence that we are not doing so badly. There was a great reception for our own work on sustainable targets. The final session of the seminar was entitled "Financial Responsibility and the Democratic Process" and was led by Andrew Greaves, the Auditor General of Queensland, another really good and very current speaker who added so much to the seminar. I took the opportunity to once again show how our physically small island has already implemented what others from much larger jurisdictions are still striving to achieve, and our 2014 law got a very big tick from the Queensland Auditor General. However - and I am sure Members are asking themselves where I am going in this debate - one of the other sessions on the final day was entitled "The Role of the Speaker and the Clerk of Parliament", chaired by the current speaker of the Queensland Parliament; the 2 presenters were a former Queensland speaker and the current clerk. A very impressive session with real calibre and, unusually, I found myself not saying too much. When I did contribute the reaction around the seminar to the fact that we have a judge as our Speaker was one of surprise, and then to find out that he was still a sitting judge, indeed our senior judge, was one of genuine incredulity. The people who had built Jersey up to be a bit of a shiny beacon of how we do things were really shocked - really shocked - to find out that our speaker was not elected and a judge who was still presiding over cases, deciding verdicts and passing sentence. I have always been an ardent supporter of the Bailiff as our speaker, however, I have now had to put my hand up and accept that regardless of what we here in Jersey may think we need to address this issue. I happen to think that the Bailiff is absolutely the best person for this job but I fear that in future the reputational values that we hold so dear will be compromised by the fact that the Speaker in our Legislature is a sitting judge. I do not think the situation is sustainable moving forward. So we have a decision to make: do we retain the person that we know is the best for the role, or do we risk our reputation with those who do not understand our system and their perception of us? I do not think this proposition addresses the issues properly. I do not think it has been thought out sufficiently well. There are not enough answers. But - and it is a very big but - it is going in the right direction. Deputy Tadier quite rightly points to the fact that it has been lodged for some time and that people have had plenty of opportunity to amend his proposition, and in some ways he is right. But he must shoulder some of the blame because there is so much more that should be in it: the office, the cost, the Deputy Speaker that he referred to just recently, the difficulty of those people who are elected by their constituents not being able to stand and give their view, the actual practicalities that the Chief Minister spoke about this morning. I cannot support this proposition today but I hope Members will realise that I am very firmly committed to the fact that when a proposition comes back to have a properly independent Speaker and all these many issues have been addressed I will certainly be voting in favour. Thank you.

8.2.3 Deputy K.C. Lewis:

I only have a very brief speech but I will be speaking against the proposition. There is a perception that the role of Bailiff as President of the States is somehow against democracy; but it is just that, it is a perception. The Bailiff merely sees that the States are run in good order and in accordance with Standing Orders. The Attorney General and Solicitor General would then, when requested, give an opinion regarding legal matters and not the Bailiff. If this proposition succeeds and we lose the Bailiff in the States Chamber we would, I imagine, also lose the Deputy Bailiff for exactly the same reasons. If the Bailiff should leave the States Chamber the mace which was given to the Bailiff in perpetuity by Charles II would also be removed. With the Bailiff and Deputy Bailiff gone would

we also lose His Excellency the Lieutenant Governor? Who would be next; the Dean? Constables? Senators? Deputies? To be replaced by M.S.J. (Members of States of Jersey)? If we are not careful we could wipe out hundreds of years of history with the push of a button, and once it is gone, it is gone for ever. As they found out in the U.K. recently with Brexit and in America with their recent elections, be careful what you wish for, you just might get it. Thank you.

8.2.4 Connétable M.P.S. Le Troquer of St. Martin:

Without being flippant, I suspect there must be some days, some debates, when the Bailiff or Deputy Bailiff wish they had a button on the device on the desk that they could just shoot them out the Assembly or pull a lever and they disappear. They certainly cannot want to be here listening to some of the debates that we have had in the short time that I have been in this Assembly. There can be no pleasure in that. I hasten to add, this is not one of those debates today. I am quite sure of that and the debate today so far has been very interesting. I spoke in the last debate, although the Greffier of the day did remind me after a day and a half of debating, I think his words were in some Hansard: “No obligation, Constable.” During my speech then I suggested, as had Senator Ozouf and others, that this matter would come back to the Assembly, and indeed it has. I wrote some of the notes at home yesterday and I did not quite finish. Just this morning we were not quite sure how the debate was going to go. There is no disrespect to Deputy Tadier and, of course, I do not know how the vote will turn out today. But I wonder how this Assembly would have voted if the proposition had been brought by the Chief Minister or a different Member and maybe not a Reform Party member. Differently, I suspect. That is with no disrespect to Deputy Tadier. I am just not sure. The local newspaper report of the Medium Term Financial Plan Addition, just 5 weeks ago, put me in the bracket of a Council of Minister’s loyalist. I am not quite sure what a loyalist is. Is it one who remains loyal to Government in times of revolt or disturbance? Loyal is faithful, true to one’s allegiance, faithful to the Crown or to the Council of Ministers. This is not a revolt or a disturbance. This is a very interesting proposition. How would we have voted if the Council of Ministers would have brought it today I am not sure. I do not know. I know that we all vote on our conscience, on what we think is right. We make our own decisions. I hope I have done that every time I have voted in this Assembly. I have attended both the presentations from Lord Carswell. I congratulate Lord Carswell and applaud him for the way he has presented to the Members and his neutrality right the way through. I know that the report he completed with his panel has been very thorough. I agree with much that was said this morning and this afternoon by Deputy Tadier. This issue will keep coming back to this Assembly, I have no doubt. I made the same comment when I spoke last time this was debated. I read the Hansard of the last debate and nothing has changed. I think the Chief Minister said today that some Members appreciate the situation that is at odds with other jurisdictions. I am and was then one of those Members that see this is at odds with other jurisdictions. I have not spoken to the Deputy of St. Martin, but I appreciate his views, which are very similar to mine. We accept that there may be change and that change should take place, but is now the time for that to take place? I know I said that 2 years ago in the debate. When is the right time? When will be the right time? The views expressed several times this morning about gauging the views of the public, we do not know a true view of what the public want. All those parishioners that I have come into contact with and spoken to me... I accept there have not been many, but they support the role of the Bailiff, because the Bailiff is so much loved and respected on this Island. **[Approbation]** I know, and we all know, this is not a proposition to remove the Bailiff. It merely is a proposition to remove him or her at some future date from presiding over this Assembly. So it is down to us today, I think 48 Members present today, to make such a constitutional decision on behalf of everyone else. I can see the media reports tomorrow: States Members who cannot introduce changes following the referendum choice; who cannot bring about electoral reform to ourselves, although they want that; who will not engage, maybe is their perception, with the public; who are raising taxes and charges, despite the efforts of some trying not to, I know; who are

changing benefit systems; people who think our decisions this term and the previous term have been questionable to say the least.

[15:00]

We, who cannot seemingly get anything right, either within this Assembly or outside where we are working in our districts, have made a decision, have quite happily decided we could have to remove the Bailiff from this Assembly. I feel there are many people out there who will criticise us as an Assembly for doing this at this time. But I am not saying that this decision, which I think will come in time, is not needed. It will need to be considered in due course. I fully accept the criticism made this morning, and it was mentioned a short time ago again this afternoon, that amendments could be brought to Deputy Tadier's proposition. I have not brought an amendment. We could have brought an amendment. The problem I have today with the proposition as it stands, and I hope the other Members will join me in this view, is that the proposition and the amendment are so precise. This is not an in principle debate. When I read the 4 parts of it, and that is why I voted this morning not to carry on with this, and I thought the P.P.C. could carry out further work. Part (a) gives a clear date when the Bailiff will cease to be President of the States. Okay, so it is a date albeit set before the end of this Assembly and mentioned by some speakers, but must accept that the Bailiff, he retired and left during the term of a government. The second part, the Bailiff will continue to be civic head of the Island. I have no problem with that. None of us have, I am quite sure. In my view, the Bailiff, and the views of very, very many others, will always be that we have the stability with the Bailiff, unlike a politician who can be gone at the end of his or her term or even before. Now it gets interesting, we elect a Speaker from within our ranks. If approved today this is what will happen. I cannot see this as an in principle debate for that. If we approve the proposition today we will be electing somebody from within this Assembly. P.P.C. will not be in a position to say there was a view from some, having a totally independent President, somebody from outside. The media will run the story tomorrow, the States cannot sort themselves out, yet they will pick their own Chair. Then the final part, which was the amendment brought by Deputy Tadier, that the new Speaker, with the agreement of the Assembly, invite the Bailiff to attend and address this Assembly on ceremonial occasions, including Liberation Day. I am not sure why we put this in at all. I really have an issue with this final part of the amendment. As it is proposed, it is possible that we could refuse the Bailiff to address this Assembly each and every time that the Speaker invited our Bailiff to address the Assembly. Indeed, gives no opportunity for Members, other than the Speaker, to decide when, other than Liberation Day, he or she would be invited to address. As I said, the proposition today is not an in principle decision. If we approve it today we will have a new President by January 2018, elected by us from within and at the discretion of Members as to when he or she can address this Assembly. If rejected today it will come back again. Of that I have no doubts. Maybe P.P.C. could or would come back with different proposals. I think there is a need for better engagement with the public. Any engagements would help, because I think there has been none at all. I think the Constable of St. Mary has quite clearly explained this morning the position of a Parish Assembly and it was not for this. I would love the public to sit and listen to Lord Carswell, listen to his presentation. I am sure they would have a different view. I did after I had heard it the first time and it did not change last week. If I can just say, I think I should conclude, although the local media cover our sittings, the newspapers, the television, the radio, the last 3 months have seen cameras covering the sittings. There may be a perception by some that the Bailiff interferes or influences the debates. The camera coverage will certainly have quashed that myth. Getting back to my initial comment: how does the poor man sit through some of the debates we have seen in recent years? I cannot support the proposition today, but acknowledge the work done by Deputy Tadier and what he has put through preparing this case for the Assembly today. But I do think that Deputy Tadier has planted his tree today. Thank you.

8.2.5 Deputy A.D. Lewis:

I listened with great interest to Lord Carswell's presentation last week. It perhaps gave me a lot of food for thought and I hope it did for other Members. I acknowledge what the Deputy of St. Martin was saying earlier. Many of us will have discussed lots of things with our constituents over the last couple of years or longer. I do not remember ever having a discussion with any parishioner or any constituent about this matter. I am not saying they do not have views, they just have not expressed them perhaps to me. In fact, I can only remember one occasion where somebody got quite animated about it, a member of the public. If you do not mind indulging me for a moment in explaining what that was. I was in a public house after work, at a private function, but it was still open to the public. A member of that public came up to me and did what I think is called in street terms, got a bit in my face, very, very irate about the role of the Bailiff. He had recognised me, I was a politician at the time. It was a few years ago. I then got a long lecture about how outrageous this was and how an affront it was to democracy and how wrong it was. So I said to that individual: "If you really feel that strongly about it why do you not stand for the States?" He did. He is sitting behind me and he has just launched this proposition. So there is somebody that really believed in what they were talking about and believed that it should be presented to the States. Quite why it has taken him so long, because I am going back about 10 years, I do not know. But that is the only time I have ever been approached about this by somebody who was quite angry at the time and has translated that into a proposition today. But I think the public are concerned about the States doing a little bit too much navel-gazing at the moment. We have this proposition today, we had 2 worthy propositions 2 weeks ago, but again it was about us and about the Assembly. I am not sure constituents that I have, and others maybe the same, think this is a good use necessarily of our time. We do have a body to do that. It is called P.P.C., with great guidance from the Greffier here as well. Nevertheless, I listened intently to what Lord Carswell said, hoping to have a lightbulb moment and be totally persuaded this was absolutely the thing to do. Not necessary the thing to do, but the thing to do now. But I came away from that eloquent presentation by Lord Carswell thinking: you have not told me anything new, which I did not necessarily expect; you have not told me anything either that is totally persuasive, that I should in my gift as a Member of this Assembly, press that button and change hundreds of years of tradition. Now I take completely on board the words of the Chief Minister and others about our outside personality, the outreach we are doing with the rest of the world, the words of Deputy of St. Martin about his experience at a conference. But I went to a conference recently in London related to the work that I do in this Assembly. We were describing our Parliament, as we often do when we are on these trips. I explained how the Chair works and the Assembly generally. I did not hear the same gasp that the Deputy of St. Martin heard. Maybe it was just a different audience. I do not know. What they were fascinated with was our traditions and the way we do run our Assembly. The biggest thing that struck them was the absence of party politics and how did that work. That is what they were interested in. The Chair was not something which they were overly interested in. Having said that, one of the things that one Member did say to me, from an Assembly that does have an elected Chair, was that that person must be then truly independent; they are not a member of a party; they are not an elected Member of the Assembly. I said: "That is right." "Well, they must be very independent then." Then we got into discussion about the Judiciary and the Legislature, but again it was not a major concern to them. Their interest in our Chair being different was how independent it appeared. I think it does appear independent, although others would argue that case. I would much rather have a true professional than a rank amateur sitting in the chair. I would not like a Member of this Assembly that has constituency responsibilities to be all consumed by the work of a genuine Speaker of the House, of which is far, far more reaching than our current Bailiff has if you do it in the way other jurisdictions do. We are talking about something quite different, potentially; that does need resource; that does need remuneration, potentially; that does need a lot more thought, which is not in the paper we have before us today. One thing that struck me that Lord Carswell said was he said that our current system of the Chair is inconsistent with modern

ideas of democracy. Perhaps he is right, but my experience of recent democracy across the world in the last few months has not been great. We have had Brexit, we have had the U.S. elections. Crikey, Ed Balls might even win. Strictly. We are in a different world that does demand a bit of stability. I would just like to read something that has been published today by our esteemed local media. Although they do give a reasonably balanced column, one of the things they do say is: "But are Islanders ready to dismantle an institution that has been at the heart of public life for generations? Is it time to stop the Bailiff sitting with the Island's chief judges as Speaker in the States? But also is it time to dismantle something that has been here for many, many years?" They go on to say: "Amid this uncertainty there may well be an urge to hang on even more tightly to what many see as a reassuring *status quo*, fearing that something unique and important to Jersey will be lost for ever." That is I think what Deputy Kevin Lewis was saying. That is the danger that we have here. I think it is the wrong time. I am not saying we should never do it. I have heard people say: "Well, you keep putting this off and keep putting this off." Well, yes we are, but I think there is a good reason for that. Again, if I go back to Lord Carswell's words last week, and I was not aware of this: "It was debated in 1946. It was debated in 1973. It was then debated in 2006." Quite a big gap between 1973 and 2006, but it was. We have debated it several times in this Assembly in the last decade. So it has been considered quite intently by Members, who I hope have taken soundings from their constituents, which is why they vote. We are not delegates, we are representatives. I hope that people have listened to what has been said. I hope the reason why they said what they said in those particular debates in 1973, in 1946 and in 2006, was because people do not like too much change in Jersey. We know that from some of the things we try to do, which is often change and people do not like it. Right now with the instability around the globe, the things I have just mentioned. I do not believe this is the time to be considering this in quite the depth that Deputy Tadier would like us to do so. We have a whole raft of reforms that we could be doing. We have not got to those yet either. I am not sure that this is the most important one. There is something very reassuring of almost having the finger wagged at you by somebody in a red cloak. I do not have a problem with that. I think it works. It is independent. I think it works. The public, from what I can understand, like it. Like I say, only one member of the public has ever expressed total exasperation for this and that was the good Deputy that has presented this case. I admire that somebody as strongly convicted as Deputy Tadier all those years ago, getting right in my face on this issue, has brought this to the Assembly to consider once again, but now is not the time. If, in the future, we have a serious threat, in terms of us being told that this really is not right, then that is the time to consider our position. We can rest assured that we would have well-rehearsed all the options. We have been doing it since 1946. So I am quite sure in reasonably quick order we could, if ever challenged, albeit if one reads the Law Officers' opinion on this, Article 6 being quoted as the most concerning, it clearly says: "Article 6 does not require any jurisdiction to conform with any particular theatrical constitutional doctrine regarding the separation of powers or permissible limits of those powers interaction." That is the legal advice.

[15:15]

If we are worried about that as being the major concern, if we ever have a challenge, the advice is that we are not to be concerned about it, but if we ever did have a challenge, which Lord Carswell said could be on its way in the next 10 years. Well, we have got a few more important things to do before then, but if it did happen within the next 10 years then let us deal with it then. Let us move on to more important reform, more important issues that our constituents are concerned about: health, education, taxes, than navel-gazing once again on something which - as laudable as it is, and I admire the Deputy for bringing it once again - to me, now is not the time and I will not be voting for the proposition.

8.2.6 Deputy G.P. Southern:

I rise to my feet now to just finish the partial exposition given by the previous speaker and to remind us about what we are debating here. It says in Lord Carswell's speech, very straightforwardly: "It is inconsistent with modern ideas of democracy, such a practice is contrary to the Latimer House Principles and Bangalore Principles. In Western democracies it is unique to Jersey and Guernsey." I remind Members of the argument that we often hear in this Assembly about the need for change but the absence of a level playing field. Well, I do not know how level you want the playing field to be but it seems to me the rest of the world has levelled their playing field and we are the exception. Jersey and Guernsey say: "No, we do not want to do that." It is completely contrary to the normal argument around change that: "We will move when the rest of the world has already moved." Well, the rest of the world has moved. He also then went on to say it may also be open to challenge on grounds based on the European Convention on Human Rights, and this is the Article 6 bit. The previous speaker has just quoted the first half of Mr. Singh's legal opinion: "On the current state of the authorities, in principle there would be no breach of Article 6 of the European Convention of Human Rights if the *status quo* were to be maintained." That is part one of his statement. However, he goes on in his judgment: "However, the international trend suggests that the law will change in due course. Within the next 10 years, my view is that the present arrangements will come to be regarded as incompatible with the concept of judicial independence as embodied in Article 6, in particular because the Bailiff and his Deputy are both judges and presiding members of the Legislature." That is the Q.C. (Queen's Counsel) legal opinion that, shortly, if we do not take this move we will be found in breach of Article 6 and we would be made to move. That is the legal advice. I ask Members if they really want to be dragged into that position or would they rather volunteer now. Lord Carswell went back to the Clothier committee and quoted the 3 reasons for the principle underlying what we should be doing and he said: "The Clothier committee concluded that the role of the Bailiff should be modified..." - note, not abandoned, we are not getting rid of anybody, we are changing the powers - "...and that he should no longer sit both as chief judge and as President of the States." They set out 3 reasons of principle for this conclusion and I want to start with the principle and I will move on to the pragmatics shortly. "The first is that no one should hold or exercise political power or influence unless elected by the people to do so." This is fundamental. "It is impossible for the Bailiff to be entirely non-political so long as he remains also Speaker of the States. A Speaker is the servant of an Assembly, not its master, and can be removed from the office if unsatisfactory. The Bailiff, appointed by the Queen's Letters Patent to a high and ancient office should, therefore, not hold a post subservient to the States. The second reason is that the principle of separation of powers rightly holds that no one who is involved in making the laws should also be involved judicially in a dispute based upon them." It is very, very clear. "The third reason is that the Bailiff in his role as Speaker of the States makes decisions about who may or may not be allowed to speak, or put questions in the States, or about the propriety of a Member's conduct. Such decisions may well be challenged in the Royal Court on grounds of illegality but, of course, the Bailiff cannot sit to hear and determine those challenges to his own actions." There is the case laid out, 3 principle reasons why we should be acting now to modify the role of the Bailiff in this particular way. But I want to finish with the practical aspects of changing the role of the Bailiff. So the first, it says here, of practical considerations as follows: it is wasteful of his time and valuable legal skills for the Bailiff to spend large amounts of time sitting in the States. The normal load for the chief judge would be of the order of 200 days sitting in the States. Currently the Bailiff spends between 70 and 100, and Clothier said perhaps an average of 85. It may well be less now but it is not zero and it certainly does not free him to spend 200 days in the court where his expertise should be rightly there, rather than answering what are relatively small issues around the conduct of this Assembly. It is an expensive way to do it. He should as chief judge be more available to carry out judicial work, especially hearing the most important and complex cases, and do so without interruption. It is unnecessary to have a person with the Bailiff's high legal ability to preside in the States, and then

finally, it leaves him at risk of involvement in political controversy. Practical reasons, I believe, outweigh the principles. It is just simply not good value for money to employ a chief to do work that could be done by an assistant, in fact in the States by one of us. I believe that we should make this move; we should volunteer to make this move; we should make this move today.

8.2.7 Deputy J.A. Martin:

Well, I thought Deputy Southern was going to say basically what I was going to say but I think I can add to it just a little bit. It is very hard for people - and it has been over the 16 years that this has been debated from Clothier - to take a person away from the position. It is nothing personal. The Bailiff is a person but it is the job we are talking about, and the 2 hats that the Speaker wears. Somebody said today Deputy Tadier may not win this because of who he is. I think that was commented on the radio this morning, which I was quite angry about. If I am misquoting the radio I apologise, but it was hinted, if not said directly, it may not get through because of who is bringing this. Now, that brings me to my courage of whose convictions, because the Chief Minister did say he knows this is coming, he knows it has to happen. The highest Minister, supposedly our leader in this Assembly, has basically ducked it for 2 years. So what did Deputy Tadier have to do? We have Senator Ozouf who sits with me, Deputy Brée and others, on P.P.C. He has not really pushed this and it is exactly the same as Senator Gorst, our Chief Minister, he knows it is wrong. It is not quirky, it might be quirky to Jersey but I - like the Deputy of St. Martin - have been around the world and when you tell people they do not just look shocked, their mouths fall open. They do not really understand and you have to sit there and tell them again and again. Deputy Andrew Lewis said: "I think it is not quite broken yet but it might be coming and Carswell gave us 10 years." Carswell gave us 10 years in 2011, the clock is ticking. The last time, and I know what it was on and it was about unfortunately lowering the age of consent, when the U.K. Government said to us: "Do it or we will intervene." I do not think the U.K. Government are going to go there. My worry, and I think it is Chief Minister's, it was what Lord Carswell was saying, you get one high profile case and you put Jersey in that spotlight and what will it do to your finance industry, your economics, the things that Deputy Andrew Lewis and all of us want to grow. They have put warning upon warning. Why again on this proposition, and on the last proposition, do we have comments from the Attorney General? Why? Very rarely we have to ask questions. He does say: "I was asked to comment", I do not know who by. From an outsider looking in we have been scrutinised, we were scrutinised in 1999 by Clothier and the internal which said the dual role has to go; again in 2011, Carswell. Carswell: I was not there on Friday, I was there the last time he came over in the Arthur Maurant Room, which was a very, very long speech and unfortunately we were not allowed to ask questions of him, but I think he had been over before. He just makes absolute sense because it cannot carry on. It cannot be right that you make laws in here, you do not vote on them but you are presiding over them, and then you go next door and you are sentencing people on them and the rights and the wrongs on if they have broken that law that was passed in the House that you yourself were sitting in maybe a few years back. You may not even have been the Bailiff then, you may have been the Assistant Bailiff. You do not know what laws are going to come. I do notice lately that the Bailiff has excused himself sometimes when laws are being passed. Well, sorry, that is a bit too late. Some of our laws we are working on are already 50 years old. As Deputy Andrew Lewis said, the last time this was debated before in 1976 laws were passed then. So I really do not understand. It is really not a personal thing. I really am upset that this has fallen again to Deputy Tadier. They call it reform. He had the courage of his convictions which the Chief Minister did not, and he still has not. He tried to move it on this morning, he tried to do what he should have done over the last 2 years, offer P.P.C. 2 officers from Constitutional Affairs to work on this piece of work. Two years too late. I am probably on a hiding to nothing and I think Deputy Tadier knows he is, but I want to be the one to stand in this House with my own thinking head on and say to myself: "It is not right." I do not want to wait until we get these so-called independent

people in, election observers, *et cetera*, and then come looking at our business again - because we have already had it done with Clothier and Carswell - and we are forced some way or the other, maybe at a high profile court case, and I do not want that. So on balance at the moment I am going to support the Deputy. Even when I spoke this morning nobody knew which way I would vote. When this first came to the House I did not vote to get rid of the Bailiff as a dual role. When it came back again, it was scuppered I think by an amendment, I did vote but I think I might have been one of the 5, but it was still very awkward and very confusing. Today we have had the: "Let us try and put it back to P.P.C." and if it is going to go to P.P.C. it will only go if you vote for it today and then the work will be done.

[15:30]

So to me it is not that hard a decision. I want to make a decision because I am elected by the people of this Island. Nobody out there who is going to come and tell me: "Come on, you have had 16 years, you have been warned 6 years ago this cannot carry on. We want you to do something about it and then suddenly everyone is running around going: "Ooh, we must do something now." I have got my own mind, my own vote and I am going to vote ... I probably am going to vote with Deputy Tadier unless somebody stands up and tells me again why I should wait another 10 years because I do not think it will be 10 years. Sadly, someone is going to come along and tell us: "You have really got to change."

8.2.8 Connétable C.H. Taylor of St. John:

Sometimes you get a problem which you have to question are the majority correct or not. I will give an example. A tramp is sat at West Park on the sand in the sun and the Minister for Social Security comes along and says: "Why do you not go and get a job?" The tramp looks up and says: "What do I want a job for?" The Minister for Social Security says: "Well, you could buy some decent clothes and you could go on holiday." The tramp says: "What do I want to go on holiday for?" The Minister for Social Security says: "Well, you could go to Tenerife." And he said: "What on earth am I going to do in Tenerife?" The Minister for Social Security says: "Well, you could sit on the beach and enjoy the sunshine." And the tramp says: "Thank you very much, that is what I am doing at the moment." The moral of the story is along the lines a cricket team does not elect their own umpire. Football teams do not elect their own umpire. Now around the world various Parliaments elect their own Speaker. Fine, that is what they do. But we are leading the world. We are a step ahead of the rest of the world because we have an independent Speaker. He does not represent one party or another because we do not have parties, so not having parties how do we go about it? The answer is to have a truly independent person. A person who is respected. A person who is independent. A person of standing, integrity. Oh, I have just described the Bailiff. I think this is a topic which again is summed up by the Prime Minister, Theresa May in the U.K. Change is happening. That is interesting. What does she actually mean? I think what she meant was the silent majority are standing up and they are saying: "We do not want Brussels to tell us what to do. We do not like outside interference." Do you know what? I rather agree with them. I do not like outside interference and I would urge Members to keep with the *status quo* because we are leading the world, we are not following it, and to keep the Bailiff in his dual role. Thank you.

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

Last night we had a *vin d'honneur* because 2 of my parishioners, namely the Governor and his good lady, will be leaving, so we had *vin d'honneur* for them. A lot of my parishioners there kept saying: "Please, Connétable, please do not vote to get rid of the Bailiff." So, as I have been elected by my parishioners and although we have not had a full Parish meeting on it, as the Deputy would have liked us to have had, the parishioners that were there last night and came up to me had asked

me: “Please do not vote for the Bailiff to be removed from the Chamber”, so I will go along with the parishioners who voted me in.

8.2.10 Senator L.J. Farnham:

Could I start by saying that I align myself with the opening speech of Deputy Lewis and this is probably, if we are all being realistic, not about if but about when and how. But we also have to do it in our own time. I do not think because of the level of perception out there it may not be seen to be a good. We have to do it in our own time because ironically while the rest of the world is looking at us over the rim of its spectacles and tut-tutting because of this situation, ironically we do not have corruption in this Island. I have been a States Member since 1999 and not once have I seen any evidence of any corruption. I say “ironically” because many of these countries with split jurisdictions are riddled with it. I have been made aware since being a Minister of countries that are struggling with various forms of corruption. Horrifying forms of corruption among their politicians and Judiciary; always properly separated systems. So here is Jersey being frowned upon by many countries but what we have got works. It has worked for centuries and it has worked for decades in modern practice. But of course I think it will come in due course. But the absence of detail in this proposition is significant. I just want to talk very briefly about appointing, for example, one of our number to sit in the chair. Now if my Deputy was taken out of the Assembly and put in the Speaker’s chair ... maybe that is a bad example. I would not be too pleased because we voted for our representatives to sit in here for this term of office. So that begs the question: should we have a separate election for a Speaker? Probably we should have a separate Island-wide election at the general election; the public should perhaps elect a Speaker on an Island-wide mandate. I think that would be more democratic. Constable Norman is pulling a face so maybe he can remember moments from the 1973 debate that I am repeating. Maybe he was not elected then. But those are just a couple of examples of why the lack of detail is significant. I am quite ashamed that we still have not managed to deliver electoral reform, further fine-tuning to the machinery of government, the separation of the Judiciary and the Legislature. I am ashamed. This Assembly have not managed to do it as a whole package. We are carving bits off piece at a time. It is a piecemeal approach. The P.P.C., and I am not criticising the chairman - who I have great respect for - in any way at all, but there seems to be a disparate approach among the members of the Committee, there seems to be a lack of engagement for the whole package from this Assembly. Until we get to grips with that then nothing is going to change. Making policy on the hoof, making these decisions in the absence of detail, will mean we are going to be making bad decisions. With this particular case I think when we do do it, it needs to be part of the complete package and it needs to be done in a way that is respectful to centuries of tradition and practice. Thank you.

8.2.11 Deputy S.Y. Mézec:

As it has been said, this Assembly is often criticised for navel-gazing and for debating the same topics over and over again, as if somehow that is a bad thing. But on this occasion it must surely be a virtue because it means I get to recycle all my brilliant material from the 2014 debate on this subject. The 2 sides to this debate, there are those who hold the view which while I do not agree with it I do respect that they believe that the role of the Bailiff is an important part of Jersey’s heritage and its tradition. There are those of us on the other side who believe that the interests of ordinary Jersey people can only be properly served if we become a democracy with the checks and balances that a proper separation of powers would provide. I think it is an issue of democratic principle. It is a question of do we want to abide by universally accepted principles about the democratic process or do we want to continue with a system which is well past its sell-by date and which inhibits our rights to tell the world that we have an effective and modern government system which they can have confidence in. So I want to argue for making this important change by talking firstly about the legal argument, then about the arguments to do with tradition, and then I want to

explain why and how an alternative can have a tangible and positive impact on how we govern ourselves. But before I do that, it has to be said that there have been occasions throughout the history of this Assembly, and in recent history too, where this Assembly has been presided over by people who were not Bailiffs. The former Greffier of the States, Michael de la Haye, took on the role of Acting Presiding Officer many times during his career and I think you would struggle to find anybody who would not be prepared to say what a brilliant job he used to do when he took the chair. Today, the Acting Presiding Officer is yourself, an Englishman who has not lived in Jersey for too long, but who has already, I think, established himself as a real asset to this Assembly, and you are doing a fine job in the chair today as you have previously. **[Approbation]** Of course we have also had the Constable of St. Clement take the role of Acting Presiding Officer before, including during that debate on extra funding for the Committee of Inquiry into child abuse which we all know was a very difficult and sensitive debate but in which he conducted himself in a way which I would say was the epitome of what a good speaker of a Parliament should be. **[Approbation]** I bring up these points simply to say that the Bailiff of Jersey is not the only person in the Island with the capability of presiding over this Assembly with the competence and gravitas that it requires. It is a job that many people in our community are capable of doing and if we seize the opportunity for an alternative arrangement that could present all sorts of positive things for our Assembly in the future. But to move on to that legal argument. It was on my very first day as a law student at university in London at my very first public law lecture that our professor gave a lecture on the fundamental principles which underpin democracy in law. That included things like the rule of law and the separation of powers. When I say “my first day”, I literally mean my first day, 9.00 on that Monday morning on my first day. It is simply unarguable that the dual role of the Bailiff is incompatible with the principle of the separation of powers. Now democracy may take all sorts of shapes and forms around the world but the principles which underpin it, like the rule of law, like equal suffrage and separation of powers, are objective and non-negotiable. If you do not have these principles in your democracy then your democracy is deficient. You can choose what format you adopt these principles in. You can do so in ways which are in line with your own traditions and heritage. I am sure we are fascinated when we see other parliaments, the little quirky things that sometimes they have in theirs. But it is the aims of those principles which are sacrosanct and if you do not have them in your democracy or your democratic format I believe that the people are being let down. Another thing that I was taught in my legal studies was that if you put 2 lawyers in a room you will get 3 opinions. So we have the legal opinions given to the Carswell Review by the human rights legal expert, Rabinder Singh QC, who said that in a matter of years the dual role of the Bailiff would be regarded as incompatible with the European Convention on Human Rights. We have the opinion of the Jersey Law Officers who say the opposite. That is not particularly helpful to have 2 completely contradictory legal opinions there. But the comments lodged by the Chief Minister to P.160 in 2013, which were included in P.P.C.’s comments to this proposition, include a long list of the legal opinions from a variety of different sources. So we have got the advice of Rabinder Singh QC. We have got the *Commonwealth (Latimer House) Principles*, the Clothier review, the *Bangalore Principles of Judicial Conduct*, the *Second Interim Report of the Constitutional Review Group*, which by the way was written by the current Bailiff and a former Bailiff, and the *Commonwealth Association Recommended Benchmarks for Democratic Legislatures*, all of which are clear that the principle of the separation of powers is fundamental to good governance. But I have to say, when I read the comments to this proposition lodged by the Attorney General, I did find a couple of points in it quite amusing. In attempting to argue that it was not likely that our lack of separation of powers would contravene the E.C.H.R. (European Convention on Human Rights) they referenced the 2004 case of *Davidson v Scottish Ministers*.

[15:45]

If any Members have those comments in front of them they will see that the citation for that case was 2004 UKHL 34. Members might be able to guess that that UKHL stands for United Kingdom House of Lords because at the time the House of Lords was the highest court of the land. This changed 5 years later in 2009 when the Supreme Court of the United Kingdom took over the judicial roles of the House of Lords because it became widely considered as totally inappropriate that the Upper Chamber of the British Parliament was also acting as a court both making laws and applying the laws. So I have to find it amusing that a court which in itself was in breach of the separation of powers would reach a conclusion that a lack of separation of powers is not such a bad thing. Of course it is going to reach that conclusion, is it not? But since then the U.K. has moved on and said: "No, this is inappropriate" and it has moved to a different arrangement and I am absolutely confident that the Supreme Court of the United Kingdom would not reach that same conclusion. Then the Attorney General in his comments also goes on to refer to cases from Poland and Ukraine, ignoring the fact that there is a very important case much closer to home. In fact it is so close to home that you can see it on a clear day from St. Ouen. It is the Sark case. This was a Court of Appeal case in the U.K. against the Ministry of Justice on the constitution of the Sark Government, which ruled that their equivalent of the Bailiff, who is called the Seneschal, should no longer act as President of their Parliament as well as Chief Justice of their court. I have got the key quote from that court case here. They said: "This is not slavish adherence to an abstract notion of separation of powers but a recognition that it follows from the Seneschal's functions in his non-Judiciary capacity and Chief Pleas, that his independence and impartiality are capable of appearing open to doubt. In this respect, the smallness of the community aggregates the problem. The same people and issues which he is likely to be dealing with when presiding at Chief Pleas, including issues arising from the Sark Reform Law and the Guernsey Human Rights Law may be the subject of litigation in his court. My conclusion on this aspect of the appeal in no way impugns the good faith or the competence of the present Seneschal but the law must provide a structure in which those who do or who may come before the court can be confident in the independence and impartiality of the judge. The Seneschal's power to recuse himself, though constructive and advantageous in itself, does not rectify the situation. The position of the Seneschal sitting alone in my view falls on the wrong side of what is convention compliant." I cannot see a difference between the position in Sark and the situation with the Bailiff in Jersey today. So if you want judicial precedent there we have it, yet the comments lodged by the Attorney General made no reference to it at all. This principle is incredibly important. The reason the different branches of Government, that is the Executive, the Legislature and the Judiciary, need to have a degree of separation is because it is a fundamental democratic safeguard against corruption and dictatorships that these branches must be allowed to criticise each other when they mess things up. Now none of us in this Assembly are perfect. Some of us are close, do not get me wrong, obviously. But this Assembly is capable of making very bad decisions. It is capable of putting forward legislation that has not been properly thought through; and that is not a unique criticism that this Assembly, it is simply a reflection of the facts that we are mere mortal humans. So we need checks and balances in place to protect the public from these potential bad mistakes. The court needs to be able with ease either to refuse to apply a bad law by issuing a declaration of incompatibility under the Human Rights Law or the court needs the option of deliberately applying a bad law to achieve an absurd outcome with a written judgment alongside it, which is scathing of the poor effort made by the dim-witted Parliament which passed that law. It might even need to rule the specific actions of a Government to have been illegal or *ultra vires*, the consequences of which might end up causing such political embarrassment that the Government is forced to resign. Now the fact that that threat would exist makes parliamentarians and Government Ministers work harder to make sure that it does not happen. It is about these vital checks and balances that are fundamental to safeguarding the public's democratic rights. The facts that the Chief Justice of the Island plays such an important part in our legislative process means we cannot say that there is no perception of bias.

He is compromised and no matter how much we try to pretend it is not the case it is the case and nothing will happen until we choose to change it. It is frustrating because there is an incredibly simple solution to this dilemma, and that is that we do what is done everywhere else in the world, except Guernsey, which is we just get someone else to do the job. We are not going to struggle to find someone to do that job, there is a good argument for value for money in that argument, having a judge in court doing what he is qualified for and getting paid very handsomely for it - and so he should because it is an important job - when we could get a States Member on an ordinary States Member's salary to take up the role of Presiding Officer and take up everything that goes along with that. Now as far as I can see there is only really one argument against this and that argument is tradition. I have to say I think it is an incredibly poor argument because traditions only exist because what existed before changed. Change is an essential part of tradition making. The best traditions continue to live on because they have merit and the worst ones fade away and are replaced by better systems instead. For many years public executions and burning witches at the stake was part of tradition in Jersey but we move on because we accept that it is not the right thing to do and as times change and our values become more enlightened we decide that there are better ways of doing things. But I want to ask this question. Is the role of the Bailiff really part of our heritage and tradition? It has been brought up, things that some parishioners have said to some representatives here. Do you know what? I do not think the vast majority of Islanders care to be honest. Certainly not from my generation. Nobody my age thinks that the dual role is a good idea. I have not had anybody come up to me in the street or during any of my 3 election campaigns and challenged me on my stated manifesto commitment that I would support ending the dual role of the Bailiff. I have had nothing but support for it. I think when Members of the public do approach politicians on a specific political issue that matters to them, they approach who they think will be most sympathetic to it. That is sometimes why we do not necessarily hear a variety of points of view when people can anticipate what our position might have already been. But to throw some history into this too, I think, undermined this argument of tradition. For a start, the role of the Deputy Bailiff did not even exist until 1958 so I do not really see how that can be called a "centuries old tradition". Where we did not have Deputy Bailiffs historically instead we had Lieutenant Bailiffs, which was a role created because for hundreds of years of our history the Bailiffs of Jersey did not even live in Jersey. They were in England pursuing their careers there. But as it happens that role of Lieutenant Bailiff still exists and I would bet you that 99.9 per cent of the public could not name who the Lieutenant Bailiff is, and I would bet that most States Members - I am sure there is at least one or 2 who can - but I bet most would not even know who that is. I tried to Google it and you cannot find it on Google or on the States website who the Lieutenant Bailiff is. So much for tradition there. Deputy Labey wonders if it is him. Maybe it is, I do not know. We will have to look it up. Something has been said about the high esteem that the Bailiffs are held in by many members of the public in Jersey, and that is certainly true today but let us be clear, that is a modern tradition. That is not something that is long running throughout Jersey's history where many Bailiffs and Lieutenant Bailiffs historically were very unpopular with the Islanders. Charles Lempriere, who was the Lieutenant Bailiff between 1750 and 1781, stacked the Royal Court full with his family members and supporters, manipulated the price of wheat so he could personally make money out of a shortage in France despite the fact that many Islanders here were starving and that was what eventually culminated in the events of 28th September 1769 where hundreds of Islanders rioted in the streets against him. It was the concessions that he was forced to make, bowing down to that people power, that contributed to the first signs of a small separation of powers in Jersey where they agreed to allow this Assembly to be the only law-making body instead of the Royal Court at a time when historically those roles had been shared between them. There were hopes that his main opponent and eventual successor, Jean Dumaresq, would usher in change for the Island and he soon proved to be just as corrupt as Charles Lempriere was. In fact there was one Bailiff, Hostes Nicolle 1561 to 1564, who had his next-door neighbour framed for stealing

livestock so that he could be executed and the Bailiff could take over his land. Although that Bailiff got his comeuppance because as this poor man was on the gallows about to be executed he cursed the Bailiff saying that he would die within 40 days, and sure enough he dropped dead on the 39th day. So the history of Bailiffs is not a history until modern history recently where they have been liked and admired by the ordinary Jersey people. That is something that is modern and not historical. I make this point to emphasise that tradition is an evolving thing. It is not something that is static. We do not do everything in this Island today in exactly the ways that we have done it for hundreds of years before, not least the fact we have now got ministerial government where before that we had a committee system and many people yearn for those days before. Some of us would like to see further evolution to that. Evolution is a fundamental part of improving how societies are governed. So by all means let us extol the virtues of our traditions. But if we like tradition so much why are some Members so scared of creating new ones? If traditions are good let us make some new ones. One tradition in Jersey up until now has been that we lag behind the rest of the developed world on all sorts of important social provisions, like Anti-Discrimination Law, like maternity leave, like the minimum wage. So cannot instead we say that from today onwards we pledge that the new tradition for Jersey will be that we will be at the forefront of democratic and social progress, not at the back of the queue like we have been for too long. This leads me on to a point that some Members have also alluded to. At the end of June this year the politics of Britain and Europe was turned on its head with the Brexit referendum, and now the politics of the world has been shaken by the election of Donald Trump as President of the United States of America. In the coming years our Island faces the monumental task of trying to secure its place in relation to the European Union and its place in the wider world because with the end of Protocol 3 on the horizon the Government's representatives need to be working incredibly hard to get the agreement from the European Union and its Member States to allow Jersey to continue with as much of the current arrangement as we have as possible. Achieving that we will need to bear in mind that the landscape is incredibly different to what it was in the 1970s when that relationship was first established. When our Government Ministers and our Government representatives go out and try to form these new agreements with Jersey surely it cannot help for those jurisdictions to look at us and see that we do not even have the basic provisions of a separation of powers here. It makes us look dodgy. It does not look squeaky clean and it works against Jersey when people in this Island have worked so hard for so many years to shake off this image as the dodgy tax haven, which is an image that is sometimes perceived wrongly for this Island, it does not help for them to then look at our democratic system and see so many deficiencies like that. It would aid those who are going out to make the case for Jersey if we had a proper separation of powers. So the dual role of the Bailiff sends out completely the wrong message and we have an opportunity by supporting this proposition to correct it and send out the right message instead. Now some Members will be surprised when I say that one of my favourite M.P.s (Members of Parliament) in the House of Commons is the Tory M.P. Jacob Rees-Mogg. He is the one some Members may have seen on the news with a very posh accent - M.P. for Somerset. He uses very long words in House of Commons' debates. After the 2015 general election in the U.K. it was this M.P., Jacob Rees-Mogg, who proposed the incumbent speaker, John Bercow, for re-election to that role and he made in his speech what I thought was an incredibly important point.

[16:00]

He said something along the lines of: "In the chair the Speaker must be impartial. That outside he must be a partisan for the House of Commons. In here we are treated by him equally and fairly but outside he defends our rights, our traditions and our liberties." Now, I think that the States Assembly desperately needs somebody independent who can be a partisan in support of this institution and the role it should be playing in our community and that is because we have all seen the opinion polling by the Stats Unit and previous social surveys which says that 75 per cent of the

public do not have faith in us. Let us be frank. There is a large number of the public who think we are all a bunch of no-good liars who do not care about them. That is what a lot of people think about politicians, all of us, regardless of what side of politics we are on. We know that 70 per cent of the public do not vote and that is a rate that should make us all feel ashamed and it undermines the legitimacy of the decisions that this Assembly makes. When we go out canvassing at election time we know full well that we will meet lots of perfectly decent members of our public who simply do not understand what it is we do and who think it is all a waste of time. We need somebody who is not shackled down by any other responsibilities who can be the spokesperson for this institution, this Assembly, and be an advocate for the democratic process and the upholder of good parliamentary standards. They can play an important role in public engagement, going into schools, facilitating events; conferences, conventions, to talk about democracy, get people informed and encourage them to be involved in our democracy. That role cannot be taken by the Chief Minister. Regardless of who holds the title of Chief Minister they cannot take that role because they lead the Government and the Government is, by its very nature, divisive because there will be large numbers of the public who will be opposed to what a government stands for and large numbers who are in support. So the Chief Minister cannot take on that independent role but it cannot be a judge either because they play an essential role in our justice system which they must be fully dedicated to without being inhibited by having to be on top of parliamentary business as well. That role can only be taken up by somebody who has got a clear democratic mandate and democratic accountability. I think the timing was very helpful recently when we saw the media reports about the backlog of cases and judgments in the courts are the worst they have been for 15 years and that simply is not good enough for a world class international finance centre which needs a fast and dynamic legal service industry and court system to back it up; that we are lagging behind with this backlog in the courts. So I say to those Members who are not moved by what they might consider to be this liberal hogwash on democracy and human rights, at least vote for it on pragmatic grounds that it will deliver better value for money for taxpayers and help those industries which need a more effective and efficient justice system. By making this democratic change we have nothing to lose and everything to gain by improving the process by which we are meant to represent the interests of the public and improve their lives. Better parliamentary standards will enable us to do that so that we reach the right decisions and improve their lives. They may not be overly enthused by constitutional debates but they are enthused about the issues that matter to them like how much their rent costs. People who are struggling to afford their bills, where they are going to get the money from to send their kids to university. These are the issues that matter to the ordinary people on the street, not constitutional affairs, but if we sort out our constitutional affairs we will be better equipped to reach those decisions that will have a tangible effect in improving their lives and the sooner we make that decision the sooner we can get on with it rather than kicking this into the long grass just for it to be debated by another Assembly, then another Assembly and then another Assembly, until the change is finally made. So I hope that States Members will back this proposition and we can take a huge step forward and regain that right to call ourselves a modern and dynamic democratic jurisdiction with a government system which is fit for purpose to meet the needs of people both in the Island and those that rely on us from outside the Island as well and I support the proposition on that basis.

8.2.12 Connétable P.B. Le Sueur of Trinity:

I have no wish to take up the Assembly's time repeating what has already been said however this is an important matter and I wish to put on record that I will not be supporting this proposition. I listened to the recent presentation by Lord Carswell and, along with other eminent contributors, they make a very good case for adopting this change. However, it appears to me all too often we blindly follow advice from experts outside of our Island without a full appreciation for the consequences. For example, freedom of information, a great idea, but I ask how many here who

voted for it would wish they could wind the clock back. Apart from the media-fest it has created it costs the Island an absolute fortune to operate. I have spoken with many of my parishioners, contrary to what Deputy Martin might think, over recent weeks and not one has expressed any other view than this change is both ridiculous and unnecessary. If we are unable to trust our most senior judges to impartiality then there is no hope for any of us. We should be fiercely protective of our independence and our heritage. We may have our unique quirky ways and traditions but this is what makes living in this glorious Island so special. I, for one, do not want to be just like everywhere else. If that is what other jurisdictions are happy with then fine, let them get on with it. Our system has served us very well for centuries. There is no reason why we should simply kowtow down to external pressure. We must do nothing to diminish or dilute the position of the Bailiff as the civic head of our Island. He must remain President of the Assembly as an integral part of his role. I urge Members to reject this proposition.

8.2.13 The Deputy of St. Ouen:

I do understand the principled approach that has been taken by the mover of this proposition but I note also the Law Officers' opinion, the advisers to this Assembly, have expressed very cogently that the present arrangements do not breach any principle. So it seems to me there is a dispute about conformity to the principle. Therefore, I am more concerned about how can we achieve the best arrangements for this Assembly and I am not at all convinced, I am afraid, that this Assembly would be better served if we made the change put forward in this proposition. It seems to me that before embarking on such an important change we need to understand exactly, much more clearly, what we will put in place of the Bailiff or Deputy Bailiff, as our presiding officer. We would need details of the cost. We would need to know what resources would be given to the office. We would need to know where the Speaker would be based. We would need to know will there be a Deputy Speaker, for example. We have spoken about all this but, again, the ability of a Speaker to vote or represent his constituents. I would want to be sure that if we made a change we end up in a better place. I do not think it is sufficient just to say: "Take a Senator, take a Constable, take a Deputy and put them in that chair and we will carry on as before" because I do not think the public of this Island would accept that, and that would be very difficult for that new officeholder to follow the role of a respected Crown Officer and judicial office holder with the long experience and expertise he brings to the role. So we need to put into place more than that. It seems to me at the very least that an officeholder appointed from among us would need legal advice, and I doubt that could be provided by the Law Officers because they have to advise separate clients, as it were. So where would that come from? How much would be needed? How would it be delivered? But I also see, and fully understand, the concept that a speaker could enhance the role of this Assembly, and indeed if we ever move from the Bailiff presiding to an elected Speaker that elected Speaker must be invested with the gravitas that allows him or her to go out and explain to the Island what this Assembly is here for. What its role is in our Island setup, to promote the Assembly, to engage with it, to perhaps take out the consultations on major issues such as electoral reform and pension reform and ensure it is not just the Ministers taking those forward but for the good of the Island, for the needs of the Island to make sure that the Assembly is seen as a working tribunal working for the Island. So there is a great role for a speaker but he or she needs to be adequately resourced and this proposition does not assure me of that. So unfortunately this proposition is not a vote in principle, with all that detail to be worked out at a later stage. We are being asked to take an irrevocable decision without all of that being planned, and we would just fall into a situation in just 14 months that one of us would have to go and move into that chair without that planning and be at significant risk of doing a disservice to this Assembly and to the Island if we were to adopt this proposition. So I do fully accept that there is a case to be made and it should not be left. That sort of work, I would hope, could be done and presented in a carefully detailed way to this Assembly but at this moment I have to say that I would be voting against this proposition.

8.2.14 The Connétable of St. Helier:

There is a big difference, I believe, between this proposition and the one I lodged 3 years ago. Unless I am mistaken, my proposition allowed for the retirement of the present Bailiff. It may be that Deputy Tadier knows something that I do not and that our current Bailiff is planning to leave. Clearly, it is an issue that we may be debating something which requires someone to effectively give up their job and perhaps he can answer that question when he sums up. He may, as I say, have already had that discussion with the present Bailiff. When we debated this in April 2014 it was a long debate. It ran over 2 days. I hope that was not a precedent for this debate. It started about the same time and ran well on into the second day. Despite my best efforts to stop it at the beginning of the second day I asked Members to allow me to withdraw the proposition which had been comprehensively wrecked and I was narrowly defeated on that, and the debate trundled on for the rest of the day with some very good speeches and, of course, Deputy Mézec's was one of them. He referred to the possibility of recycling his speech. I must say he did not need to. It was a very good speech he gave just now and it was an extremely good speech he gave in 2014. He said then that he was 23, presumably he is a bit older now, but he said: "In 40 years' time with fingers crossed I could be Father of the House [Laughter]." That is your cue from the Hansard scribe in New Zealand. Apparently the House was convulsed with laughter when he said that. Then he said: "I could even be Speaker for all I know." So, hopefully, it will not take 40 years for this long overdue change to come in because whatever some Members this morning may have thought I fully support the separation of powers. I fully support an elected Speaker for Jersey. The reason I spoke as I did this morning was because I could see what was going to happen. I had been here before. I have got the tee-shirt and I thought: "Well, we can either take the Chief Minister's offer of resources for a somewhat reluctant P.P.C. Committee." I felt that was the best chance we had this morning of getting this thing moving because the Chief Minister did offer resources to P.P.C. to come up with a comprehensive report on this matter which might well have persuaded the Assembly in a year or so time. Shortly after that I heard a Member, after we voted not to refer to it to P.P.C., I heard a Member mutter: "Well, that has buried it", which was a bit worrying because they were on P.P.C. But I have to say that one of the advantages of Hansard, as I was looking back through the, as I say, very long debate in April 2014, and Senator Maclean said this, I am sure he will not mind my quoting him: "Although I thank the Constable of St. Helier for bringing this proposition it is really the Council of Ministers that should be leading on such an important issue for the Island." Then he said, just after: "This issue in particular will come back, must come back, must, in my view, be led by the Council of Ministers but informed by the views of Islanders and debated early in the next States by the new Assembly."

[16:15]

This is not the only thing that they have missed. Any Member who has looked at the Strategic Plan will see quite a lot of important things that were promised 2 years ago which we have not seen sight or sound of yet but there is still time. So what I would say is really however this debate goes the Council of Ministers have pledged to do something about it and of course, as I said this morning, when the Chief Minister stood for election for his second term as Chief Minister he said: "This requires a conversation with the public." Now, he has not had that conversation yet, as far as I am aware, but I am hoping that that promise he made this morning, that offer of resources to P.P.C., will be honoured regardless of the outcome of this debate and that we will have something from the Council of Ministers on the issue of an elected speaker before the end of the term of office. So, as I say, I am not going to speak at length. We had many long speeches 2 years ago. No doubt we are in for many long speeches this time round but they are useful and I do believe that very slowly we are inching towards this very necessary reform. I could almost liken it - I hesitate to, after yesterday's Constables' meeting - but I could almost liken it to the progress towards the States

paying rates. Inch by inch we are moving towards it and so I hope that we will see a result on this from the Council of Ministers if this proposition is not successful although I will be supporting it.

8.2.15 Deputy M.R. Higgins:

I am going to be coming at the argument from a different angle and it is one of the reasons why I have circulated a copy of a letter that I wrote to the then Deputy Bailiff on 30th April 2012. He is now our current Bailiff. I have done so not to attack the Bailiff who, on a personal level, I get on quite well with, but to highlight some aspects of the role of the office of Bailiff and its relationship with the Assembly. Now, the public may not be aware of this but when States Members put forward a question to the States or a proposition they have to be approved by the Bailiff. There are certain rules that must be followed in terms of whether these questions or propositions are in order. On this particular occasion I had put in a proposition to the Bailiff asking for... and I apologise to Deputy Andrew Lewis, I am not trying to drag up old coals, it is just part of the debate. However, it was to have the transcript of the in camera debate of the 2nd December 2010 released. This is the first time I brought it to the States. When I wrote and put the proposition in it was turned down by the Bailiff of the day and I disagreed with the reasons he put forward and this letter contains part of the ...

The Greffier of the States (in the Chair):

I am looking to see whether we are still quorate, possibly not. I think if Members could return so we can resume, that would be very helpful.

Deputy M.R. Higgins:

Well, I hope that the other Members that were in the coffee room which I passed through a few moments ago are also listening. Yes, I put forward a proposition to the Deputy Bailiff because the Bailiff was not here at the time and so the Deputy Bailiff would have to approve the proposition I put forward. Now, he came back with a number of reasons, which I totally disagreed with, and this letter was addressing each of the reasons he put forward and my answers to them. Now, for the benefit of the public the test that is normally applied, both to questions and propositions, is that the proposition or questions must be lawful. They must not be contrary to Standing Orders and they should not be seriously detrimental to the orderly administration of States business. I went through the response that I received from the Deputy Bailiff ... sorry, just one other point too. All 3 of those things have to be present. If any one of them is not present then the proposition or questions would fall. So I went through with the Deputy Bailiff and made a number of comments. I said: "Firstly, the proposition is not unlawful. It merely asks the Assembly if they are of the opinion to release the transcript or in the event of my revised proposition appropriate statements and answers given by the former Minister for Home Affairs. If the States decides to do so that is a matter for the States which, as the elected and Sovereign Parliament of the Island, is entitled to decide for itself no doubt with the advice of the Law Officers during the debate. With respect, I believe this is a matter for the States Assembly alone to take and not for you as an unelected although highly esteemed Member of the States Assembly to decide upon whether or not Members can even debate the proposition. I say this in the knowledge that you, yourself, have stated that the proposition has been made pursuant to Standing Order 164 so it appears to be in accordance with Standing Orders and so meets the second of the Bailiff's tests. Thirdly, the proposition is designed to right a wrong. That is to inform States Members that they were misled by the former Minister for Home Affairs in his statements to the Assembly as to the reasons why he suspended the former Chief Officer. It can hardly be considered to be seriously detrimental to the orderly administration of the States business. On the contrary it could be argued that it is positively beneficial to the orderly administration of States business and I submit, therefore, that it also meets the Bailiff's third test. I also believe that if the States agree with the proposition and decide either to publish a full transcript or appropriate

extracts it will also enhance the reputation of the States in the eyes of the public at large as well as it shows that States Members will not hide matters under the carpet or be party to an injustice. Publication may be unpalatable to some but for States Members to accept that they were misled and not publish the facts would be unconscionable, so would agreeing to perpetuate the injustice of the first suspension of the Chief Officer of Police in such circumstances.” He then came up with an argument that it would have to be held in camera and I agreed with him on this point because I was asking for the debate to be held in camera so the evidence could be given. He also mentioned at the time there was no Hansard record of proceedings in the States and that the Police Force Law, which I will come to in a few moments, obviously therefore does not refer to such a possibility. He said: “Nevertheless, one has to have regard for the substance of the provision.” I noted this in my response to him. I said: “We are where we are and in these unique circumstances it should be for the States Assembly itself to decide the issue.” He also made other comments about the discussions regarding the Chief of Police should be in camera. I said that I understand the arguments but I did not believe that the law applied in this particular set of circumstances. I am just trying to come to the most written ones. In fact I will leave it at the reference to the Police Force Law 1974. Basically he was arguing that because the law said that matters involving the appointment, suspension and disciplining of a Chief Officer should be held in camera, the information should not be going out to the public. I disagreed with that because I said: “The Police Force Law was not written to deal with the particular circumstances I was dealing with.”

The Greffier of the States (in the Chair):

Deputy, I have let this run on a bit but I do think it needs to relate a bit more closely to the proposition and the arguments.

Deputy M.R. Higgins:

It does. What I am coming to quite clearly is the public believe that this was just simply a debate about the Bailiff being the Speaker of the House and the relationship. What I am saying is here the public do not know the full extent of the powers of the Bailiff and how they are applied and I believe in this particular instance, I am going through the examples of a particular case where a proposition was put to the Deputy Bailiff at the time, it was rejected. I argued back and I might add, ultimately, it was decided, not by the Deputy Bailiff and myself in correspondence, it was determined by the Bailiff when he returned. In his correspondence to me he mentioned that he felt that the Deputy Bailiff had misinterpreted the law that he was quoting to me and he approved it for debate. On that particular occasion I lost the proposition and subsequently, as we know, in this particular session of the States we have looked at it again looking forward. The point I am trying to highlight here are the powers of this Assembly, and remember the Bailiff was the one who was arguing that this proposition should not ... sorry, Deputy Bailiff was arguing that this particular proposition should not be heard. Should not even be brought before the States. I was arguing the case, as I would hope every Member of this Assembly would, for the rights of this Assembly. He says, and this is why I am quoting these particular parts because they are all relevant to the relationship between the Bailiff, his decision making and our ability, as States Members, to debate matters that we feel should be debated and ask questions that we should. I am sorry, I am having to look through this as well. It is not the easiest thing. I have not highlighted unfortunately any particular section. He mentioned ... again, there was a discussion about the Police Force Law 1974 and whether we should debate this thing and whether the transcript should even be released. The arguments I made were that basically: “I believe it is within the powers of a Sovereign Parliament to determine for itself how to handle this matter. I believe in this situation your role as a judge in the Royal Court could possibly be influencing your decision. To agree to your decision could be taken as the Royal Court dictating what States Members can and cannot debate in the Chamber and what decisions they can and cannot make after being acquainted with the full facts including advice

from the Law Officers.” We had another one. He then mentions on ... “Nor is it an answer to say that the Standing Orders overrule the terms of the Police Force Law. The latter is primary legislation and Standing Orders are secondary legislation. It is to be assumed that when the Standing Order was debated the premise was that the transcript would not be published in circumstances where the law required that the debate in question be held in camera.” My comment to that was: “The States Assembly determines its own conduct which is laid down in Standing Orders. No court of law or particular piece of legislation can override the Assembly in the manner in which it conducts its own business as to do so would go to the very heart of parliamentary democracy and to the separation of powers between the Legislature and the Judiciary.” He then said that is right: “For these reasons I disallow the proposition on the grounds that if it were to be approved the States would, in effect, be acting so as to disregard the substance of Article 9(4) of the Police Force Law.” I commented that I disagree. “The States Assembly is the master of its own conduct. It is not for an unelected member to determine what the Assembly can and cannot do within its own Standing Orders.” He made a number of other comments. For example, you will see a thing about whether the States could publish the transcript. That is right, he was saying it should not. Anyway, the final point I also made was that: “Finally, I think it is possible that you may be conflicted in making a decision in this matter. The conflicts being either perceived or actual. Please correct me if I am wrong but I believe you were the Attorney General at the time of the suspension of the Chief Officer of the States of Jersey Police and may have given some advice to both the former Chief and Ministers for Home Affairs and to the former Chief Executive and to his deputy.” I finished by saying: “As I feel strongly about both the Minister misleading the States and the injustice that his actions and conduct perpetrated I hereby give notice that if my revised proposition is disallowed then I may be forced to raise a matter of privilege at the start of tomorrow’s Assembly and seek to have the matter discussed on the floor of the Assembly or to publish our correspondence in future.” Now, what I have done by releasing this letter to you is trying to point out that the Bailiff does have a lot of power. If I had not given in on this, if I had not pursued it, the matter would never ever have come before this House and nobody probably would have known about it. I am not raising it to have a go at the Bailiff, as I say. What I am trying to show is, either this House is the master of its own destiny or others are and in this particular case we were having the Deputy Bailiff, in his role as Deputy Bailiff, using his legal knowledge, trying to use legal arguments, and try, in my view, to curtail the power of this Assembly.

[16:30]

Now, I have raised this because I have always felt that we need to be more in control of our own sort of functions. For example, I believe that we should not be putting questions to the Bailiff. We should not be putting propositions to the Bailiff. They should go through the Greffe, which we all know is neutral, and if they find that they are in breach of a Standing Order or unlawful or would bring the House into disrepute then they could reject them. If a Member feels that have been badly done by, by the Greffe, then we should have an appeal mechanism of our own which is perhaps P.P.C., maybe 3 members of P.P.C., who could review the question and the proposition and deal with it. It should not be a person who is also a judge and may be looking at it from a legal point of view. I have mentioned the perceived conflict of interest. I also happen to believe that the Attorney General and Solicitor General should not be in this House. I have said in the past on at least 2 occasions that I felt that the Attorney General or the Solicitor General have made political speeches and in particular to the Plémont debate. There is no doubt that some Members are obviously taken by the arguments of the Attorney General, Solicitor General, and no disrespect to the Solicitor General or to the Attorney General we have got or the previous ones. They are very learned people. However ...

The Greffier of the States (in the Chair):

Deputy, I think the proposition is not about the Law Officers ...

Deputy M.R. Higgins:

I am just putting it in context. I will be ...

The Greffier of the States (in the Chair):

Well, I would rather we did not stray into the role of the Attorney General and Solicitor General.

Deputy M.R. Higgins:

Okay. I am coming to the end of the statement anyway. All I am trying to say is that they are a question of opinions and that lawyers come with different opinions. However, the point I have been trying to raise is I agree there should be a separation between the Judiciary, the Legislature and the Executive. I believe that the Bailiff and Deputy Bailiff should not be in the roles they have. I happen to believe that we have able people within this Assembly who can do the task. I was saying to Deputy Norman earlier, on the occasions that he has chaired the Assembly **[Interruption]** ... sorry, Constable Norman of St. Clement, that he has done a very able job. I have never heard anybody criticise him at all. I know there are people of equal calibre in this Assembly. It was mentioned, for example, former Bailiff ... well, he is not a Bailiff now, he is a Member of the States Assembly. If he was sitting and doing it, fine, we could do it. The point is, I believe that the Assembly should have its own elected Speaker and a proper democracy should have it. I have circulated this letter to show people in this Island what goes on behind the scenes. It is not straightforward. I come up with a proposition, put it in. It has to go through a vetting process and in this particular case it was turned down and I had to fight to get it into the Assembly. As I say, Sir Michael Birt was the Bailiff at the time who agreed to it coming before the Assembly although he did admonish me because he thought I was playing one off against the other. I was not. I was fighting for the right of this Assembly and for us to debate propositions that we want to bring forward and, as I say, it is for the other Members to decide whether they agree with anything we say anyway. If I bring forward a proposition it probably will not get through. On occasion it might. But the point is, it is for the Assembly itself to decide these issues. Not someone to decide whether you can even hear the proposition or that you can even hear the question or even that we can elicit information. So my argument here, quite simply, is I believe that the role of the Bailiff and Deputy Bailiff in today's world is finished and I think that we do need to have this Assembly take control of its own affairs and the only way we can do that is with an elected Member. So I would like you to ... I have not gone through the letter very well. It is long and you have to read the detail, but you can see the arguments I was putting forward were upholding the powers of this Assembly and trying to ensure that this Assembly is the master of its own affairs and not subservient to another part of the overall structure, whether it be the Judiciary or what. So I ask Members to support the proposition.

8.2.16 Deputy S.M. Brée:

We have heard many good arguments on both sides today and I do not want to necessarily repeat anything that anybody has said. I just want to pose the question to all Members of this Assembly. When did we decide to abandon all that makes Jersey unique? Why are we doing this? The argument is, well, we have to do it. We do not have a choice. We need to be like everywhere else. Well, I am sorry I do not agree with that. I am very proud to be a Jerseyman. I am very proud of our unique traditions, history and custom. Let us not look to other jurisdictions and follow them blindly. Let us take pride in who we are. Let us take pride in Jersey and not seek to dismantle everything that makes Jersey unique just because we want to conform. We are not a devolved Parliament of Westminster and I think sometimes people forget that fact. One of the previous speakers in this debate went to great lengths to remind us who had been previous speakers of the House of Commons, Westminster. Lovely history lesson. Totally irrelevant. We are here to

represent the people of Jersey and if we make this decision to cease the dual role of the Bailiff, without reference to the people of Jersey, then I am afraid we have let them down in my opinion. To talk about tradition and history, when we have States sittings we walk through the States Members' entrance to the States building. I do not know how many of you have cared to look up to your left but there is a large wooden board there that lists the dates and the names of all of the Bailiffs who have served this Island. My eyesight is not brilliant but from what I can make out it goes back to 1277. So we are talking about a constitutional change here if we decide to vote in favour of this proposition and I do not believe we have the right to make a constitutional change without a referral, in one form or another, to the people of this Island. Should we have change for change sake? Again, that is an argument that has been put forward. We have done it this way for countless hundreds of years so it is about time we changed it with no real argument as to, necessarily, other than; well, we have to do what everybody else is doing. We then had a question raised by one of the speakers about value for money. How can you put monetary value on our history, our tradition and our custom? You cannot. Now, while this proposition in itself is lacking on that side of things in certain respects I feel very uncomfortable when people start trying to put monetary value on long-held beliefs and traditions and institutions. We then had the argument from one of the speakers that there would be, very soon, a major court case where a decision by the Bailiff sitting in the courts would be challenged on the basis of the European Convention on Human Rights because that is the advice that Lord Carswell had given. Well, I have read the comments presented to this Assembly by Her Majesty's Attorney General who is here to provide this Assembly with legal advice. This was presented to the States on 27th June 2016 and, if I may, just to remind to Members, I would like to quote from it. "In summary, in the opinion of the Law Officers, the role of the Bailiff is compatible with the European Convention on Human Rights and the position is not likely to change within the time horizons suggested by Lord Carswell nor necessarily at all." So I suggest that we put that argument firmly to one side. Then we get on to the question of, well, if we were to change the role of the Bailiff and he ceased to be the President of this Assembly the question that is going round and round in my mind, and I have not yet found a solution to it, is who would replace him. Now, the argument would be we would have, for the first time ever, an elected Speaker of this Assembly which would be drawn from the ranks of those Members. Somehow the argument is being made that that represents true independence. Well, as we all know, the way in which Ministers are voted does not necessarily mean that that would provide true independence. There is going to be a group of people who would sooner see one candidate than another candidate. There then comes the question: well, who has the right to stand as the Speaker? Again, one would ask whether or not that would give us the true independence that the supporters of this proposition would have us believe. I am afraid I do not believe that. I believe that there could be undue influence brought to bear on the Speaker. With the Bailiff you may not agree with him at all times but at least he is independent of any Member of this Assembly. That is something we need to fight to keep. There is this argument put forward, and I have heard it before from certain Members of this Assembly, that unless we change the situation we will continue to be the laughing stock of the world. We will continue to risk the reputation of the Island through people's perception. Well, to those Members of the Assembly who feel that way you are not the only people who go travelling round the world. You are not the only people who have done business round the world and in my experience most people I have met have wanted to do business with Jersey because of its stability because it is unique in itself. If you believe that it is causing major reputational risks, as I am sure no doubt we will hear people say in a minute, then why do businesses, high-net-worth individuals and many other individuals want to come and live here? Because they want to come and live in Jersey which is unique. I have great pride when I go around the world and meet people in telling them that I am a Jerseyman. I am not English. I am British, yes, but I am a Jerseyman through and through. I probably bore an awful lot of people round the world telling them what a great place Jersey is. I give potted history lessons. The classic was I met

somebody the other day from England who said: "Well, what is Jersey's relationship with England?" "We conquered you in 1066. Next question please." I think we are running a risk of dismantling all that is great about Jersey. No system is perfect. We know that. But we should take pride in the fact that we do have a system many people round the world envy and we do have a truly independent Speaker. I would say to everybody who has come to live in this Island over the years: "Why did you choose to come and live here? You chose to come and live here because Jersey is a wonderful place." Do not try and destroy what makes Jersey that place, that Island, that we have so much pride in. I would urge Members also, on the basis that we have heard today, indeed from the Chief Minister, that the proposition itself is flawed. If you do support it there are some serious repercussions. I commend the Deputy, Deputy Tadier, for bringing this proposition and I argued for the fact we should have this debate because I think it is very important.

[16:45]

We send a very clear message that we support the role of the Bailiff as President of this Assembly and all the tradition and history that goes with it. To delay this debate would have been a pointless exercise and I would urge Members to vote against this proposition for all the reasons that I have stated. Yes, I am sure there are many, many people who would sooner see the Bailiff gone, Parishes dismantled, a completely unique system destroyed but I am not one of them. Therefore, I would urge Members to vote against this proposition.

8.2.17 Senator P.F.C. Ozouf:

I am one of the Members who stood on a manifesto pledge, as I would progress the separation of powers. I am sorry that the Constable of Trinity is not here, no doubt he is listening in the anteroom and I understand the strongly-held views of many Islanders and, particularly, when I heard the wrath of the parishioners of Trinity when the suggestion was made by the then, we were election candidates, Senator Gorst and myself, that we supported the separation of powers; we certainly got a very good sense of what the people of Trinity thought. But what people think, what people say is very much dependent on what information they have. I know that the parishioners of Trinity are sensible and good people and I have spoken to people who were in that Parish Assembly and I have explained to them the reasons why I believe that the evolution of our democracy must evolve and that there must be a separation of powers. It is right to say that there have been many Bailiffs who have served office holders, who have served with distinction over the centuries. However Deputy Brée wishes us to look at the list of Bailiffs. I would like to also have a look - as we say farewell to our much-loved Lieutenant Governor - I would like to have a list of Lieutenant Governors as well and perhaps even Chief Ministers as well, just to say what they do. The point I am making is that it is not an apocalypse to say that because you are moving the Bailiff out of the Assembly the world is going to end or we are ripping-up our traditions and changing everything. Deputy Mézec spoke of his liking of Jacob Rees-Mogg. I have mentioned previously a Member on the other side of the House of Commons, Tony Benn, who was said to have said: "When you say something unusual or new, first they ignore you, then they say you are mad, then dangerous, then there is a pause and then you cannot find anybody who disagrees with you." Opinions do change and Jersey has always changed and adapted to the modern world, that is why we are successful. We have been evolving, changing, amending, improving for hundreds of years and we live not in an island fortress that is unable to look at the experience and learning of other places. I almost say it is disrespectful, frankly, for Members to say we know it best. We are a community of 105,000 people and there are experiences in different languages and different cultures who are offering also experiences and wrestling with the challenges of democracy, of Judiciary, of how to run administrations and how to effectively run a democracy that is relevant and we live in a global world. We live in a global world that is increasingly accepting of certain standards and certain standards that matter but which, I am afraid, you simply cannot turn your face against. I agree that

much about Jersey is special and to characterise the opposition to the separation of the dual role as somehow disloyal, somehow unJersey, wrecking the traditions, is frankly wrong. There have been many people in this Island who have put forward radical changes. A former Constable of St. Helier, Philip Le Sueur, was a reformer. I happen to believe that as much as some people say in the same way that Tony Benn said of some of the things that the current Constable of St. Helier is, I think the Constable of St. Helier has done an awful lot in his term of office to evolve and adapt and modernise St. Helier and sometimes he is not popular. Sometimes change is difficult and we struggle with change and we struggle certainly with change in the composition of this Assembly and emotions run high. The office of Bailiff is something to be much admired. It is something which has got a ceremonial, a civic, an importance, a gown, a title, a position, authority, a mace; that has much about our past and represents our autonomy. I am going to be abstaining on this amendment but I want to say to the mover of this proposition that the reason that I am abstaining is not because I am against the principle, I am more in favour and more determined to achieve a solution of the separation of powers than ever before. When I speak about Jersey, as Deputy Brée does, and when I speak and obviously I must speak to lots of people because my travel expenses are much bigger than anybody else, so I must obviously go and chat to lots of people and I do chat to lots of people, and I represent and I celebrate and I explain to people about Jersey. I ask them and I interest them with our history about where would the world be if we had not been part of the invading forces of William the Conqueror? Where would the English Crown have been in 1204 if we did not pledge loyalty to it and continue to have the bastion of protection against the French? Where would the world be without Jersey? Two days ago I walked past the place where Charles I was beheaded in Whitehall and I reflected on the speech of the speaker at Leadenhall who said, as I said in my earlier remarks, and I will not repeat it, but effectively that was the statement beyond all statements that said that a Speaker of an Assembly is the servant of its Assembly. When George Carteret welcomed the young Charles II, father then beheaded and James, that changed the world. Our loyalty and our courage basically meant the world changed because what would have happened, would there have been the restoration of the monarchy in the U.K.? Would there even have been New Jersey, I have to say to our cousins in Guernsey? I do not see any New Guernsey anywhere and I say that with a great deal of ... I like Guernsey very much and ...

The Greffier of the States (in the Chair):

Yes, but going off topic.

Senator P.F.C. Ozouf:

I am off topic. But what I am saying is, effectively, change is an evolution and change sometimes must happen. There has been a recent outcry in the United Kingdom about the justices and the Supreme Court decision on the Article 50 triggering of the referendum. Outcry says the tabloid newspapers, the Judiciary has been denigrated. Many people have rightly said that it is up to politicians and others to uphold the absolute independence of the Judiciary and so we must as well. I am afraid that the time has come for us to strengthen our Judiciary, not to undermine it but to strengthen it. In strengthening our Judiciary, in separating the role of Bailiff from that of Presiding Officer of our parliamentary Assembly, has to be the right thing to do. But we have to do it properly and we have to do it sensibly and sensitively. We have to equip a Speaker's office with the appropriate advice. I mean no disrespect to any Member of this Assembly but I do not think there is a single Member, perhaps with the exception of the Deputy of St. Ouen or others with the legal training, that are Bailiffs who have presided over this Assembly, have their sharpness of mind, their knowledge, their ability to immediately opine on questions. That will inevitably mean that a Speaker drawn from this Assembly will need advice. It is simply not a case, as another Member has said, of just simply planting somebody in that chair, and I note you do it well and you are very welcome to do it, just as your predecessors were but it is not quite right. It must be that the Speaker

of the Assembly, as all Parliaments around the world are, that must be the defender, the servant of the Assembly; its most important person and its defender. You simply cannot do that if you are both the Chief Justice and the President and Speaker of the Assembly. It is difficult to say the reality of the effect that the Bailiff does have on decision making. He is the person who now passes all propositions. I am uncomfortable with that. I do not think it is right. I am not happy with the current arrangements that the current Bailiff is undertaking, albeit I understand his absolute right to do so and, of course, it is up to this Assembly if they wish to change the rules around the passing of propositions. There are all sorts of ways in which a Bailiff influences. I am not saying in any way improperly but there will be, of course, a guiding hand of a Bailiff with a different view and a perspective that will have an impact on, effectively, our parliamentary democracy. It is the parliamentary democracy that is the most important issue. We have to strengthen our parliamentary democracy. We have to strengthen the way that people think of this place. I am proud of having proposed and persuaded to bring cameras in this Assembly, not that Members may perform in front of the cameras but to let the people in. I think the cameras are doing a service in almost taking away those of us who are blessed with eyes and ears, you see and you hear and now people can see and hear the goings on and the decisions of this Assembly. It is an evolution. It was said that it was madness 5 years ago but now it is a reality and who would change it? I doubt not a single Member would change it, despite the cost. These changes have to be made. I am an enthusiastic reformer and a moderniser and a traditionalist. I do not believe that you just throw out the past. I just do not believe that it is sustainable by voting in favour of the separation of the roles you throw out the past. You strengthen the past; you strengthen the most important issues. Jersey is evolving. We are developing an international identity. We are developing a role on the international stage that nobody would have imagined this small place of 105,000 people would have done, even 10 or 20 years ago. The inventors of beneficial ownership registers, all the rest of it and the work that the Overseas Aid Commission does, Deputy Labey, the Deputy of Grouville; and all the other Ministers, the work that Senator Bailhache does and all the work of the Chief Minister and others. Jersey punches above its weight. I see some Members holding their heads in their hands and I wonder whether or not they are just bored with what I am saying or whether or not ...

The Greffier of the States (in the Chair):

I think they are wondering if you are going to go back to the proposition, Senator Ozouf, soon.

[Laughter]

Senator P.F.C. Ozouf:

Right, well it is back to the proposition to say that I want Members basically to vote. I cannot vote for something that is not worked out. I believe in this and I am going to abstain and I want to speak to say that I am enthusiastically and supportive and unmovably, unshakenly certain that we have to make this evolution and we have to make this evolution proper and we have to make it right and we have to make it workable. But we must not just simply make a decision without any detail on a date that has been plucked out of the air.

[17:00]

We have no idea about when the Bailiff is going to retire. We have no idea about the evolution, nothing at all and we have to consult with our people and we have to take them with us. This is going to happen. The evolution of the separation of powers is going to happen and we are going to uphold the historic position of the Bailiff in that historic role but it is not in future likely to be also the permanent Speaker of this Assembly. There needs to be a separate individual upholding the standards of democracy and being its most important advocate, which, I am afraid to say, the Bailiff simply cannot do. He is muted. He is unable to do the job that some of us would want him to do. I am going to say to the mover of the proposition, I am in favour but I cannot vote in favour of

something and I just will not accept either to be told that this is simply a proposition. I am just basically a wrecking motion. I do not want to wreck this; I want to make it work. I will say one final thing: I am determined, like other members of P.P.C. are, to get the reform of this Assembly in terms of its makeup, in terms of its voter equity, its voter equality, so that in 2 or 3 years' time we will be able to properly stand up and say that Jersey is not only a leader in the world in so many issues but a leader in terms of democratic and open accountable government with a Parliament that is highly regarded by the people that put it here, that is holding people to account and caring about people's needs and it is relevant and not the kind of view that we are held by the people. I believe a Speaker is going to do that. But I am afraid it cannot be done like this, it needs to be taken away, the work needs to be done. If it is the Council of Ministers that needs to do it, there needs to be a debate about who is responsible. If it is not P.P.C. then it must be a Government matter. I know Senator Gorst, the Chief Minister, believes this is important. If it is a joint committee between P.P.C. and the Council of Ministers or a group of Back-Benchers, then we must get to work and we must get to work on solving something that is a problem and can be an improvement and a strengthening of our Judiciary and our democracy. I am afraid it is an abstention but it is a vote in favour and a steely determination to find a solution for something that has to change.

The Greffier of the States (in the Chair):

Before we move on, I fear there was a noise to my left from an electronic device, which means another contribution to the Christmas charity fund. How very generous, Senator. Senator Bailhache.

8.2.18 Senator P.M. Bailhache:

I am not declaring an interest but may I remind Members that I once held the office of Bailiff and that the current Bailiff is closely related to me. None of that affects what I want to say. I am interested only in what is in the interests of Jersey. Listening to the last speaker reminded me that there are some political and ethical issues that divide Members across the usual political lines and this is such an issue. If I may state the obvious, the removal of the dual role of the Bailiff would be a major constitutional change. If one thinks that a major constitutional change should happen, it requires a major consultation with the public and that has not happened. When the Chief Minister... and I am sorry that he has been called away from this debate, but when the Chief Minister asked me to continue as Minister for External Relations in 2014 I said that the only significant thing that stood between us in political terms was the role of the Bailiff and that if I was to continue as a member of his Government he would have to understand that I would not support the abolition of the dual role because I did not think that it was in the interests of the Island. The Chief Minister told me that, in his view, there was clearly no public support for splitting the dual role and that while he maintained the view that, in principle, it should happen, he did not think it was going to happen or was not going to be an issue for his Government during the term of this Assembly. I agree with the Chief Minister that there is no evidence of public support for splitting the dual role. There was one occasion, and Senator Ozouf has referred to it, in the Trinity Parish Hall during the Senatorial hustings in 2014 when, I think, the Senator himself raised the issue. I do not recollect the Chief Minister raising it but he might have done and it was clear that there was absolutely no support for this constitutional change. I do not believe it was in the manifesto of the Chief Minister, so that it could not be said that this was going to be an issue for this Government to bring forward. The public have not been given the opportunity to express their views. Some Members have characterised an amendment, which I brought to the proposition of the Constable of St. Helier in the last Assembly, as being a wrecking amendment. For the benefit of those Members who were not in the Assembly at that time, the amendment, which was supported by a large majority of Members, stated that the decision to abolish the dual role should be subject to the approval of the public in a referendum. I do not agree that asking the public what they think about

a major constitutional change can fairly be described as a wrecking manoeuvre. If I may refer to the mover of this proposition, the truth is that Deputy Tadier does not want to ask the public in case he gets the wrong answer. He characterised it in his speech as a dry issue in which the public were not interested. I beg to differ; the public are interested. If Members want to change public opinion on a major matter of constitutional significance such as the role of the Bailiff, then efforts should be made to engage with the public on this subject and to seek to persuade them, if Members think that that is the right thing, that a change is desirable and is in the public interest. That has not happened and for me that is one substantial reason; there are numbers of others but it is getting late and there have been some excellent speeches on both sides. That is a sufficient reason to say to Deputy Tadier: "I am sorry but this is not the appropriate time to bring forward a major constitutional proposal of this kind." If there were any evidence of public support for it that would be a different matter but there is none.

8.2.19 Senator S.C. Ferguson:

I am sorry, this feels just like rearranging the deckchairs on the Titanic. It is, as the previous speaker has said, a major constitutional matter and I think we are not totally aware of the ramifications of that. It has been put to me, one school of thought - I am not a lawyer, I am just a simple engineer - that changes in the constitution mean that all civil servants would have to reapply for their jobs. It is tempting but I am not sure about the veracity of that. But it does indicate the possible unintended consequences of this action. This is not a matter that I have been greeted with on the cheese counter at the supermarket, which is where I get most of my good ideas. The main interests given to me are monetary ones and immigration, additional charges and tax, in particular. This is by people with all levels of income. Some I know are just living on pensions and some are very much more well-to-do. The European Court of Human Rights in the Guernsey case of Mr. McGonnell was that provided the Bailiff followed customary practice then there was no conflict and it even said that there was no legal basis for separation of the roles. Given the fact that the Bailiff's casting vote has been removed, there is little influence on the Assembly. Far more worrying is the stranglehold by Chief Officers on policy and far more urgent is Deputy Martin's proposition on committees. I am tempted to say that if immigrants in the U.K. do not like our established traditions, then there is a time-honoured response but I probably should not use it because it is, no doubt, not politically correct. I think the vote was at lunchtime today. I note the Connétable of St. Mary's comments on the role of the Parish Assembly. It was my understanding that historically the Assembly has been used for canvassing the opinion of the Parish on an issue that is controversial, even if the Comité des Connétables has now decided that it does not. There is a minor query, perhaps the proposer will report back to the Assembly in his summing up on his inquiries of the Bailiff and if he did not speak to the Bailiff about this, why did he not? Frankly, there are much more important matters to be decided, just little ones, like balancing the budget. Frankly, despite the comment from my left, the Fiscal Policy Panel said it probably will not be balanced by 2019 but that is another story.

The Greffier of the States (in the Chair):

It is.

Senator S.C. Ferguson:

I will not be supporting this because I do not feel like throwing the baby out with the bath water.

8.2.20 Deputy J.M. Maçon:

Very briefly, this is one of those debates where, unlike other Members, it is not really one that I really feel a huge amount of passion for, one way or another because, as I see it, either way the work will get done. The Bailiff remains in the States Assembly, the work will get done. If someone else is here, the work will get done and from my perspective that is what I care about.

Listening to other Members in this Assembly we do really mix in different circles because we have heard that this change would be an affront to every tradition and the Island community would collapse into nothing. Coming from my part of the world a lot of people live their lives having no contact or anything to do with the Bailiff whatsoever. Therefore, this change, if it were adopted, I am really struggling to see to the man on the street what big difference it would make. In response to the points made from the Constable of Trinity, he is quite right but, of course, what he did not add on the end is getting these external people to come into the Island to get advice from us but he could have added, which we asked them to do and which the taxpayer also paid for. I think we need to view this in the round and I do remember many years ago Senator Maclean said: "What are the main criticisms of this States Assembly?" I added that one of them was the overuse of consultants; and the next one, from Senator Maclean, was that this Assembly, at any opportunity not to make a decision, is exactly what it will do.

[17:15]

Here we are, as has been explained by Deputy Martin, for example, we have had several reports looking at this matter and, once again, because a politically unacceptable conclusion had been reached, what do we do with all the money, all the taxpayers' money, that has gone into these reports, put it up on the shelf, let the dust gather and let it carry on? Surely to the taxpayer that is a great frustration that, once again, the States Members are doing what they can in order not to make a decision. It is really tough. I did go around a bit of my patch and asked the people that I represent what they thought about this particular proposition and, to their credit, a lot of them were very honest and, again, probably different to the residents of Trinity. Very honest and they said: "We do not know. If we are very honest, we do not really know about the Bailiff's role in the Assembly." Then they said: "You are our elected Member, we will leave it to your discretion." Again, it is a very difficult thing because where exactly are we going? The criticism is always this might happen somewhere mystically somewhere in the future. But to those Members who have always said this will happen but the question is when. It has been linked to perhaps the mystic thing of the golden egg constitutional reform, that proposition that will bubble forth from P.P.C. and will be the saviour to all of us, that will be the time, whether I am still here and whether I am still alive when that happens, we shall see. But, again, this is not a particular proposition that I can get strongly passionate about either way and I thought that was just a different perspective.

8.2.21 Deputy D.P. McLinton of St. Saviour:

Dismantle all that is great about Jersey. I am a proud Jerseyman, which is traditional to say in these circumstances and, trust me, who sits in the tall chair has no bearing about all that is great about Jersey. I would challenge you to find a random 100 people and ask many of them: "Who sits in the high chair in this Assembly?" A good few of them would not even know and would not even care. That is some of the truth Members of this Assembly have to face. This has become so inward looking it is forgetting about out there. You are forgetting about it. I am on my 56th orbit of the sun and in my entire time going around and around the sun I have never heard once anybody say: "The Bailiff sitting in the Assembly as President is what is most important to me about this." Not a one. I have heard many more people say: "It does not seem right, in the court and in here at the same time; that does not seem right." Many more have no great opinion on it. But it will not dismantle all that is great about Jersey. In a civic role, absolutely, I believe the Bailiff should be a very brilliant representative. But I would say that I have heard it described as a disservice to this Assembly. I would rather frame it like this, as a service to the court system and he spends more time in there. I would go as far to say he is well overqualified to sit in the chair, no offence meant. A lot of his skills are wasted sitting in here, I happen to personally believe. Another point that I wanted to make, which Deputy Maçon alluded to, we commission reports for steerage and guidance. You have the Clothier report. It says very clearly on it: "Do not cherry-pick from this

report.” What did we do? We then talk about the past where we go: “Good idea, good idea, no. Good idea, yes, not doing that.” We end up with a dog’s dinner instead of listening to what the report says. We commissioned Lord Carswell who dragged himself to our Island yet again to go through the whole thing again, giving us a very unbiased view of reasons why the Bailiff sitting in the chair is a bad idea. I have spoken to a number of Members, many of whom went: “That is right. When you look at it like that, yes, yes, yes.” I get a sense in here many of them are going to go: “Yes, I am not going to vote.” You were elected to this Assembly to make decisions. Yet again, I hear Senator Farnham say: “We will make a decision in our own time.” How much time do people need? In my own time, in somebody else’s time in a different Assembly when I am not in here anymore to make any big nasty decisions. This makes sense. Jersey will still be Jersey. It will be a wonderful place. The Bailiff will have more free time to do what he is infinitely qualified to do and it is not sitting here as some sort of referee. That is what I believe and I really think. When it boils down to it, many of you believe that too, if only you grew some and said it out loud. I will be supporting ... I beg your pardon, I will withdraw that, Sir.

The Greffier of the States (in the Chair):

I think that has to be withdrawn, Deputy.

Deputy P.D. McLinton:

It is not very parliamentary but I was not feeling very parliamentary, at the same time. I will most certainly be supporting this proposition and we will sort it out down the line.

8.2.22 The Connétable of St. Mary:

I feel I do need to say a couple of things but really it came to me during this debate. I said it, when I spoke earlier, that I thought where I was going but I have heard some things that made me really rethink. We are talking about, effectively, the separation of the dual role and yet when he proposed this proposition Deputy Tadier said something, he said, I think, this is to paraphrase: “Electors should not be worried if their representative becomes the Speaker because that could be a good thing because the Speaker will have access to the Ministers, to the Council of Ministers because he will be the Speaker and he will be able to talk to them and we will be expected to get in.” It almost sounded like it was a sort of a shoo-in to getting that individual Member’s voice heard. But if we are honestly talking about separation then the Deputy has got to understand that if a Member - a Deputy or a Constable or a Senator - is elected as the Speaker, then they are, effectively, separating themselves from that role, from their role as a Member. They will not have a vote and it will be exactly like it is now. We all, most of us, perform a function in the Assembly or in the Government even, apart from being an elected representative; you may be a chairman of a Scrutiny Panel or of a committee or you may be a Minister. I certainly remember when I was chairman of P.P.C. and also a Constable, I often had access to information in my role as chairman of P.P.C. that I would not have had as a Constable. I was responsible enough not to muddle the 2 and that is something you always have to do. You always have to know which hat you are wearing at any one time. Many times I came to a debate thinking, I know the answer to that. Hang on a minute, how do I know it? It is because I am working on something and the knowledge that I have is knowledge that is, effectively, a work in progress and is something that will come out later. It is not my position to reveal that information. I think the Deputy has to be careful when he says that there will not be a loss of representation. Furthermore, what really has concerned me is the fact that we are, and Senator Ozouf said he was determined to carry on this consideration of reform of our makeup and to see it through. I cannot say, and none of us can say, what that form will take but some of the models that I have seen, without going into details because I cannot remember how I know that information, is some of them have reduced the direct representation of some areas of the Island quite dramatically. What happens if you are part of a large constituency in the future and you

become the Speaker? Does that, effectively, mean your original Parish or district loses all their direct representation? I do not know because we have not decided how we are going to do that yet. I think this is another case where we are putting the cart before the horse because we do not know how the Assembly will look in 18 months' time. Surely the time to decide whether we are, effectively, taking the representation of another area of the Island out to make that representative Speaker and, of course, there will have to be a Deputy Speaker too, so we are not just talking about one area. Surely we need to consider that in the makeup of the Assembly that we look for. I just do not see how you can separate out the 2. Strangely enough, one of the things that has come out, I have looked over the social media over the last few days as we were leading up to this debate, it is amazing how many people have put, the question has been asked in various ways, should the roles be separated? A lot of people who have responded and saying: "Yes, it will save us a packet." It will not save any money at all, in fact if I was a betting person and say it will cost money because, as has already been said by many Members here, you cannot just sit in that chair and make your decisions. Senator Ozouf said: "You cannot sit in there and give a good opinion about something." I can tell Senator Ozouf that I can give an opinion about anything at any time and with very little notice but it does not mean it will be valid in the context of being Speaker of the Assembly. There will need to be training. There will need to be reinforcement of that training because we are talking about an elected representative. At least every 4 years that seat will be up for grabs again and we are talking about a deputy. Of course, being a Speaker means you have to go to Speakers' conferences, which means that while you are at Speakers' conferences somebody else has to do the speaking, like it does not work. We have to have backup. There will have to be a Speaker's office, we have heard that or some system set up for ... the work that is done currently will not disappear; it will still need to be done. We have not itemised, worked out how we will do that work, therefore, it is impossible to say that there is not going to be quite a cost involved. That is just something I mention because as well as us revisiting this debate every couple of years, as we have tended to do recently, and talking about possibly putting more resources into it, we have to understand that the Carswell Report ... I was chairman of P.P.C. when that was considered and it is a very, very good report. Rabinder Singh's advice was very clear to me but what it said was: "This is something that we need to keep an eye on. We need to keep watching how the trends go." There is no immediate need to do this but we need to think that sometime in the future we will come there. We have had other advice since and we have had comments from our own legal representatives. As it stands on the basis of the advice at the present, and I am no lawyer, but I listen to advice and I have heard the debate about it, I do not see the immediate need for any of this reform but I do have some immediate concerns. Out there in the Island parents are wondering what we are going to do about university fees. Middle-income households are asking, what is going to happen about the reform of our tax system? Parents are worried about road safety, air quality, long-term growth, elderly care; real pressures affecting the Islanders. But, as we have heard, where is the real pressure from those people to change this? I think, and many Members have said, that this is something that probably we will need to be considering at some stage. Unlike some others who have spoken, I do not think it is as urgent as has been made out. I firmly believe that the Government and the constitution that is right for Jersey is the one that the Jersey people want for themselves, not one that somebody outside says: "Really, that is what you ought to be doing." I really feel that very strongly, that we need to determine it for ourselves. In order to do that we need to understand the implications. When I spoke about this in 2008 I said that this concept was something that would need to be explored. I still think that is true but I do not think this proposition is the vehicle for that exploration. I really do not and it is not a question of this is not the right time necessarily or this is not a device. I honestly believe that until we have decided how we are going to make up this Assembly, we need to tread carefully. We do not understand what the implications on individual Members and, therefore, their electors will be by tinkering at this stage. My own personal feeling is I would like to have perhaps an independent Speaker, not an elected Member at all, something

completely different. This does not give me any scope for that and that that debate has not been had and until it is I am not prepared to support this.

The Greffier of the States (in the Chair):

I wonder if Members could give an indication of who else wishes to speak or are we at the end of the debate? Deputy Labey. It is up to the Assembly whether they wish to carry on to the end or to adjourn.

Deputy J.A.N. Le Fondré:

Sir, a proposition to carry on until 6.00 p.m.

The Greffier of the States (in the Chair):

The proposition has been made carry on until 6.00 p.m. [Seconded]

[17:30]

Deputy M. Tadier:

If it helps Members, if we do only have one other speaker, there is only one other speaker at the moment, and then I am planning to sum up obviously comprehensively but concisely. I do not see any reason why we could not finish by 6.00 p.m. and I would aim to certainly finish my speech within that time if Deputy Labey is equally concise.

The Greffier of the States (in the Chair):

All those who wish to stay until 6.00 p.m., please show. Those against? We carry on. Deputy Labey.

8.2.23 Deputy R. Labey of St. Helier:

Thank you, Sir. I was rather hoping for the evening to write this out.

The Greffier of the States (in the Chair):

It is in your hands.

Deputy R. Labey:

I will keep it short and it may work, it may not. A lot has been said about consulting the ordinary people of the Island over this issue, but I look around me and all I see is ordinary people of this Island. I see ex-policemen and ex-firemen and ex-lawyers and teachers. We are ordinary people, it is just that we are elected to lead. I feel that sometimes we abrogate that. We do not want to make the decisions and we will neglect our leadership role and sometimes take an easy option by going to referenda or some kind of consultation. There is a consultation every 3 or 4 years. It is called an election. There were a number of politicians at the last round who did put it on their manifesto - I was one of them - about the separation of powers and the importance of that. I think to be fair to Senator Gorst - I am not sure if it was on his manifesto - but I am pretty sure he is on record during the last election as saying that he too supported a cessation of the Bailiff dual role because of the need for the separation of powers. I think I have just seen a clip of him on Facebook saying that. I do think that Senator Gorst put that on record. I really like sitting in this Chamber with the Bailiff presiding. I do not think anyone is saying that there is somebody that could do the job better. I like the authority he brings to this Chamber, I like it when he laughs at my occasional jokes, I do not even mind it when he tells me off because, like a child, I enjoy parameters, and I wish more parents realised that when I am sometimes having a meal in a restaurant. I do not even mind when the Deputy Bailiff cuts me off rather too often than I think he should. That is an indication he is probably doing the role exactly correctly. So it is very difficult because we like having the Bailiff here and what he brings to this Assembly. I understand that. I would not have a go at any Member

for their decision on this debate. It is quite an emotional one. I have been listening to this debate because I have been very interested in it. I am only speaking at the end because I was interested in listening to what people had to say. I was very interested by Deputy Lewis's speech because, as it happens, I did a C.P.A. conference this year and I had exactly the same experience. We had the speaker of the House of Commons regularly come to our conference to speak, and he hosted meals for us. Everyone is talking about their version of the Speaker, *et cetera*, and then you announce what we have in Jersey. I did so to the Speaker of the House of Commons in Canada and he almost went ashen and did not know what to say. People were absolutely ... it drew gasps that we had our senior judge acting as our Speaker. It is embarrassing in those circumstances because our democracy is centuries old and one is looking at developing democracies in Asia or Africa or South America trying their best to do the right thing, *et cetera*, and they are complying with Bangalore and they are complying with Latimer House, and we who should know better are not. Both the Bangalore Agreement and the Latimer House ones are very easy to read. I know Members will have Googled them as I did. They are written in plain English and there is nothing in either document to support the situation that we have here. That is what worries me. I was expecting Senator Bailhache to give a very long speech. He is a very clever man, Senator Bailhache, and I learn an awful lot about being a politician from Senator Bailhache. I do not always agree with him. He, very cleverly, did a short, sharp speech this time on this issue. In a way I was expecting the reverse, because I have heard him speak on this issue before and he is uniquely placed to of course speak on it. What I noticed when Lord Carswell was here was he obviously keeps an eye on this issue and had done his homework because he systematically destroyed most of the arguments we hear from Senator Bailhache and the like about why the Bailiff should stay. I thought it was very polite and quiet, was it not? But he was very powerful in just drily and clinically taking out the arguments for keeping a judge as Speaker in this Assembly. The other thing I liked about Lord Carswell's address to us was how he started by telling us that he was a regular visitor to this Island for bucket-and-spade holidays every summer for the last 50 years. So he is not really an outsider, he has been a visitor here, he knows the territory and knows the situation. I thought it was also very pertinent that he recognised that Jersey punches above its weight, as has been said, now on the international stage through the financial services industry, *et cetera*. It is about how we are perceived. Deputy Andrew Lewis, Deputy Brée: I know it is great having the Bailiff here and no one is saying that the Bailiff does anything wrong. There is nothing but praise for him. It is about how we are perceived on an international stage with this curious position that does not comply with agreements that have been drawn up by the world's top lawyers and signed up to by us as members of the Commonwealth. I was going to another point here and I have just forgotten it. It is how we are perceived. That is why I have always been a dyed in the wool, separation of powers man, because I have always been worried about how we are perceived. I was not on the Island when the UBS Bank, Cantrade, Touche Ross, Robert Young fraud trial happened through the 1990s and it took an awful long time. Some of the Members have said: "Wait and see. Wait until it happens when somebody looks at us and says: 'That is not right'. We will wait for that to happen." In some respects, if you ask the U.S. citizens who were defrauded out of thousands of pounds what they think of our system when it took them the best part of a decade to get Robert Young convicted and imprisoned and get some recompense, and get some justice by taking a civil action through the Jersey courts. I am not alleging that there was any wrongdoing on the part of anyone in our establishment – political or judicial - but I am saying that that case did not look good. It looked appalling, and a lot of the criticism was coming from members of our own legal profession. As I repeat - I am not even treading on eggshells - I am not alleging any wrongdoing by anyone but it smelt bad, it looked bad and I do think that that fraud trial and the results of it should have been the catalyst for the Government looking at the whole legal system, the whole Judiciary, how we work and the separation of powers issue. It is work that has to be done. When we had the debate about the debate this morning, we had the Chief Minister, who I happen to like an awful lot and I respect

an awful lot - just occasionally he disappoints me - and I was disappointed about the suggestion of the referral to P.P.C., because what he could have done, Senator Gorst, our Chief Minister, was to say: "Let us refer it to the Ministry for Justice of which I am the Minister." There is a Ministry for Justice, is there not, a judicial ministry? It is part of the role of the Chief Minister and this fits into it. A Back-Bencher brings a proposition and then a Minister again stands up and says: "What about the financial implications? How on earth is Deputy Tadier supposed to work out the financial implications? How on earth? What about his office and what about the Deputy?" and all these things that can be put in the way of moving forward, because the principle is right. You either accept that the principle of having a judge as Speaker is wrong in terms of the separation of powers, or right. You make that decision on that principle and you find a way to sort everything else out, how it is done. His office is going to be next door to the Greffier's, I am sure. Of course there has to be a deputy. It is a principle. I do think that, however, some of the criticism levelled at Deputy Tadier is founded in the respect that this is not an easy proposition for us to vote for. There are shortcomings. I know people have been huffing and puffing but I have found this a very interesting debate, personally. It has been interesting to gauge the temperature on this issue in this House. I would suggest that if Deputy Tadier is allowed to withdraw the proposition, I would prefer that to happen and we just take the temperature. Because I am worried about this: losing it sets back the cause. Does Deputy Tadier want to be right or does he want to get the result?

8.2.24 Deputy M. Tadier:

On that cliff hanger I guess I could either propose the adjournment or maybe we will not go to the vote and I will just shrink back into the obscurity of the darkness. No, clearly we have had the debate and I thank all the Members that have spoken. There have been some 20-odd who have done that. In saying that, I have almost forgotten what the question was that Deputy Labey asked. Would he just reiterate it?

Deputy R. Labey:

I suggested withdrawing the proposition.

Deputy M. Tadier:

Is that a proposition?

The Greffier of the States (in the Chair):

No, it is not. Let us have Deputy Tadier.

Deputy M. Tadier:

I thought there was another part to that, but clearly this is not going to be withdrawn. I thank the last speaker for his contribution and his enthusiasm. As always, he is a very enthusiastic representative. But I do not agree with the conclusion. I think the question he asked was either you bring this today and you lose it, so do I support the principle or do I want to be right. I do not see them as being mutually exclusive. Obviously I stand here with the courage of my convictions. I think it is the right thing to do and I think it is the right proposition. I do not agree with those who have criticised the wording of my proposition. It is easy, of course, to stand up and say: "Why did you not amend it?" but it has been on the table for a period of time. I do not think that is the nub of it, is it? We all know that ultimately there is nothing in here that is fundamentally controversial apart from obviously the principle, and it is the principle which remains controversial. Today it remains to be seen whether we have got over that hump of whether we can do the unthinkable and change the way our elected speaker of this Assembly might become an elected speaker. When I was at school in Year 7, because that is what we called it back then - I was on the cusp between being a First Year and a Year 7 student - I remember one of the first essays that I was presented with was the title ... and it was only for me for some reason. Nobody else had to do this essay. It

was “Procrastination is the thief of time. Discuss.” As a good student, of course, I made sure that I waited until the very last minute to do it and then handed it in just when it was due, obviously on time but staying up late the night before to do the work. I talk about procrastination because maybe that is the reason I went into the States. Certainly I do not think that is why I would want to be here. I went into the States because I like to think that we can get things done. I was told that politics is the art of the possible, but yet time and time again we hear reasons why we cannot do something. It is particularly gruelling when you hear that from people who ostensibly support the same principles, they say, of the things that you are trying to do. As I said earlier, I have absolutely no problem with somebody who looks me in the eye and says: “I disagree with you on this one. We are going to have a good debate on it but I cannot support you.” At least I know where they are coming from. But when you get people passionately making speeches saying: “I am so in favour of splitting the roles that I am going to abstain because I think that is how important it is”, without giving a real explanation about where the faults of this proposition lie, that is something I personally cannot stomach and I suspect is not fulfilling one’s duty to one’s constituents, especially in the role of a Senator where you represent everybody in the Island.

[17:45]

I would say to Deputy Luce, the Deputy of St. Martin, who was the first speaker, he said that he wants to vote for this, he wants to support the principle. He cannot do it at the moment but he wants to vote for it when it comes back. How does the Deputy think it is ever going to come back to the Assembly if he does not vote for part (a) and part (b)? The way we get it back to the Assembly with the meat on the bones is to vote for this. Part (b) says: “To instruct the Privileges and Procedures Committee to bring forward the necessary changes to the States of Jersey Law and Standing Orders” and to do that, obviously, in time for 2018 for January. So the work will be done. Those who stand up so passionately saying: “This must be done, it cannot be done soon enough, we need to get P.P.C. to do the work”, great, I think we agree on that one. That is exactly what I am asking for. Of course we do need to make a decision. It is not simply an in principle decision because otherwise ... if I came here saying: “We should have a Bailiff but I am not really sure we should get rid of the Bailiff in our States, I am not really sure how that would work. Maybe we should replace him with an elected speaker, maybe we should appoint somebody from outside, maybe the public could choose” can you imagine how much more uncertainty there would be in that context? So of course what I have done is gone for the most obvious route, which is that we separate the roles, if we can agree to that, that we elect our own speaker. Interestingly enough, this time we have had very little discussion on the role of the Bailiff being civic head of the Island. I have notes of everybody who spoke but it is probably helpful if I approach this thematically because it has been suggested that this is such a fundamental constitutional change to the Island that we need to put it to a referendum and/or that there has not been enough consultation. I do not think that is necessarily the case. It is directly to refer to Senator Bailhache’s comments. If it had been the case that I was proposing to cease the role of the civic head of the Bailiff ... because in reality when we talk about the Bailiff he does not just have a dual role he has a triple role. Obviously in the context of this Assembly when we think of it, it is often referred to as the dual role because he is Speaker of the Assembly and Chief Justice, but he is also the civic head. There are those out there much more radical than I am who have suggested that that last position, the civic head, a very important one, is ultimately not right either and that that also brings him into political contention even as a judge if not just as the Speaker of the Assembly. I do not share that, and that is why I have put in part 2, which says that he should continue to be the civic head of the Island. That is the constitutional, important part. Frankly, who chairs this Assembly is not a matter for the public. It is a matter for us to decide who chairs us. It is not a massive constitutional change, it is part of the evolutionary change that happens. When we took the policing powers off the Constables not so long ago, because I was in here when that came to the Assembly, it was not passed unanimously. I

remember one Constable, I think the former Constable of St John, stood up and questioned why we were doing that. That went through pretty much, I think, without any consultation. There was no doubt some work that went in on it but there was no consultation with parishioners, there was no Island-wide consultation as to whether this long-held tradition where we are able to elect the Police Chief in our respective Parishes should go. It was simply decided: "That is going to go, it is no longer sustainable. We want to keep these Constables in the States. In order to minimise the conflict of interest, the policing powers must go." That was done pretty much at the drop of a hat, no consultation. I referred earlier, when we changed the roles of the Jurats, saying that they should no longer be the Board of Visitors, that was done at a political level after scrutiny and after many reports and it was a political decision that needed to take place. That has constitutional implications when we start making changes to the roles of lay magistrates, the Judiciary. It is not a constitutional matter anymore than the one we are discussing today, I would humbly advance. Similarly, we are not doing it on the back of a fag packet. We are doing it after a 16-year period in the modern era where this has been discussed, with 2 reports there, 2 comprehensive reports, with lots of submissions that were made on both sides, strong representations on both sides, with intellectual people, academics, judges, looking over those and with local support. Remember, I completely appreciate this is an emotive debate and we have managed to avoid the worst excesses that some might have come out with, but we were on the fringe of becoming lightly xenophobic I think there for a while, saying that: "If you do not like the way Jersey is run, you know what you can do with it and 2 fingers to the rest of the world because we are little old Jersey and this is the way we do things and anyone who challenges that is not a true patriot. I do not think that was exactly what was meant but we sailed very close to that wind when we went down those arguments. I think that is unfortunate because, as has been said, there are many ways to be a patriot. I think it also has to be said that we can be slightly revisionist with our appreciation of history. That is why I thought it was quite good that my colleague, Deputy Mézec on the left here, did say that not everyone in the past has always loved every Bailiff that has sat in this chair or in the court. It was a different chair, of course, because this is a relatively new building, but metaphorically speaking. Similarly, if you ask people today, I do not think you are going to get everyone saying that everything is rosy in the garden, as they would with any politician. People have different opinions and when we try to say, partly because we have to out of courtesy, that the Bailiff and the Deputy Bailiff and any Speaker cannot put a foot wrong, like the Pope, it is clearly nonsense. It is this kind of courtesy which we are obliged to show. Generally speaking, of course, we do respect the fact that whoever has been chairing the Assembly has a difficult job at times and they make a good job of it. But it does not mean that people who have made submissions in the past where they have quite clearly stated ... and I will read just a couple of these points because I think they add to that argument, that the Bailiff, either unwittingly or simply because he is human, can get drawn into political controversy. That is simply because it is a function of the Assembly which is necessarily political. One submission, just to make that point, Lord Carswell asked a particular advocate who was giving a submission about possible conflict of interest of a difficult position ... an invidious position that the Chair might be put in. He said: "It shows that it is possible in certain circumstances, as in many others, to end up stepping over the mark, where you are not being involved in any sort of political role, to become involved in a political role, because you are member of a political assembly." He cites a particular example. I do not really want to go into it because it is quite close in living memory. I remember saying to the previous Bailiff when he retired that I congratulated him, because I always enjoyed him presiding. I found him to be of a cheerful disposition. I found that when he intervened he always did it in a good way and he was always of good humour. But I do remember an occasion where a colleague of mine - and this is referenced in the submissions - was given a good dressing-down by the Bailiff because he came in here, he was fumbling, he was about to make a very long speech and of course, quite rightly, had a lot of paperwork to do, and he was given a dressing-down by the Bailiff, which I think many,

certainly I and some listening from outside, thought: "That is a bit strange." One completely has sympathy for whoever the President was at that time because, of course, as I said, we are all human, but that can have an influence first of all on the Assembly but also the listening public. This is the point that was being made by this particular person who was submitting it. That is fine if the Chair does that, and there is usually some kind of recourse. But when it is the highest person in the land, so to speak, it is very difficult to challenge that. There is necessarily a deference to that position, not simply because of the virtue of this office but the more general office and the fact we are dealing with a civic head in the Island. The idea that the Bailiff can resist being drawn into political controversy is frankly not within his capability to always avoid that. He can be drawn into political controversy, and that would be fine if he was not always a judge, which is his primary function. To recap, the compelling points must be that first of all the first principle is that nobody should hold or exercise political power or influence unless they were elected to do so by the people. That is a reasonable proposal. The second reason on principle is that the separation of powers rightly suggests that there should be separation in true terms between those 2 positions. The third one, as I have just said, is that the Bailiff in his role of Speaker of the States necessarily has to make decisions about who may be allowed to speak, put questions, and the propriety of a Member's conduct and such decisions may well be challenged by the Royal Court on grounds of illegality, *et cetera*. But more broadly, of course, one is entering into the political realm in doing that. I do want to address the point that was raised by the Constable of St. Mary when she talked about my comments about the speaker and the fact that he or she would necessarily have to keep on doing constituency work. That is really the point I was making, that when somebody enters into this Assembly ... and I said the Speaker, just because he is the Speaker, he would still be able to do the constituency work. When he picks up the phone, for whatever reason, to a department or to a Minister, purely to deal with his constituency work, then that would still go on. I do not think the constituent would be disadvantaged in that respect. I also make the parallel with any other Minister. You could make an argument that simply because we have ministerial government, or even when we had the committee system, if your elected representative is a Minister and we know that it is possible nowadays for Constables and Deputies to be Ministers or Assistant Ministers or quasi-Ministers, whatever you want to call them, having ministerial power, there is a sense in which of course they are not representing you anymore. Because if you are a Minister and you are forced to vote in a certain way on a certain issue and your Minister is the Deputy of a small Parish, then clearly you know in advance that there is no point in calling that Minister up to talk to them about your particular issue, because they are going to vote in a certain way, their own ministerial party loyalists. That is simply politics and that happens already. But as I have said, I do not think we need to worry about electing our own Speaker because, of course, firstly it is cheaper, it saves money and resources, but there is always a Senator, a Constable or another Deputy to pick up the workload in that Parish or in that district constituency. I will apologise now because I do not want to unnecessarily go on too long. In doing so I am not going to necessarily be able to pick up every point that every speaker has made, so if somebody does want me to address a particular issue that they have raised during their speech because they may vote one way or the other according to that, then I will happily pick that up. Otherwise, I think enough has been said today, enough of the issues have been brought out. There are strong reasons for doing this. I must say that I am disappointed in a sense ... there is one person I do have to address because he reminded me of something that I had forgotten deep in my memory. He said that he was at a public house and he was enjoying a drink, he had been to a social event and then went into the bar area afterwards. A young person came up to him and this person was very angry and irate and started harping on about the dual role of the Bailiff. Something clicked in my memory. Although I am not sure I would necessarily call Bohemia a public house, because I think that is where it was, I also do not think I was particularly irate or angry. I am not sure you can necessarily get irate or angry about this particular issue but one can be passionate. But I think I was particularly surprised because I

remember looking at the younger Deputy Lewis, I think he was a the time, of St. John and thinking: “Presumably he is obviously going to support the separation of powers because he is young and he is like a businessman and he is modern thinking and progressive and knows how things work.” So I was probably just very surprised that he did not automatically have that position, which he has clarified today, which is fair enough, although is position now is perhaps somewhat more nuanced than that. It just goes to show, never set a challenge to somebody who comes and annoys you in a bar and say: “If you do not like it ...” He should have said: “There is a boat in the morning”, of course, because then I may have ended up moving to the U.K. or France. But he did not say that, he said: “Why do you not run for office yourself?” But I can assure Members that is not the only reason. Of course, the reason I have not brought it earlier is because other people have brought it. In 2010 we decided to hand it over to somebody else to look at because we said: “If you are going to make a decision like this you cannot do it off the cuff. You cannot do it on the back of a fag packet, so let us appoint somebody who is really esteemed. We have to think budget so we can pay that.” As Lord Carswell said to us, to be fair, he did not use all of the money and he delivered it on time. If only that could be said of every States project or every commission that we get. We did it and that was the second time we did it because we did it with Clothier. So the reports are there, the information is not there. By all means vote against this proposition today if you must for your reasons, because you think that current system is fine and that we cannot do any better.

[18.00]

I personally believe that we can do much better, that we should not be looking back at the past, we should be looking forward and that this is a new dawn I think potentially for this Assembly, with all the opportunities that go with that for outreach, for strengthening our parliamentary democracy, for strengthening our Judiciary, and that we should not be looking for more information which we know already exists. By all means, as I said, if you are not of that opinion I quite happily respectfully differ and we are not going to fall out over it, but I do risk falling out with those duplicitous - possibly, can I say that - Members who stand up saying: “I support the principle but I am not supporting you today.” I do not have much stomach for those individuals. But I would say that change is going to come, change is going to happen and it should not just be that you look at the mover of the proposition. You should look at what is being proposed and the principles. I would like to think today we could get behind this, put the meat on the bones. P.P.C. will come back before the end of 2017 with proposals and we will know exactly how it works. Then if you really do not like it or if there is something there, you can by all means vote against it. But it is not rocket science, it needs to be done, and I ask for the appel, Sir.

The Greffier of the States (in the Chair):

Before we get to that, I cannot let up the comments that a Member may be possibly duplicitous or duplicitous. That is an unfortunate way to end the debate and I would rather that sort of comment was withdrawn.

Deputy M. Tadier:

I will withdraw that and there will no doubt be better ways I could have expressed that.

The Greffier of the States (in the Chair):

Thank you. The appel has been called for. I ask Members to return to their seats. I think they are all there. I will ask the Greffier to open the voting.

POUR: 13

Connétable of St. Helier
Connétable of St. Brelade
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

CONTRE: 31

Senator P.F. Routier
Senator P.F.C. Ozouf
Senator A.J.H. Maclean
Senator L.J. Farnham

ABSTAIN: 0

Deputy M. Tadier (B)
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy of St. Peter
Deputy S.Y. Mézec (H)
Deputy R. Labey (H)
Deputy T.A. McDonald (S)
Deputy of St. Mary
Deputy P.D. McLinton (S)

Senator A.K.F. Green
Senator S.C. Ferguson
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Martin
Connétable of St. Saviour
Connétable of Grouville
Connétable of St. John
Connétable of Trinity
Deputy of Grouville
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy K.C. Lewis (S)
Deputy E.J. Noel (L)
Deputy of St. John
Deputy S.J. Pinel (C)
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy R.J. Rondel (H)
Deputy A.D. Lewis (H)
Deputy of St. Ouen
Deputy S.M. Wickenden (H)
Deputy S.M. Bree (C)
Deputy M.J. Norton (B)
Deputy G.J. Truscott (B)

Senator P.F. Routier:

I propose the adjournment, Sir.

Senator A.K.F. Green:

Sir, before we adjourn, could I just take the opportunity to remind Members that we had planned a workshop for tomorrow. There is no doubt that we will be working in the Assembly tomorrow, so we have curtailed the planned workshop to take place between 1.00 p.m. and 2.00 p.m. If by some miracle we finish before lunchtime, we will carry it on into the full 3.00 p.m., but 1.00 p.m. and 2.00 p.m. to fit in with the lunchbreak to States Members.

The Greffier of the States (in the Chair):

Thank you, the adjournment is proposed. I assume everyone is in favour, in which case I declare the Assembly adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[18.03]