

STATES OF JERSEY
OFFICIAL REPORT
TUESDAY, 2nd MAY 2017

COMMUNICATIONS BY THE PRESIDING OFFICER	8
1. The Bailiff:.....	8
QUESTIONS.....	8
2. Written Questions	8
2.1 DEPUTY P.D. MCLINTON OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING STEPS BEING TAKEN TO ENCOURAGE THE USE OF SUSTAINABLE ENERGY SOURCES: [1(245)].....	8
2.2 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING THE CAPACITY OF LES QUENNEVAIS SCHOOL: [1(246)].....	13
2.3 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING THE CAPACITY OF HAUTLIEU SCHOOL’S SIXTH FORM: [1(247)]	14
2.4 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING APPLICATIONS FOR ENTITLED STATUS ON HARDSHIP GROUNDS: [1(248)].	15
2.5 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE PROSPECT OF INTRODUCING PROVISIONS TO RECOGNISE ‘NO FAULT’ DIVORCES: [1(249)].....	15
2.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROSPECT OF ‘HEALTH CAMPUS’ SERVICES BEING DELIVERED AS PART OF THE FUTURE HOSPITAL: [1(250)]	16
2.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOUSING REGARDING MONITORING OF THE APPLICATION OF THE POLICY THAT RENTS IN SOCIAL HOUSING WOULD BE CHARGED AT 90 PER CENT OF MARKET RENTS: [1(251)].....	16
2.8 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT ON THE DEPARTMENT’S BUDGET OF THE DECISION THAT RENTS IN SOCIAL HOUSING WOULD BE CHARGED AT 90 PER CENT OF MARKET RATES: [1(252)].....	17
2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INCOME AND EMPLOYMENT OF HOUSEHOLDS IN RECEIPT OF INCOME SUPPORT: [1(253)].....	18
2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE LEVEL OF ZERO-HOUR JOBS IN THE ECONOMY: [1(254)].....	20
2.11 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING LIQUID AND SOLID WASTE CHARGES LEVIED ON COMMERCIAL ENTITIES: [1(255)].....	20
2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RECRUITMENT OF QUALIFIED NURSES AND THE DEIVERY OF COMMUNITY CARE SERVICES: [1(256)]	23
2.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING TEACHERS ENGAGED IN TEACHING G.C.S.E., AS LEVEL AND A-	

LEVEL WITHOUT A DEGREE-LEVEL, OR EQUIVALENT, QUALIFICATION IN THE SUBJECT: [1(257)]	24
2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING EXPENDITURE ON THE PUPIL PREMIUM: [1(258)]	24
2.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING HUMAN RIGHTS AUDITS OF JERSEY’S COURTS AND TRIBUNALS: [1(260)].....	25
2.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING PROVISION WITHIN JERSEY’S COURT AND JUSTICE SYSTEM FOR ‘EQUALITY OF ARMS’ IN HUMAN RIGHTS TERMS: [1(261)].....	26
2.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING HUMAN RIGHTS COMPATIBILITY OF THE CENTENIER’S ROLE IN THE MAGISTRATE’S COURT AND PARISH HALL ENQUIRIES: [1(262)]	26
2.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING SERVICES FOR ORTHOPAEDIC PATIENTS AND THOSE WITH BACK-PAIN PROBLEMS: [1(264)]	27
3. Oral Questions.....	29
3.1 Deputy A.D. Lewis of St. Helier of the Minister for Infrastructure regarding consultation in respect of proposed changes to the location of sewage treatment equipment within the Department’s complex at Bellozanne: [1(269)]	29
Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):	29
3.1.1 Deputy A.D. Lewis:.....	29
3.1.2 Connétable A.S. Crowcroft of St. Helier:	30
3.1.3 Deputy A.D. Lewis:.....	30
3.2 Deputy R. Labey of St. Helier of the Chief Minister regarding the cost of engaging Ramsay Jones in respect of public relations advice and training relating to the Independent Jersey Care Inquiry’s findings: [1(265)].....	30
Senator I.J. Gorst (The Chief Minister):	31
3.2.1 Deputy R. Labey:	31
3.2.2 Deputy T.A. Vallois of St. John:	31
3.2.3 The Deputy of St. John:	31
3.2.4 Deputy M. Tadier of St. Brelade:	31
3.2.5 Deputy M. Tadier:	32
3.2.6 Deputy G.P. Southern of St. Helier:	32
3.2.7 Deputy G.P. Southern:.....	32
3.2.8 Deputy S.Y. Mézec of St. Helier:.....	32
3.2.9 Deputy S.Y. Mézec:.....	33
3.2.10 Deputy R. Labey:	33
3.3 Deputy S.Y. Mézec of the Chief Minister regarding measures to ensure the evidence received by the Independent Jersey Care Inquiry would remain publicly accessible and complete: [1(273)].....	33
Senator I.J. Gorst (The Chief Minister):	33
3.3.1 Deputy S.Y. Mézec:.....	33
3.3.2 Deputy M. Tadier:	34
3.4 Deputy G.P. Southern of the Minister for Health and Social Services regarding his assessment of whether health and safety concerns arose in relation to the delivery of home care: [1(274)]	34

Senator A.K.F. Green (The Minister for Health and Social Services):	34
3.4.1 Deputy G.P. Southern:	34
3.4.2 Deputy M. Tadier:	35
3.4.3 Deputy M. Tadier:	35
3.4.4 Deputy S.Y. Mézec:	35
3.4.5 Deputy S.Y. Mézec:	35
3.4.6 Deputy G.P. Southern:	35
3.5. Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding the prospect of action being taken to stop the service known as ‘Jersey Lifts’: [1(271)]...	36
The Deputy of St. Peter (The Minister for Home Affairs):	36
3.5.1 Deputy K.C. Lewis:	36
3.5.2 Deputy M.J. Norton of St. Brelade:	36
3.5.3 Deputy L.M.C. Doublet of St. Saviour:	37
3.5.4 Deputy M. Tadier:	37
3.5.5 Deputy K.C. Lewis:	38
3.6 Deputy M. Tadier of the Minister for the Environment regarding the money to be raised per year from the proposed infrastructure levy: [1(270)].....	38
Deputy S.G. Luce of St. Martin (The Minister for the Environment):	38
3.6.1 Deputy M. Tadier:	38
3.6.2 Deputy A.D. Lewis:	39
3.6.3 Deputy M. Tadier:	39
3.7 The Connétable of St. Helier of the Minister for Infrastructure regarding ‘cover and treat’ odour mitigation technology to be used in the proposed sewage treatment works in Bellozanne Valley: [1(266)].....	40
Deputy E.J. Noel (The Minister for Infrastructure):	40
3.7.1 The Connétable of St. Helier:	40
3.7.2 Deputy A.D. Lewis:	41
3.7.3 Deputy J.A. Hilton of St. Helier:	41
3.7.4 Deputy A.D. Lewis:	41
3.7.5 Deputy G.P. Southern:	42
3.7.6 The Constable of St. Helier:	42
3.8 Deputy J.A. Martin of St. Helier of the Chief Minister regarding the impact of the United Kingdom’s decision to leave the European Union on the development of a new population policy by the Council of Ministers: [1(267)]	43
Senator I.J. Gorst (The Chief Minister):	43
3.8.1 Deputy J.A. Martin:	43
3.8.2 Deputy M. Tadier:	43
3.8.3 Deputy M. Tadier:	43
3.8.4 Deputy G.P. Southern:	44
3.8.5 Deputy C.F. Labey of Grouville:	44
3.8.6 Deputy J.A. Martin:	44
3.9 Deputy M. Tadier of the Minister for Infrastructure regarding targets for vehicular traffic reduction: [1(272)]	44
Deputy E.J. Noel (The Minister for Infrastructure):	45
3.9.1 Deputy M. Tadier:	45
3.9.2 The Constable of St. Helier:	45

3.9.3 Deputy G.P. Southern:	46
3.9.4 The Deputy of Grouville:	46
3.9.5 Deputy A.D. Lewis:	46
3.10 Deputy J.A. Martin of the Chief Minister regarding the implementation of ‘States’ approval of Assistant Ministers’ appointments’ (P.53/2016): [1(268)]	47
Senator I.J. Gorst (The Chief Minister):	47
3.10.1 Deputy J.A. Martin:	47
3.10.2 Deputy M. Tadier:	47
3.10.3 Deputy G.P. Southern:	48
3.10.4 Deputy J.A.N. Le Fondré of St. Lawrence:	48
3.10.5 Deputy M. Tadier:	48
3.10.6 Deputy J.A. Martin:	48
3.11 Deputy G.P. Southern of the Minister for Social Security regarding zero-hour contracts: [1(275)]	49
Deputy S.J. Pinel of St. Clement (The Minister for Social Security):	49
3.11.1 Deputy G.P. Southern:	49
3.11.2 Deputy M. Tadier:	49
3.11.3 Deputy M. Tadier:	49
3.11.4 Deputy G.P. Southern:	50
4. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture:	50
4.1 The Connétable of St. Helier:	50
Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	50
4.2 Deputy K.C. Lewis:	51
4.3 Deputy A.D. Lewis:	51
4.3.1 Deputy A.D. Lewis:	51
4.4 Deputy J.A. Martin:	51
4.5 Deputy G.P. Southern:	51
4.6 Deputy R. Labey:	52
4.6.1 Deputy R. Labey:	52
4.7 Deputy G.P. Southern:	52
4.8 Deputy M. Tadier:	52
4.8.1 Deputy M. Tadier:	52
4.9 Deputy A.D. Lewis:	53
4.9.1 Deputy A.D. Lewis:	53
4.10 The Deputy of Grouville:	53
4.10.1 The Deputy of Grouville:	54
5. Questions to Ministers without notice - The Minister for Health and Social Services:	54
5.1 Deputy J.A. Hilton:	54
Senator A.K.F. Green (The Minister for Health and Social Services):	54
5.1.1 Deputy J.A. Hilton:	54
5.2 The Connétable of St. Helier:	54
5.2.1 The Connétable of St. Helier:	55
5.3 Deputy G.P. Southern:	55
5.3.1 Deputy G.P. Southern:	55

5.4	Deputy M. Tadier:	55
5.4.1	Deputy M. Tadier:	56
5.5	Deputy A.D. Lewis:.....	56
5.6	Deputy J.A. Hilton:.....	56
5.7	Deputy G.P. Southern:.....	56
5.8	Deputy M. Tadier:	57
5.9	Deputy G.P. Southern:.....	57
5.10	Deputy J.A. Hilton:.....	57
STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY		58
6.	The Minister for Health and Social Services made a statement regarding advice received from Jersey’s Misuse of Drugs Advisory Council	58
6.1	Senator A.K.F. Green (The Minister for Health and Social Services):	58
6.1.1	Deputy K.C. Lewis:	59
6.1.2	Deputy L.M.C. Doublet:	59
6.1.3	Deputy M. Tadier:	60
6.1.4	Deputy M. Tadier:	60
6.1.5	Connétable J.E. Le Maistre of Grouville:	60
6.1.6	Deputy M. Tadier:	60
7.	The Chairman of the Education and Home Affairs Scrutiny Panel made a statement regarding the Panel’s report, <i>School Starting Age</i>	61
7.1	Deputy L.M.C. Doublet (Chairman, Education and Home Affairs Scrutiny Panel):.....	61
7.1.1	Deputy A.E. Pryke of Trinity:.....	61
PUBLIC BUSINESS		62
8.	Draft The Law Society of Jersey (Amendment No. 4) Law 201- (P.136/2016).....	62
8.1	Senator P.M. Bailhache (Assistant Chief Minister - rapporteur):	62
8.2	Senator P.M. Bailhache:	63
8.3	Senator P.M. Bailhache:	64
8.4	Senator P.M. Bailhache:	64
8.4.1	Deputy J.A.N. Le Fondré:.....	64
8.4.2	Senator P.M. Bailhache:	65
9.	States of Jersey Complaints Panel: appointment of members (P.20/2017).....	66
9.1	The Connétable of St. Lawrence (Vice Chairman, Privileges and Procedures Committee):	66
LUNCHEON ADJOURNMENT PROPOSED.....		66
LUNCHEON ADJOURNMENT.....		66
10	E-Petitions (P.14/2017).....	66
10.1	Deputy S.M. Wickenden:.....	67
10.1.1	Connétable M.P.S. Le Troquer of St. Martin:	67
10.1.2	Deputy M.J. Norton:	68
10.1.3	Deputy M. Tadier:.....	69
10.1.4	Senator P.F.C. Ozouf:	70
10.1.5	Deputy J.M. Maçon:.....	71
10.1.6	Deputy K.C. Lewis:	72

10.1.7	Deputy G.P. Southern:	72
10.1.8	Connétable L. Norman of St. Clement:.....	72
10.1.9	Senator S.C. Ferguson:.....	72
10.1.10	Deputy S.M. Wickenden:	72
11.	Draft States of Jersey (Amendment No. 9) Law 201- (P.18/2017)	75
	Senator P.F.C. Ozouf:	76
	Deputy J.A. Martin:	76
11.1	The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):.....	77
11.1.1	Connétable C.H. Taylor of St. John:.....	77
11.1.2	The Connétable of St. Martin:	78
11.1.3	Deputy M. Tadier:.....	80
11.1.4	Deputy P.D. McLinton of St. Saviour:.....	81
11.1.5	Deputy A.D. Lewis:	81
11.1.6	Deputy S.M. Brée of St. Clement:	84
11.1.7	Senator P.F.C. Ozouf:	86
11.1.8	Deputy S.Y. Mézec:.....	86
11.1.9	Deputy J.A. Martin:	89
11.1.10	Deputy G.P. Southern:	90
11.1.11	The Connétable of St. Helier:.....	91
11.1.12	Connétable J. Gallichan of St. Mary:.....	92
11.1.13	Deputy D. Johnson of St. Mary:	94
11.1.14	Senator P.M. Bailhache:.....	94
11.1.15	Deputy M.R. Higgins of St. Helier:	95
11.1.16	Deputy R. Labey:.....	96
11.1.17	The Deputy of St. Ouen:	97
11.1.18	Deputy K.L. Moore of St. Peter:.....	98
11.1.19	Senator L.J. Farnham:	98
11.1.20	Deputy J.M. Maçon:.....	99
11.1.21	The Connétable of St. Clement:.....	100
11.2	Draft States of Jersey (Amendment No. 9) Law 20-1 (P.18/2017) Second Reading	
	listed to resume on 6th June 2017.....	104
11.2.1	Deputy A.D. Lewis:	104
11.2.2	The Connétable of St. Clement:.....	104
11.2.3	Deputy J.A.N. Le Fondré:	105
11.2.4	The Connétable of St. John:	105
11.2.5	Deputy M. Tadier:.....	105
11.2.6	Deputy M.R. Higgins:	106
11.2.7	Deputy A.D. Lewis:	106
	STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY.....	108
12.	The Chief Minister made a statement regarding the Innovation Fund	108
12.1	Senator I.J. Gorst:.....	108
12.1.1	The Connétable of St. Mary:	110
12.1.2	Senator S.C. Ferguson:.....	110
12.1.3	Senator S.C. Ferguson:.....	110
12.1.4	Deputy G.P. Southern:	111
12.1.5	Deputy A.D. Lewis:	111
12.1.6	Deputy A.D. Lewis:	111

12.1.7	Deputy M. Tadier:.....	111
12.1.8	Deputy M. Tadier:.....	112
12.1.9	Deputy R. Labey:.....	112
12.1.10	The Connétable of St. John:	113
12.1.11	Deputy J.A.N. Le Fondré:	113

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS 113

13.	The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):....	113
-----	--	-----

ADJOURNMENT..... 114

[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Bailiff:

First of all, I would like to welcome His Excellency on behalf of Members of the Assembly.
[Approbation]

QUESTIONS

2. Written Questions

2.1 DEPUTY P.D. MCLINTON OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING STEPS BEING TAKEN TO ENCOURAGE THE USE OF SUSTAINABLE ENERGY SOURCES: [1(245)]

Question

In light of the objectives of 'Energy Plan: Pathway 2050' (R.37/2014), will the Minister inform the Assembly what steps, if any, his Department is taking in relation to each of the areas specified below to ensure the public are encouraged to take up the use of sustainable energy sources?

- (a) Offering incentives for the installation of solar panels –
 - (i) by private residential properties; and
 - (ii) by businesses.
- (b) Offering incentives to encourage road users to move away from diesel- or petrol-driven vehicles and toward electric or hybrid options –
 - (i) in relation to private vehicles; and
 - (ii) in relation to commercial vehicles.

Where steps are being taken, will the Minister supply an outline of his plans (including timelines), and where none are currently being taken, will he explain his rationale for not pursuing such measures?

Answer

Delivery of the Energy Plan, Pathway 2050 is overseen by a Ministerial oversight group, the Energy Executive. Specific areas of policy related to energy still remain within Departments whilst working within the framework of agreed actions in Pathway 2050.

The Minister for Environment has responsibility for the Action Statements in relation to buildings to which part (a) of the question refers. The Minister for Infrastructure holds responsibility for transport to which part (b) of the question refers. The respective Ministers have provided answers to these questions.

Answer Part (a) answered by the Minister for the Environment

Pathway 2050 outlines a plan to achieve secure, affordable and sustainable energy for Jersey alongside a reduction in carbon dioxide emissions of 80% by 2050 compared to a 1990 baseline. In P.38/2014, the States were asked to approve the following policies to deliver the plan:

1. Demand management

2. Energy security and resilience
3. Fuel poverty and affordability of energy

There are 27 Action Statements that provide costed and timed actions to deliver specific policy outcomes within an overall framework of secure, affordable and sustainable energy for Jersey. The Plan is clear that in the first instance the most cost-effective way to deliver carbon reductions and to meet the affordability and security of supply goals is to manage energy demand. Therefore, increasing the uptake of micro-renewable energy via solar panels (or other micro-renewable energy technologies) is not a priority action in the early stages of the Energy Plan. This long term approach is deliberate as micro-renewables are factored in for the future when more favourable market conditions are expected to drive behaviour change rather than relying on financial incentives to drive consumer behaviour. Elsewhere to date, generous financial incentives have been needed as many of the micro-renewable technologies are not at price-parity with traditional solutions and require significant upfront investment with many years of pay-back required.

Action Statement 4 in the Plan outlines the approach to micro-renewable energy in the domestic sector over the longer term. It makes the assumption that by 2030, due to advances in technology and price-parity, replacement boilers in houses that currently using hydro carbon fuel sources, be replaced with micro-renewable systems e.g. solar thermal, ground source heat pumps when they reach the end of their lifespan¹.

Despite the longer term approach, there are still some immediate incentives / measures in place to drive the uptake of micro-renewables in the shorter term for those that are able to make the initial capital investment. The Deputy's question asks about incentives for the installation of solar panels in both the residential and business sector. Before I go on to answer this part of the question, depending on the type of solar panels installed, the energy generated and therefore the impact of this energy in meeting the Pathway 2050 objectives are different. They can be summarised as follows:

1. **Photovoltaic panels** take energy from the sun and convert this into electricity for use by the home or business owner or to be sold back into the grid for onward sale by Jersey Electricity. Locally generated renewable energy from PV panels partially meets the security goal of the Energy Plan goals by providing non-imported electricity so adding diversity to the electricity grid. However depending on the installation costs of the PV system this electricity may not be as affordable as Jersey Electricity supplied electricity although, it is worth noting that the costs of purchasing and installing PV systems have dropped significantly in recent years which has increased uptake. Finally, the impact of locally generated PV electricity in supporting the Energy Plan's sustainability goal is slightly more complex. If we define sustainable as 'low-carbon', then locally generated PV electricity is undoubtedly low-carbon. However, Jersey Electricity-supplied French nuclear-hydro mix electricity is also relatively low-carbon too. Therefore in the scenario of PV panels generating local energy, very low carbon PV electricity is displacing relatively low-carbon Jersey Electricity-supplied electricity and the overall gains from a global carbon perspective are small.

¹ Action Statement 5 proposed a States of Jersey co-funded pilot project for community scale micro-renewable demonstration project. Due to budget reductions as a result of the MTFP2 process, this funding is now no longer available.

2. ***Solar Thermal Panels*** take the sun's energy and use it to heat water which is then used to heat the space of residential or business premises. In this instance the security and affordability goals of the Energy Plan are the same as in the PV scenario but the sustainability goals are different. If the solar thermal panels are generating energy to heat spaces that would otherwise have been heated by oil or gas central heating systems then a very low-carbon energy source is displacing high-carbon energy systems and the overall carbon reduction gains are much more significant.

We can therefore see that there are different objectives that would be fulfilled depending on which type of solar technology is installed. Increased uptake of locally generated energy are incentivised in the following ways:

With reference to Action Statement 2 of the Energy Plan, in 2016 the Department of the Environment consulted upon and introduced more stringent Building Bye Laws. They included: energy targets for all new buildings up to 30% higher than the previous 2011 standards; new fabric efficiency standards to reduce the need for space heating; requirements to make improvements to the energy performance of existing dwellings when extension works are proposed; higher standards for replacement windows and doors and improved insulation when renovating the external fabric. The new BBLs are underpinned with calculations that require new dwellings to pass or fail when measured against energy targets obtained from a highly insulated reference building that uses low carbon electricity for space heating. The effect of this change means the new target is more demanding for dwellings that choose to use higher carbon fuels, such as oil and gas, for space heating and means they are more likely to use renewable energy options to obtain a compliant building. In respect of commercial buildings, the 2011 Island Plan has a requirement for developments with a gross floor space of 1,000 m², whether new build or conversion, to incorporate on-site low carbon or renewable energy production equipment to off-set predicted carbon emissions by at least 10%, unless exceptional circumstances apply.

Furthermore the Minister for Environment has incentivised the uptake of solar panels and photovoltaic panels by exempting them from planning control, subject to certain criteria. In general, up to 90% of a roof plane can be covered in PV panels, except on Listed Buildings and within the final approaches to the runway and other specific instances.

These incentives combined with the lowered installation costs are intended to increase the natural uptake of these technologies. Jersey Electricity are standardising their buy-back tariffs for the sale of micro-generated PV electricity back into the grid which from later in 2017 will be flat rate of 6 p/pW which further adds to the financial case for installing electricity generating micro renewables like PV.

It is currently believed that a combination of these factors alongside the fall in purchase and installation costs mean that direct financial incentives are not required. This is in line with many other jurisdictions where previously generous financial incentives have fallen away as cost parity is achieved. Progress of the Energy Plan against the targets outlined in the Plan is monitored and reviewed annually and there is a five year review period for the entire Plan. These mechanisms provide and an opportunity for the political oversight group (the Energy Executive) to review progress and alter policies that are not delivering the anticipated outcome. The uptake of renewable energy is a key area that will be discussed at the review period. The Deputy is invited into the Department to discuss this matter in further detail if he would like.

Answer Part (b) Answered by the Minister for Infrastructure

In relation to Part B of the above question, the Department for Infrastructure (DfI) are undertaking the following work/projects to assist with meeting the objectives of 'Energy Plan: Pathway 2050' (R.37/2014).

Although not explicitly covered in detail below, DfI undertake a wide range of projects and activities that are designed to complement the objectives of the Energy Plan Pathway by reducing the amount of diesel or petrol driven vehicles on the Island's roads. The department focusses its efforts on reducing trips being undertaken by these vehicles by promoting alternative modes of travel such as walking, cycling and public transport.

DfI are making sustainable travel more accessible by increasing, promoting and investing in infrastructure. There are many examples of this throughout the Island, ranging from cycle paths and cycle parking to bus services and bus infrastructure. All of these projects are important elements and part of a wider offering that goes towards encouraging users to move away from private vehicle travel.

DfI recognise that a shift to more sustainable modes of travel is not always appropriate for everyone and therefore has a range of incentives and measures for encouraging the uptake of less polluting vehicles by encouraging hybrid and electric vehicles. These are explained at length below.

A summary of the measures being undertaken is given below, broadly categorised into three areas, those affecting trips or ownership of private vehicles, those affecting trips or ownership of commercial vehicles and those which affect the ownership of both private and commercial vehicles.

Private Vehicles

Eco-Permits

The existing eco-permits scheme has been successful in encouraging the use of smaller, less polluting vehicles. At present, in excess of 767 vehicles have been issued an eco-permit. The scheme works by enabling drivers to park in the States' car parks and on street at half price. This means that transport users who genuinely want to undertake journeys via car have an incentive to use a more efficient vehicle, which will assist in meeting the targets outlined in *Pathway 2050*.

DfI is currently reviewing the eco-permits scheme with a view to building on the success of the existing scheme. It is anticipated in the future that the emissions threshold for eco-permits may be changed, encouraging the take up of exclusively electric or hybrid vehicles, which produce fewer emissions and are generally smaller and less polluting.

Car2Cycle Scheme

The Car2Cycle scheme has been popular, with over 500 e bikes being purchased since the scheme's inception. The scheme is designed to reduce the reliance of mostly petrol and diesel vehicles by encouraging the take-up of electric bicycles by providing a subsidy for would-be owners.

DfI has also provided 20 e bike grants to Jersey Post, which will reduce the requirement for van deliveries, an important step in reducing the amount of traffic on Jersey's roads.

Users of the scheme were asked to complete an on line survey. As of 21st April 2017 212 responses had been received. 58% said that the e bike had replaced travel by car/van/scooter/motorbike. Transferring trips to e bikes from these modes will contribute towards reducing Jersey's greenhouse gas emissions and assist with meeting the targets in *Pathway 2050*

The States Sustainable Transport Policy aims to reduce the impact of high levels of private car use in Jersey and encouragement of cycling is a key aspect of that policy. Studies show that "soft" measures (i.e. not hard infrastructure) can be very cost effective.

Electric Car Parking Spaces

Currently there are two car parking spaces for electric vehicles in most of the States' multi-storey car parks. At present to use these spaces you must be charging a vehicle whilst parked. In the future it is intended that a scheme will be rolled out that offers free car parking for electric vehicles. Initially a pilot of this will be trialled at Pier Road car park. This scheme offers the ability for drivers of electric vehicles to park for free and is one of the measures the department is using to encourage the take-up of electric vehicles.

Planning Obligation Agreements

DfI and the Environment Department work together through the planning process, and the consultation responses that DfI submit as a statutory consultee are focussed towards exploring opportunities for improving sustainable transport and promoting the uptake of electric and hybrid vehicles. For example a recent planning application in St Clement included the installation of Electric Vehicle Charging Points (EVCs) as part of mitigating the highways impact of the site. This work (of securing infrastructure) to enable widespread take-up of electric and hybrid vehicles is ongoing and the requirements for EVCs are continually revisited by officers when responding to planning applications.

Commercial Vehicles

Commercial vehicles are the most polluting vehicles on Jersey's roads, by virtue of the fact they cover more distance, are larger in size and are used more often than private vehicles. To have the biggest impact on the amount of greenhouse gases emitted by the Island's fleet, tackling commercial vehicles is crucial.

The Environment Department and DfI recently worked together to enable Jersey Post to switch part of their van fleet over to electric vehicles, ensuring that the post will now be delivered by zero emission vehicles in many areas.

The States' are playing their part in ensuring it leads by example and operates a fleet of electric vehicles across several departments and has invested in charging infrastructure to support this.

Vehicle Operator Licencing

DfI is developing a vehicle operator licencing system as a first stage requirement that operators ensure their vehicles are properly maintained and fit for use on the islands highway network. Ensuring vehicle standards are met will ensure that it is more likely older, more polluting vehicles are 'retired' earlier in their working life, as it becomes less economical to maintain them.

Initially vehicle operator licencing will apply to vehicles over 7.5 tonnes and it is intended to be rolled out to all commercial vehicles in the future.

Private and Commercial Vehicles

Vehicle Emissions Duty

The Vehicles Emissions Duty (VED) is an import (excise) duty on vehicles. This includes vehicles already in the Island that have not yet been registered with J plates.

VED directly influences the decision of islanders to buy a 'new to the island' vehicle by introducing progressive rates of taxation relating to the tailpipe emissions. The basis of the scheme is that more polluting vehicles attract a larger duty.

The Minister for Infrastructure and the Minister for Environment worked together to take proposals to the Treasury for consideration to update the scheme at end of 2015, to bring the taxation bands more into line with modern vehicle efficiencies. These changes were approved in the budget for

2016. This included removing the discount rate for older vehicles which were being imported to Jersey.

The Minister for Infrastructure will be reviewing the VED bands again in 2017 to ensure they stay relevant to modern vehicle design and efficiencies. It is anticipated that these will encourage the take up of electric vehicles which do not attract any duty under the existing system.

2.2 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING THE CAPACITY OF LES QUENNEVAIS SCHOOL: [1(246)]

Question

Will the Minister provide a breakdown of figures for the total number of students at Les Quennevais School for each of the past 25 years, as well as the projections for student numbers for the next 25 years at 5-year intervals?

Answer

Data for the student roll at Les Quennevais is available from 1999 onwards. The figures generally show the total in the September of that calendar year, which is the start of the academic year.

Previous Les Quennevais School student numbers	
Year	Total
1999	693
2000	730
2001	785
2002	779
2003	812
2004	823
2005	804
2006	817
2007	820
2008	809
2009	816
2010	825
2011	777
2012	766
2013	716
2014	706

2015	688
2016	678

Forecasts for student numbers at Les Quennevais School were updated as part of the recent planning inquiry and remain current. These are shown below.

Forecasts for the period after the academic year 2027-28 relate to children who are not born yet and it is therefore not possible to predict numbers with the same level of accuracy. The Education Department continuously monitors student numbers and demographics and updates its figures regularly. It should also be noted that the Education Department allocates all school places, not the school themselves, and is therefore able to place students in schools across the island in a way that ensures the system overall is efficient and cost-effective and places are filled appropriately.

Forecast Les Quennevais School student numbers	
2017	687
2018	695
2019	691
2020	697
2021	695
2022	710
2023	727
2024	727
2025	727

2.3 DEPUTY M. BRELADE OF THE EDUCATION CAPACITY OF HAUTLIEU SCHOOL'S SIXTH FORM: [1(247)]

TADIER OF ST. MINISTER FOR THE REGARDING THE

Question

What is deemed to be the current maximum capacity of Hautlieu School's sixth form; and what are the projections for sixth-form numbers at Hautlieu School for 2020, 2025, 2030, 2035, 2040 and 2045?

Answer

Sixth form includes Year 12 and Year 13 (Key Stage 5). It should be noted that forecasts for the period after the academic year 2033-34 relate to children who are not born yet and it is therefore not yet possible to predict numbers with precision. Fluctuations in the birth rate and inward migration will have an impact on the accuracy of the forecasts so far into the future.

Predicted numbers for Hautlieu sixth form	
2020	454
2025	521

Hautlieu school buildings can accommodate 850 students within Years 10 to 13. Overall numbers within Key Stage 4 and Key Stage 5 are managed in accordance with demographic fluctuations.

The Education Department continuously monitors student numbers and demographics and updates its figures regularly. It should also be noted that the Education Department allocates all school places and has the discretion to place students in schools across the island in a way that both meets their education needs and aspirations and ensures the system is efficient and cost-effective.

2.4 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING APPLICATIONS FOR ENTITLED STATUS ON HARDSHIP GROUNDS: [1(248)]

Question

How many applications for Entitled status on hardship grounds were made in 2014, 2015 and 2016; and how many were granted?

Answer

The following table outlines applications in 2014, 2015 and 2016 for “entitled” status on the grounds of hardship under the Control of Housing and Work (Jersey) Law, 2012, and how many were granted:

YEAR	APPLICATIONS MADE	GRANTED
2014	41	10
2015	36	14
2016	42	16

2.5 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE PROSPECT OF INTRODUCING PROVISIONS TO RECOGNISE ‘NO FAULT’ DIVORCES: [1(249)]

Question

What consideration, if any, has been given to introducing provisions recognising 'no blame' or 'no fault' divorces; will a policy for the introduction of such provisions be brought forward; and, if not, why not?

Answer

In July 2015 the States Assembly agreed in principle that new legislation should be brought forward to allow for the introduction of a new system of divorce and dissolution in Jersey (P77/2015).

In October 2015, the Jersey Law Commission published a review of divorce law and there has been preliminary consultation with family law professionals on 'no fault' divorce.

It is anticipated that a public consultation on divorce reform, including matters relating to 'no fault' divorce and a potential statutory requirement to access mediation services, will start in 2018.

2.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROSPECT OF ‘HEALTH CAMPUS’ SERVICES BEING DELIVERED AS PART OF THE FUTURE HOSPITAL: [1(250)]

Question

Will the Minister advise what definitions he and his Department use for ‘hospital’ and ‘health campus’ and will he explain whether the funding being requested for the future Hospital includes provision for the building of a health campus; and will he provide a list of the items which are to be paid for from the budget for the future Hospital directly relating to the Hospital and hospital services, rather than other services which would be provided on a health campus?

Answer

No formal option has been put forward to develop a ‘health campus’ per se. It is only a vision or concept at this stage and no formal costings have been done. It would be about considering over time the development of the current site in a way that could see, for example, complementary services in close proximity to the Future Hospital – perhaps research and care facilities provided by the independent sector. But any of these opportunities would require a separate business case, with the funding independent of HSSD and the future hospital project, and needing to be considered and tested in the Island Plan.

Therefore, the development of a ‘health campus’ adjacent to the proposed Future Hospital is outside the scope of the Future Hospital project and the Future Hospital budget does not currently include any funding for services that would be provided on a ‘health campus’.

2.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOUSING REGARDING MONITORING OF THE APPLICATION OF THE POLICY THAT RENTS IN SOCIAL HOUSING WOULD BE CHARGED AT 90 PER CENT OF MARKET RENTS: [1(251)]

Question

Following implementation of the policy of charging 90 per cent of market rents in social housing, will the Minister advise what data is used to assess the movement in rental rates in the housing market on an annual basis and whether the 90 per cent rent policy is being applied appropriately?

Answer

Social housing providers (Andium Homes and the housing trusts) charge rents in accordance with the States of Jersey rents policy, which was approved by the Assembly in P.33/2013 ‘*The Reform of Social Housing*’.

Social housing providers are required to set rents with a view to achieving the following:

- Rent for accommodation is set at a level that is no more than 90% of the estimated market rent for the accommodation.
- Rent for accommodation increases each year by an amount that is no more than RPI +0.75% until the rents reaches the 90% limit.
- Rent for accommodation is reset based on a new valuation each time a new tenancy commences for the accommodation.

Social housing providers set rents by obtaining independent valuations from reputable estate agents who will conduct a valuation of social housing properties against comparable properties in the private rented sector. Social housing providers will also carry out a review of the valuations against

comparable properties in their housing stock in order to determine an appropriate rent level for a property.

Since the 3rd quarter of 2015, the Statistics Unit has also produced a Private Rented Sector Rental Index. The Index now provides additional data to inform the assessment of market rent when a new tenancy commences for a property.

2.8 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT ON THE DEPARTMENT'S BUDGET OF THE DECISION THAT RENTS IN SOCIAL HOUSING WOULD BE CHARGED AT 90 PER CENT OF MARKET RATES: [1(252)]

Question

Will the Minister advise what the impact has been on her Department's budget of the Assembly's adoption on 16th May 2013 of 'The Reform of Social Housing' (P.33/2013) and the agreement that rents in social housing would be charged at 90 per cent of market rents?

Answer

The agreement that rents in social housing would be charged at 90 per cent of market rents impacted the Income Support Budget across three types of tenancy: Andium, Social Housing Trust Rents and Private Sector. The impact was discussed in the [2015 Annual Update to the MTFP Department Annex](#) (Page 94):

Income Support Costs

The financial impact of the return to near market rent levels in the Social Sector is now significantly reduced from that previously detailed in the MTFP as the implementation will be phased over many years as new tenancies are created.

The additional Income Support costs arising from the return to near market rent levels will be met as follows:

- In the States sector, the additional cost estimated to be £300,000 in 2014, £700,000 in 2015 and potentially increasing to £2m by 2043 will be met from the Social Security budget for Income Support. The increases in Income Support in 2014 and 2015 will be topped up from Central Contingencies, if the current MTFP funding levels prove to be inadequate.
- In the Housing Trust sector, there is estimated to be a small additional cost of Income Support in 2014 and 2015, increasing to £1m by 2043. The increases in Income Support in 2014 and 2015 will be topped up from Central Contingencies, if the current MTFP funding levels prove to be inadequate.
- In the Private sector the revised rates of Income Support have been implemented with effect from April 2014. This additional cost has been provided as a growth bid in the current MTFP of £750,000 in 2014 and £1 million in 2015 which is proposed to be allocated to Social Security Income Support as part of the 2015 Budget allocation of Central Growth.

From 2016 the impact has been built in the base budget for Income Support approved in the MTFP. The amount increases each in year in line with the expectations of the number of properties moving to near-market rate.

The table below summarises the amount included for each year from 2014 to 2019.

	2014	2015	2016	2017	2018	2019
	£'000	£'000	£'000	£'000	£'000	£'000
Andium	300	700	700	1,000	1,100	1,300
Other Housing Trusts	51	134	184	234	284	334
Private Sector	750	1,000	1,000	1,000	1,000	1,000
Total	1,101	1,834	1,884	2,234	2,384	2,634

2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INCOME AND EMPLOYMENT OF HOUSEHOLDS IN RECEIPT OF INCOME SUPPORT: [1(253)]

Question

Given the data comparison provided in answer to Written Question 184 between Table 7 of 'Social Security Department: Income Support 2011' (R.126/2012) and the figures given in Table 31 of 'Social Security Department: Minister's Report 2015' (R.104/2016), will the Minister provide a breakdown of the sources of income (such as earnings, maintenance, Long-Term Incapacity Allowance) included as "average other income" for adults with children in these tables?

Will the Minister further advise, in relation to the Income Support claims from families with children shown in Table 33 of R.104/2016, in how many of those claims did the claimants involved have earnings from full-time, part-time and zero-hour jobs; and will she indicate whether the proportion of claimants with zero-hour jobs in this group differs from that proportion for the workforce as a whole?

Answer

For the benefit of Members, extracts from the two reports referenced in the first question are provided below.

Table 7 – R.126/2012

Table 7 indicates the average weekly income received from Income Support and from other sources for each of the household types at the end of 2011.

Household Type	Income Benefit £	Support	Other Income £	Total Income £	Household
65+	158		202	360	
Adult/s without Children	166		130	296	
Adults with Child/ren	288		385	673	
Single Adult with Child/ren	333		177	510	
All Claims	208		193	401	

Table 31 – R.106/2016

Table 31 indicates the average weekly income received from Income Support and from other sources for each of the household types at the end of 2015, as well as the percentages of the Income Support households that are wholly reliant on Income Support.

Household Type	Average Income Support Benefit £	Average Other Income £	Average Total Income £	Percentage of Households wholly reliant on Income Support
65+	£176	£223	£399	1%
Adult/s without children	£187	£161	£348	25%
Adults with child/ren	£279	£467	£746	2%
Single adult with child/ren	£353	£232	£585	14%
Total	£227	£238	£465	13%

Table 11: Total average (mean) weekly income based on claims as at 31 December 2015

Q.1: will the Minister provide a breakdown of the sources of income (such as earnings, maintenance, Long-Term Incapacity Allowance) included as "average other income" for adults with children in these tables?

The analysis of "average other income" in the tables above is shown in the table below for adults with children.

Type of income	2011	2015
Average earnings	£ 335	£425
Average maintenance income	£ 11	£7
Average pension income	£ 2	£1
Average other income, including contributory benefits*	£ 37	£34
Total 'average other income'	£385	£467

* Income in this row includes rental income, insurance payments, benefits from other countries and charitable income, as well as Social Security contributory benefits.

Income from savings and investments (bank interest etc.) is not included in this table and this type of income is not included in the Income Support calculation. Charitable income is recorded but is then wholly disregarded from the Income Support calculation.

Q.2: Will the Minister further advise, in relation to the Income Support claims from families with children shown in Table 33 of R.104/2016, in how many of those claims did the claimants involved have earnings from full-time, part-time and zero-hour jobs; and will she indicate whether the proportion of claimants with zero-hour jobs in this group differs from that proportion for the workforce as a whole?

Table 33 shows the distribution of adults with earnings amongst all claims consisting entirely of working age adults as at 31/12/2015.

Working Age Household Type	No. of Claims with no Adult with Earnings	No. of Claims with at least one Adult with Earnings	Total No. of Claims	% of Households with no Adult with Earned Income
Adult/s without children	1,615	772	2,387	68%
Adults with child/ren	107	842	949	11%
Single adult with child/ren	450	632	1,082	42%

Table 33: Working age adults with and without earnings as at 31 December 2015

Detailed information on the type of employment contract held by individual claimants is only recorded at the level of the individual record. It is not possible to use Income Support data to make a comparison between the proportion of Income Support claimants with a zero-hour job and the proportion for the workforce as a whole.

2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE LEVEL OF ZERO-HOUR JOBS IN THE ECONOMY: [1(254)]

Question

Will the Minister provide her assessment of any trends revealed in the latest data from the labour market report published by the Statistics Unit on the changes to the number of zero-hour jobs in the economy; and will she commit to work with the Statistics Unit to interrogate the data and to examine what proportion of zero-hour contracts relate to minimum-wage or low-pay jobs?

Answer

Standing orders require written answers to be submitted to the States Greffe by noon on the working day before a States sitting. As Monday 1 May is a bank holiday, this answer has been prepared prior to Friday, 28 April 2017.

The labour market report is published on Friday 28 April and it is therefore not possible to comment on the latest data in this answer.

I can confirm that my officers work closely with the Statistics Unit to understand the data included in the labour market report. However, that data does not include information on wage levels and so it is not possible to identify the proportion of zero hours contracts that relate to minimum wage or low pay jobs.

2.11 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING LIQUID AND SOLID WASTE CHARGES LEVIED ON COMMERCIAL ENTITIES: [1(255)]

Question

Will the Minister set out in detail how it is proposed to charge commercial entities for liquid and solid waste arisings and the timetable for doing so; and will he explain how the proposed charging mechanism or mechanisms will –

- (a) be fair, given any seasonal and sectoral variations in current waste arisings;
- (b) incentivise recycling, re-use and waste reduction; and

(c) provide the predicted level of income required by the Department's revenue budget?

Answer

Liquid Waste charging mechanism

The charges will be based on whether customers receive a full or partial service.

A full service is applicable to customers that are connected either directly or indirectly to the public sewer. This charge covers the costs associated with the network and pumping, treatment and safe disposal of their wastewater.

A partial service is applicable to users where there is no connection to the public sewer and where cesspits, and tight and septic tanks are used to collect wastewater before it is transferred to Bellozanne by tanker. This charge therefore covers the costs associated with the treatment and safe disposal of their wastewater only. In this case, customers will make separate arrangements with either Dfl or private tanker providers to convey their wastewater to Bellozanne, and therefore the private tanker providers will not be charged at Bellozanne for tanker deliveries. It is estimated that there are only around 40 non-householders that fall into this category.

The user pays charges will be composed of a fixed and variable element. The fixed element will be based either on the size of the water supply, or the trade effluent consent*. It will be charged at an equivalent rate per day**. The variable element will be a volumetric charge that is based on 95% of the water usage. The 95% value is the typical figure used in England and Wales for consumption returned to the sewer. Where there is no volumetric information on water usage, an assessed calculation will be undertaken by Dfl Assessment Officers.

There are a few large industrial customers that create large volumes of liquid waste. These are special cases that could require an individual agreement to ensure affordable and realistic charges are implemented. In the UK customers are typically charged using the Mogden formula***, which accounts for the volume, type and strength of the liquid waste produced by the user. In the future Dfl may apply the Mogden formula as the basis for any special agreement, and will agree any adjustments with the users to encourage pre-treatment by customers, and, also to ensure that the agreed charges are reasonable.

* trade effluent consent is required by certain businesses if their effluent is highly variable in terms of strength and volume, for examples, laundrettes and larger hotels with swimming pools.

**rate per day is the fixed daily cost of the standard charge.

***The Mogden formula is used by sewerage companies to calculate the charges of trade effluent requiring treatment. The cost depends on the volume and strength of the discharged effluent.

Solid Waste charging mechanism

Solid waste is received by Dfl either via Parish collections or directly from non-householders.

Route 1: Non-householder Waste collected by Parishes and delivered to Dfl facilities

The solid waste that is generated by the non-householders at their premises and which is collected by the Parishes or by hauliers working for the Parishes will be charged directly by Dfl to the customers for the treatment and safe disposal of the waste, and not via the Weighbridge at La Collette or via the Parishes. Collection and charging for collection will remain the responsibility of the Parishes and will continue to be undertaken according to current arrangements or any arrangements Parishes may decide on in the future.

This element is estimated to be around 13,000 tonnes per annum of non-household solid waste each year. The new treatment and disposal charges will be based on the volume of waste produced by the non-householder. More specifically, it will be based on the size, number and frequency of the

bins collected each year from the customer. Customers will be issued with stickers for the bins to demonstrate payment and confirm requirement for the service. This is the same process that is being used in much of the United Kingdom.

Route 2: Waste delivered to DfI facilities by non-householders

The other types of solid wastes that are delivered, by non-householders directly to DfI facilities will be charged via a gate fee. The existing charges will be revised and based on the full cost of treating and safe disposing of the waste. A new charge for wastes treated through the Energy from Waste plant will be introduced, as will charges for some recyclables which are currently subsidised and free at point of use.

Timetable

Liquid Waste Non-Householder charges	
Lodge R&P for States debate	May 2017
States debate to bring Article 4 of the Drainage (Jersey) Law 2005 into force to permit Liquid Waste charging	18th July 2017
Chargeable service for non-household liquid waste commences	March 2018

Solid Waste Non-Householder charges	
Lodge R&P for States Debate	June 2017
States Debate to request amendments to the Waste Management (Jersey) Law 2005 to permit Solid Waste charging	26th September 2017
Increase existing charges to cost recovery (eg for green waste, Inert material, plasterboard)	January 2018
Privy Council Approval of amendments to the Waste Management (Jersey) Law 2005	February 2018
Chargeable service for waste delivered to DfI facilities by non-householders (Route 2)	Quarter 4 2018
Chargeable service for non-householder Waste collected by Parishes and delivered to DfI facilities (Route1)	Quarter 1 2019

(a) How will the charging mechanisms ensure that the charges are fair, given any seasonal and sectoral variations in current waste arising?

For the majority of non-householders (greater than 99%) the liquid waste charge will be based on a volumetric charge that is based on 95% of the water usage so will take into account any seasonal and sectorial variations. Where there is no volumetric information on water usage, an assessed calculation will be undertaken by DfI Assessment Officers.

Again, for the majority of solid waste that are delivered, by non-householders, including hauliers, to the DfI facilities (74%) will pay a gate fee for the waste that they produce. For

those non-householder (26%) for whom the Parishes collect the Waste they will be charged on the size, number and frequency of the bins collected each year from the customer. This assessment will be done by DfI Assessment Officers and will take into account any seasonal variations etc.

(b) How will the charging mechanisms incentivise recycling, re-use and waste reduction?

If the Island is to move forward and achieve progressive waste reduction and recycling targets, it is essential that producer responsibility becomes a cornerstone of Jersey's future waste strategy. This means that tools need to be employed so those generating the waste are responsible for its management upwards through the Waste Hierarchy.

The most significant barrier to changing behaviour in regard to waste in Jersey is the absence of fiscal measures that apply a level of cost to behaviours that are to be discouraged while promoting other preferable waste management behaviour. This mechanism would encourage a sense of ownership for waste producers and enable them to take responsibility for the amount and type of wastes they produce.

This follows best practice elsewhere.

Professor Wouter Poortinga, an environmental psychologist at Cardiff University, who has undertaken research in this area, was quoted as saying in respect of a field experiment to reduce coffee cup waste, "People are far more sensitive to losses than to gains when making decision – so if we really want to change a customer's behaviour then a charge is more likely to be effective."

(c) How will the charging mechanisms provide the predicted level of income required by the Department's revenue budget?

An appropriate and fair assessment was made of the proportionate costs associated with non-householder liquid and solid waste services based on the current view of the non-household customer base. This was the basis for the predicted level of income required which was approved in the MTFP debate in 2016. It is estimated that introducing new and increasing existing waste charges for non-householders will generate net £11.35m annually.

2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RECRUITMENT OF QUALIFIED NURSES AND THE DELIVERY OF COMMUNITY CARE SERVICES: [1(256)]

Question

Given the continuing challenges to recruitment of qualified staff from the U.K., including potentially E.U.-qualified nurses following Brexit, and the turnover rates for care assistants, will the Minister –

- (a) provide the latest quarterly figures for vacancy rates amongst qualified nurses in hospital services and in community services, along with a like-for-like comparison with figures in both service areas for the past 3 years;
- (b) explain what confidence he has in respect of nursing and other staff currently delivering the fully-funded care services in the community that their terms and conditions will not be eroded following the opening of care services to market forces; and

- (c) provide his assessment of whether the provision of 3-year Service Level Agreements, instead of shorter-term agreements, would achieve greater stability in the planning and delivery of such services?

Answer

- a) Vacancy rates amongst qualified nurses in the hospital are given below. Community nursing services are provided by Family Nursing and Home Care, an independent organisation for which we do not have vacancy rates.
- b) Terms and conditions of employment are, as I have said many times, a matter for the employer of those providing the services.
- c) The majority of our service level agreements are annual, as there is greater certainty over the budget for a year ahead than there is for three. However, we do have two organisations with which we have a 3-year agreement in principle. These are subject to quarterly Quality Board meetings and a formal annual review, which enables us to update and revise the Service Specification and metrics before the following year. This ensures we are able to secure ongoing quality improvements and update the requirements in line with emerging best practice and with the strategic intentions of both the Health and Social Services department and the service provider.

2.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING TEACHERS ENGAGED IN TEACHING G.C.S.E., AS LEVEL AND A-LEVEL WITHOUT A DEGREE-LEVEL, OR EQUIVALENT, QUALIFICATION IN

Hospital	Budget - FTE				Actual - FTE				Vacancies - FTE				Vacancies - %			
	2014	2015	2016	2017	2014	2015	2016	2017	2014	2015	2016	2017	2014	2015	2016	2017
	500.2	518.9	524.3	521.3	470.4	466.8	474.8	457.7	29.8	52.1	49.5	63.7	6.0%	10.0%	9.4%	12.2%

THE SUBJECT: [1(257)]

Question

When will the Minister inform members of the proportion of teachers engaged in teaching G.C.S.E.- AS- and A-level subjects without a degree-level, or equivalent, qualification in that subject, given his indication on 13th September 2016 that he would do so following consultation with head teachers; and if he will not do so, will he explain why not?

Answer

For new appointees, relevant qualifications at degree level are a pre-requisite of employment and it is recognised that students benefit from having the most highly qualified teachers possible. The Education Department does not keep a central statistical record of this information but head teachers of States secondary schools have been asked. The respondents have advised that the majority of their teachers hold a high level qualification in the subject they teach or in a directly related subject.

2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING EXPENDITURE ON THE PUPIL PREMIUM: [1(258)]

Question

In relation to the pupil premium, will the Minister inform members –

- (a) what sums have been spent on the premium to deliver additional support to pupils; and
- (b) how many pupils have been supported and in which secondary and primary schools?

Will the Minister further explain why any such support could not be delivered through normal budget funding and, if it could not be delivered in this way, will he explain why not?

Answer

- (a) In the financial year 2016 a total of £421,661 was allocated to the Jersey Premium. This was the pilot year and this initiative is being fully implemented from 2017. A further £1.4 million is budgeted over the course of this Medium Term Financial Plan.

Funding is targeted at pupils who are at risk of lower attainment due to socio-economic disadvantage. Evidence shows that some pupils are impacted by social, emotional or economic influences and do not always reach their full academic potential. Another objective of Jersey Premium is to develop a greater understanding of 'disadvantage' in the island and how to remove the barriers to learning this can generate.

- (b) In 2016 a total of 50 projects were supported in 17 primary schools and two secondary schools, as below:

Primary: Grands Vaux, Samares, Springfield, Plat Douet, Rouge Bouillon, Janvrin, St Saviour's, First Tower, St Luke's, d'Auvergne, Grouville, La Moye, St Clement, Les Landes, Trinity, Mont Nicolle, St Lawrence. **Secondary:** Haute Vallée, Le Rocquier.

A total of 1,926 children and young people are known to be eligible for Jersey Premium.

'Normal budget funding' is calculated using a formula called the Age Weighted Pupil Unit (AWPU) and is used to fund a school's core operations so that it can meet its duties under the Education (Jersey) Law 1999, as amended. This funding is fully committed each year and there is little financial flexibility to meet the additional needs of disadvantaged students and provide targeted support. Extra resources available because of Jersey Premium enable schools to identify individual barriers to learning (if they exist) and opportunities to realise the potential of every student but particularly those at risk of lower attainment. Initial evidence suggests that the new Jersey Premium, like the English Pupil Premium that has been in place since 2011, has delivered positive results for individual pupils and will ultimately help to raise standards across all schools in line with the aspirations of the Education Business Plan.

2.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING HUMAN RIGHTS AUDITS OF JERSEY'S COURTS AND TRIBUNALS: [1(260)]

Question

Will H.M. Attorney General explain what Human Rights audits, if any, were conducted of the practices and procedures of each of Jersey's courts and tribunals to ensure that they were compatible both prior to, and after, the Human Rights (Jersey) Law 2000 was enacted; and will he further explain when any such audits took place, by whom they were conducted and where, if anywhere, the findings of any such audits can be examined?

Answer

In 2000 the Policy and Resources Committee set up a Human Rights Working Group, which decided that each States and non-executive department would be responsible for reviewing its own legislation and administration, to ensure that processes were human rights compliant.

Reviews were undertaken across departments between the time the Human Rights (Jersey) Law 2000 was adopted by the States, and when it was brought into force on 10 December 2006.

The Judicial Greffe section of the Jersey Court Service is responsible for the provision of judicial and administrative support for the Island's courts and tribunals namely, the Court of Appeal, Royal Court, Magistrate's Court, Petty Debts Court, Youth Court, Income Support Medical Appeal Tribunal, Jersey Employment and Discrimination Tribunal, Social Security Medical Appeal Tribunal and Social Security Tribunal.

All courts and tribunals in Jersey, whether criminal or civil, are public authorities and therefore are required by the Human Rights (Jersey) Law 2000 to act in a way which is compatible with the rights protected by the European Convention on Human Rights. Furthermore, so far as it is possible to do so, principal legislation and subordinate legislation, whenever enacted, including all legislation that underpins judicial processes, must be read and given effect in a way which is compatible with Convention rights.

2.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING PROVISION WITHIN JERSEY'S COURT AND JUSTICE SYSTEM FOR 'EQUALITY OF ARMS' IN HUMAN RIGHTS TERMS: [1(261)]

Question

Will H.M. Attorney General explain what the phrase 'equality of arms' means in a Human Rights context and will he further explain, with examples, whether Jersey's court and justice system provides adequate protection to Islanders in that regard?

Answer

As recently defined by the European Court of Human Rights, the principle of "equality of arms" requires a "fair balance" between the parties: each party must be afforded a reasonable opportunity to present his case under conditions that do not place him at a substantial disadvantage vis-à-vis his opponent or opponents.

Jersey has a legal aid system more extensive than that which exists in England and Wales, enabling Islanders of modest means to access legal representation at no or reduced costs in certain circumstances. There is no requirement under the Convention that in civil cases every party should have a lawyer, or the same number of lawyers, or the lawyers of the equivalent years of experience as the opposing party. In respect of criminal cases, the entitlement to representation is met by the current legal aid system.

Where legal aid is not available, it is the duty of the Court to ensure that sufficient latitude is given to unrepresented litigants so that they have a reasonable opportunity to put their case. In such circumstances the Court may raise points that litigants in person have not appreciated to assist them. The Court may in appropriate cases at public cost appoint a lawyer to act as amicus curiae ("friend of the court") to assist where an unrepresented litigant would be at a significant disadvantage.

Further, all Advocates and Solicitors have professional duties to volunteer points of law adverse to their own clients.

2.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING HUMAN RIGHTS COMPATIBILITY OF THE CENTENIER'S ROLE IN THE MAGISTRATE'S COURT AND PARISH HALL ENQUIRIES: [1(262)]

Question

Will H.M. Attorney General explain whether the roles of the Centenier in the Magistrate's Court and at Parish Hall Inquiries are compatible with the Human Rights (Jersey) Law 2000?

Answer

In relation to offences that fall to be considered at a Parish Hall Enquiry, the role of the Centenier is to consider whether to charge a person, whether no action should be taken, or whether the matter can be disposed of at the Parish Hall by way of (for example) a caution or a small fine. If a Parish Hall disposal is appropriate it can only occur with the consent of the person involved. It was made clear by the Royal Court thirty-years ago in *Attorney-General v Devonshire Hotel Ltd* that Parish Hall enquiries are not criminal trials. For that reason, the fair trial provisions in Article 6 of the European Convention on Human Rights do not arise. As was recognised by the Rutherford Report in 2002, "*the Parish and the process of Parish Hall Enquiries remains a cornerstone of the island's approach to tackling crime and anti-social behaviour.*"

As regards the role of the Centenier at the Magistrate's Court under Article 3 of the Honorary (Police) Jersey Law, this is to present defendants to the Court. Centeniers also decide whether to bail defendants prior to that appearance in Court, at which point bail becomes a matter for the Court.

The important point for human rights purposes is that the Magistrate no longer fulfils the dual role of prosecutor and judge during a trial as in such cases a lawyer employed by the Law Officers' Department conducts the case for the prosecution.

In short, the role of the Centenier in the Magistrate's Court and in the Parish Hall is compatible with the Human Rights (Jersey) Law 2000.

2.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING SERVICES FOR ORTHOPAEDIC PATIENTS AND THOSE WITH BACK-PAIN PROBLEMS: [1(264)]

Question

Will the Minister advise members of the reasons for the current waiting times for orthopaedic patients and those with back-pain problems, and explain what steps, if any, he is taking to reduce those waiting times; and will he further explain how these services within his Department are manned and funded?

Answer

The orthopaedic service is one of the largest in the hospital and takes up 26% of all theatre capacity. The team sees approximately 1,800 patients per month in the clinics. In addition, there is the physiotherapy-led shoulder, wrist and spinal service.

The reasons for waiting times for any specialty are numerous and vary throughout the year. Below are some of these reasons, with specific application to orthopaedics:

- *Demand for the service – or referral rates*

Orthopaedics received 644 referrals from GPs in the first quarter of 2017. This is a slight increase from the 625 for the same period in 2016.

- *The mix of urgent versus routine referrals received*

Each referral is reviewed by a consultant and clinically graded for urgency as follows:

Urgent – seen within 2 weeks

Soon – seen within 8 weeks

Routine – seen in chronological order.

The greater the number of ‘urgent’ and ‘soon’ referrals, the longer the ‘routine’ referrals can potentially wait. The current average wait for an out-patient appointment (urgent/soon/routine combined) is 13 weeks.

- *The number of patients who do not attend their out-patient appointment*

Patients that do not attend their appointment have an adverse impact on clinic efficiency. Patients are sent text reminders about their pending appointment and work is underway to simplify the booking process.

- *The number of available doctors to undertake the clinics and theatres lists*

The number of available doctors has a major impact on the number of patients who can be seen; the number fluctuates with annual leave, sick leave, study leave and staff turnover.

- *Access to diagnostic tests*

MRI is a key diagnostic test used within orthopaedics and demand for MRI is high. The current MRI machine is already working extended days and an extended week.

- *Number of patients with complex or specialist needs*

Patients with complex or specialist needs may need to be seen by a visiting specialist consultant. These consultants visit at a frequency determined by the number of patients needing to be seen to make a visit viable. Urgent cases will be referred off-island, but waiting times in the UK are not within our control. However, contracts are reviewed and re-tendered and include our expectations of a responsive service. The spinal UK contract has just been let to a new provider in the South of England.

- *The volume of emergency trauma cases presenting to the hospital*

If the number of emergencies increases significantly (as they can do in icy weather), then the clinical teams have to divert their time, orthopaedic beds and theatre time to managing the emergencies. This can delay access for routine elective cases.

- *Theatre space/access*

This can be a limiting factor to increasing activity, however, the team has worked hard during 2016 to reduce the waiting times for a procedure. This time last year there were 459 patients waiting, with 240 of them waiting more than 12 weeks. Currently, there are 303 patients waiting, with 39 waiting more than 12 weeks.

Additional factors:

Funding has been identified to increase the medical staff complement and the associated cost of the activity. However, this post needs to be carefully considered alongside the access to theatres, out-patients and ward facilities.

Staffing and funding

The orthopaedic team consists of 12 medical staff including 3 Consultants and 9 junior doctors, 1 specialist arthroscopy nurse, ward nurses and support staff, outpatient staff and physiotherapists.

The 2017 funding for staff (excluding physiotherapists and outpatients as they are amalgamated within generic budgets) is £3,061,739.

The 2017 supplies and services budget is £1,624,360.

3. Oral Questions

3.1 Deputy A.D. Lewis of St. Helier of the Minister for Infrastructure regarding consultation in respect of proposed changes to the location of sewage treatment equipment within the Department's complex at Bellozanne: [1(269)]

Will the Minister advise how much consultation, if any, has occurred with the residents most affected by the proposed changes to the location of sewage treatment equipment within his department's complex at Bellozanne?

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

The planning application for the new sewage treatment works at Bellozanne was submitted on 13th March this year and first advertised on 21st March. As the Deputy will already know, this opened the formal consultation period for the project, as with any other planning application. However, to provide local residents and Islanders in general with an opportunity to view the proposals and ask questions of the department ahead of the formal application submission and the formal consultation period, the project team organised a drop-in event at Bellozanne on 2nd February of this year. This event consisted of display boards providing information about the project and drawings showing a proposed final layout of the new works. The event was well attended and a number of officers were on hand to answer questions from the public. As well as the event being advertised on media outlets on a number of days preceding 2nd February, over some 200 residential and business properties, local to the Bellozanne area, were specifically invited by letter and an invitation was also issued to the members of the First Tower Residents Association. However, and I must apologise here, it transpires that approximately a dozen properties on the south side of West Hill were inadvertently missed off due to, we believe, postcode differences. I and my officers have since met with a number of these residents to discuss the concerns they may have and my officers are indeed on hand at any time to meet with residents, or indeed Islanders or politicians, to answer any questions they may have on this planning application.

3.1.1 Deputy A.D. Lewis:

The Minister will be aware that this has been the subject of consultation over many years and I would like him to cast his mind back to 2006 when P.34 was debated in the Assembly about the smell. It was a petition that was presented to the States and during that petition Senator Routier, for example, and Senator Gorst both voted in favour of doing something about the smell. At that time, the Minister for Transport and Technical Services said a solution is available, but it is down to funding. There was then another application for funding on the Annual Business Plan in 2009. It was amendment 9, which again was voted through by the States. So, please, could the Minister answer as to why an adequate solution to mitigate the smell from the plant does not appear to form part of his redevelopment plan? There was a clear expectation from residents, and indeed this Assembly, that some sort of capping and processing of noxious gases would be developed, but it does not appear to be in his plan. Could the Minister explain why?

Deputy E.J. Noel:

I have got a second question later on this morning from the Constable of St. Helier asking about those details. We have put mitigation plans in place to deal with the odour. Over the weekend I have discussed with officers about one of the additional measures that we have put in had not been assessed in the final figures as part of our planning application, which will bring the mitigation down even further. So, we are remodelling that data to provide an update and I will be able to give an answer to the Deputy's question in more detail when I answer the Constable's question.

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

Would the Minister confirm that moving the sewage treatment works further up Bellozanne Valley, while taking it away from areas like Pomme d'Or Farm and so on, it is moving it closer to 2 properties in particular: an important hotel for our tourism industry, Westhill and, of course, closer to Haute Vallée School where hundreds of Islanders receive their education? Would he confirm with me that it is absolutely important that we get this right, as it is a new development and we do not want to prejudice either our tourists or our young people?

Deputy E.J. Noel:

Absolutely correct there; everything that the Constable has said is, indeed, correct. I will circulate to Members 2 detailed plans. One shows the current status of the odour zones and one shows the predicted future status of the odour zones. They have moved slightly to the east, ever so slightly, but what it is in fact at the moment there are 10 properties that come within what is known as the 5 band, and I will explain that later. It is a complicated scientific measurement. I will circulate the definitions to States Members later. There are currently 10 properties that are within the 5 band. After our proposals for the new works, there will only be 7 properties within that band. Overall, the mitigation has brought the odour levels down predicted by at least 18 per cent. As I mentioned, after the remodelling of the additional piece that we are doing, that will come down further. Yes, the Constable is correct, but please be assured that our aim always is and always has been to transform the area of Bellozanne and the waste water treatment plant to minimise any possible nuisance and attenuating the smells is a key part of our plan.

[9:45]

3.1.3 Deputy A.D. Lewis:

It does seem a little odd, though, that those that were most affected by the movement of the works as you have described were not consulted with earlier, not least, perhaps, the Education Department - you may have consulted and not said so - and also the major hotel very close to what is now going to be open pits. It is also amazing that not more attention has been given, or explained at least, to the mitigation of the smell, simply attention being given to the movement of where it is located. That is still affecting residents, perhaps less of them, but these residents are particularly vociferous. I am very sympathetic towards their plight, but not least the hotel and, in particular, the school. It seems that this plan has not necessarily been fully discussed with those most affected, rather discussed with those that are less affected.

Deputy E.J. Noel:

Is it possible to seek clarification from the questioner? I hope he is not insinuating that the 12 properties that were missed off were missed off intentionally, because it certainly was not the case. Of the 10 properties that are currently in the 5 zone and the 7 that will remain in there, there are no new properties within that 5 zone and that particular establishment, that hospitality establishment which has been in that company's ownership for a significant period of time, is currently outside of that zone and it remains outside of that zone given the plans. It is unfortunate that they were one of the properties that did not have the mail drop, but the drop-in workshops and the work that has happened over the past 18 months they have been involved in.

3.2 Deputy R. Labey of St. Helier of the Chief Minister regarding the cost of engaging Ramsay Jones in respect of public relations advice and training relating to the Independent Jersey Care Inquiry's findings: [1(265)]

Further to his answer to my written question of 18th April 2017, will the Chief Minister advise whether the £33,500 spent on consultancy in preparation for the release of the Independent Jersey

Care Inquiry's findings included any expenditure on engaging Ramsay Jones? If not, what was the cost of engaging him and what is the total anticipated spend for all such P.R. (public relations) advice and training relating to this issue?

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

The cost of engaging Mr. Jones was not included in the contract with Portland. Mr. Jones covered his own travel, accommodation and living expenses from his fee of £18,000. No further training or advice will be required before the publication of the inquiry report. If, however, specialist advice is needed post-publication, I undertake to keep this Assembly informed.

3.2.1 Deputy R. Labey:

The Chief Minister, ironically, has said that part of this advice and media training is to assist Ministers in being fully open and informative, so one is bound to ask: why on earth was this information concealed in the original answer to my original written question?

Senator I.J. Gorst:

It was not concealed. The Deputy asked about Portland. There was already a response to a media outlet that was being issued at the same time that we were drafting the answer to questions; I am not sure if it was written, or oral. I am quite clear and always have been clear that these pieces of information would be placed into the public domain and I am content to do so today and answer any further questions.

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

Does the Chief Minister believe it is appropriate to use departmental budgets on what is, effectively, States Members' training?

Senator I.J. Gorst:

It is far more than training for Ministers, who will be required at very short notice to answer questions on the publication of the public inquiry. I think, in this instance, it was appropriate. Members will know that I was asked questions about media training at the end of last year and at that point I confirmed that I, myself, who was under accusation, had not received such training. For such an important publication as this, I think it is appropriate that Ministers are as well prepared as they can be for the publication of this report.

3.2.3 The Deputy of St. John:

Does the Chief Minister not concede that it would be putting a chief officer in an extremely difficult position to be accountable for spending money on a Minister's training?

Senator I.J. Gorst:

No, I do not think so. This is a theme that may be returned to later in this States sitting about training for all Members of this Assembly, particularly, perhaps, those who are new to an executive function, to ensure that they understand the legal requirements placed upon them, to ensure that they understand what their delegated responsibilities are, to better perform on behalf of this Assembly, which asks them and elects them to those posts and, ultimately, to better perform on behalf of the public.

3.2.4 Deputy M. Tadier of St. Brelade:

Would the Minister clarify when he received this training, if you like, or consultancy for want of a better word?

Senator I.J. Gorst:

I have visited Portland's offices on 2 occasions: one prior to the Easter holidays and one maybe 6 weeks in advance of that, so February and March time.

3.2.5 Deputy M. Tadier:

Just for clarification, would this training have been received before 14th February this year?

Senator I.J. Gorst:

I do not have the dates in front of me but, no, that would seem to be earlier than the date that I attended Portland's offices.

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

Does the Chief Minister believe that he, and his officers, have met the highest standards of transparency in responding to this particular issue?

Senator I.J. Gorst:

This is the most transparent Government that this Island has ever seen. We have the Freedom of Information legislation. Members opposite may laugh about that fact. In our community, emails between Ministers are put into the public domain. I am not aware of anywhere else, or any other government, or jurisdiction, that places that openness, that transparency, upon the Executive.

3.2.7 Deputy G.P. Southern:

I am impressed, if I may say so, by the Chief Minister's volume. I am not impressed by the content and we will see when we debate my proposition on receiving proper answers to questions, some time later in this session, whether we are as transparent as he would like to believe that we are.

The Bailiff:

Maybe proper questions, Deputy.

Deputy G.P. Southern:

Does the Chief Minister not loudly agree?

Senator I.J. Gorst:

I do not agree. I know that Members like to think that there is something secretive about Government. There is not. Ministers should, rightly, be able to discuss all policy options before bringing them forward. In Jersey, because of the broadness of our Freedom of Information legislation, we are aware that even as we are doing so, if we do so via email exchange, those emails can be placed into the public domain. I think that most Members, looking at the broadness of that legislation, would question whether it is appropriate.

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

Could the Chief Minister just confirm for the record that the work undertaken in this exercise has only related to issues surrounding the care inquiry and not anything else as well?

Senator I.J. Gorst:

When it comes to Portland in this instance ... although Members will be aware, because, again, I put this information into the public domain, Portland in the past have been used for support and advice on other areas, particularly attending party conferences and relationships with the U.K., but in this particular case it was entirely to do with the public inquiry. With regards to Mr. Jones, part of it was to do with the public inquiry, part of it was with regard to advice about Brexit and, thirdly, part of it was considering how we structure our Communications Unit in Jersey and offering advice in that regard.

3.2.9 Deputy S.Y. Mézec:

Seeing as this issue has now become something in the public interest, would he be prepared to publish the full details of what this expenditure has gone on and what areas have been covered in it?

Senator I.J. Gorst:

I have just done so.

3.2.10 Deputy R. Labey:

Would the Chief Minister accept some free P.R. advice, in that his officers may have thought they had found a neat way to avoid answering the question in full; but, in fact, what followed was the drip, drip, drip of revelations, which, in P.R. terms, is a disaster? Once a matter is raised, the best thing to do is to get everything out in the open all at once. One has to ask whether one is getting value for money for this £50,000?

Senator I.J. Gorst:

I am always willing to take free advice and to listen to it carefully. It sometimes feels like I have 49 Members, or 48 Members, in this Assembly, who are only too willing to give me free advice. Sometimes, it feels like I have 100,000 people, who would like to give me free advice and I am only too willing to listen and act upon advice that, I think, is in the best interests of Jersey and her citizens.

3.3 Deputy S.Y. Mézec of the Chief Minister regarding measures to ensure the evidence received by the Independent Jersey Care Inquiry would remain publicly accessible and complete: [1(273)]

What measures, if any, will the Chief Minister be taking to ensure that in the aftermath of the Independent Jersey Care Inquiry publishing its report, the evidence it received remains publicly accessible and complete?

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

The information created by the Independent Jersey Care Inquiry is of significant and lasting interest and it is crucial that it is archived to ensure future access. The inquiry has already confirmed that the evidence received will not be destroyed and that arrangements for securing that data are under active consideration. As the official repository of public records, the Jersey Archive is the appropriate place for the records to be stored.

3.3.1 Deputy S.Y. Mézec:

The Chief Minister will be aware that a former politician has raised concerns on this issue. Would the Chief Minister agree that, in advance of the report being published, it would perhaps be a good idea to review the accessibility of this information, given that the website that much of this information is held on is not particularly user friendly? It will, obviously, be in the public interest, when the report comes out, for all of it to be able to be accessed as easily as possible and that there is room for improvement on that?

Senator I.J. Gorst:

I do not know about the last comment about whether there is room for improvement. The Deputy makes a very good point. It is important that all the evidence that has been provided and is currently in the public domain remains so at the post-publication point. I know that officers across departments, together with the archive, are considering how in future it will be best archived, but I

will relay back to them the Deputy's point about it remaining public in the immediate post-publication period.

3.3.2 Deputy M. Tadier:

With regard to the aftermath, which the question talks about, will the Chief Minister state whether he will consider what institutional changes might need to be made in Jersey following the publication of the report - before it is published - so that the Government is not seen to be reacting to recommendations in the report, but can be proactive when it comes to institutional changes that may need to be made in Jersey, not simply, but also, related to child protection issues?

Senator I.J. Gorst:

I am not quite sure what the Deputy is asking me, but he will not be surprised to learn - or I hope he will not - that right across departments, people and departments are considering constantly improvements that might be made to their service provision. The Deputy will know that many millions of pounds have been approved by this Assembly, at the request of Ministers, to improve the service to children in our community and those who come into, or touch, particularly, social services. We are thinking about, in light of some of the evidence that was provided to the inquiry, how changes could, or should, be made. We do not want to, necessarily, step to big changes prior to the recommendations of the inquiry, so that we can retain that flexibility, but we are thinking about what those recommendations might be and what they might mean.

[10:00]

3.4 Deputy G.P. Southern of the Minister for Health and Social Services regarding his assessment of whether health and safety concerns arose in relation to the delivery of home care: [1(274)]

What is the Minister's assessment of whether the combination of pay levels, shift patterns, policies for non-payment of travel time and terms of sick leave, as well as the use of zero-hours contracts, gives rise to health and safety concerns in the delivery of home care to clients in Jersey? If the assessment is that there is no such concerns, why is that the case?

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

As I have said on previous occasions, terms and conditions of employment are a matter between the employer and their employee. I do not agree that the terms and conditions issues that the Deputy raises give rise to health and safety concerns in terms of home care experienced by patients. I would question the Deputy's implication that, in effect, such issues determine the standard of care received by patients. Those dedicated home care workers, who are engaged on zero-hour contracts, part-time, or full-time contracts, deliver high standards of care and I am sure those workers would take issue with such a negative assertion. If anyone is in receipt of home care through the long-term care scheme, they will be receiving the same safe standard of care, regardless of which approved provider delivers it.

3.4.1 Deputy G.P. Southern:

Does the Minister not accept there is a risk to health and safety by the use of shifts, split shifts any time during a week day of 7.00 a.m. to 11.00 p.m., which is what happens? For example, a particular home carer was paid for 12 hours contact in a 15-hour day. Does the Minister think that there is a risk to the safety of any actions taken at the end of 12 hours on shift at the end of a long evening?

Senator A.K.F. Green:

Approved suppliers are obliged by the law of the Social Security Department to have a health and safety policy and to make a statement to that effect. The Deputy keeps coming back. I admire his persistence, but I have got nothing more to add. The terms and conditions are a matter between the employer and the employee.

3.4.2 Deputy M. Tadier:

There is a risk, with these kind of continued answers that we are going to start calling him Senator Pontius Pilate, because he seems to wash his hands of all responsibility when it comes to the wellbeing of healthcare workers in Jersey. But, let us look at this, perhaps, from a patient's point of view, if not about workers' wellbeing. Is the Minister concerned that if we have people, who are going into work when they are genuinely ill, because they are worried about being financially penalised for not going in and they simply cannot afford it, is that not something which is a risk to the patients themselves, quite forgetting about the workers?

Senator A.K.F. Green:

Absolutely, and if a member of staff is doing that, that matter should be taken up with their employer, because it is not good practice.

3.4.3 Deputy M. Tadier:

Is the Minister confident that, with the new terms and conditions in place, there will be a perfectly symmetrical parallel relationship between the employer and the employee to go in and say: "I am suffering from a continual illness here, partly because I am having to work very long hours, which I am not being paid for and, therefore, I am becoming sick"? Does he expect the employer to be sympathetic to that employee?

Senator A.K.F. Green:

I think it would be very unwise for an employer to be unsympathetic, but employment conditions have to be looked at in the round. I am not going to get drawn into which employer provides the best employment opportunities, which employer has the best rates of pay. It is the package, as a whole, that should be looked at and that is a matter for the employer and the employee.

3.4.4 Deputy S.Y. Mézec:

Does the Minister agree that there is a connection between safety standards and the working terms and conditions for care workers?

Senator A.K.F. Green:

Provided the employer is complying, which they are obliged to, with the Social Security Department's health and safety legislation, there is no risk.

3.4.5 Deputy S.Y. Mézec:

That was a completely contradictory answer, but a supplementary question is: at what point would the Minister consider it worth intervening? Is there, literally, no conceivable circumstance where terms and conditions for these workers are deteriorating so badly that he would finally see sense and decide to intervene and say: "No, these terms and conditions are not in the interests of the patients, who are being cared for by these workers", or does he, literally, think there is no conceivable circumstance where he might seek to stand up for this valued and noble profession?

Senator A.K.F. Green:

If the Deputy has proof that the service has deteriorated as a result of changes in terms and conditions, then bring it forward, but that is not the information I have.

3.4.6 Deputy G.P. Southern:

The Minister repeatedly tells us he has no responsibility for the relationship between employer and employee. However, he does bear some of the responsibility for ensuring that the service, that he is commissioning to be delivered, is in fact a safe one. Is he content, for example, in a job where travel to people's homes is intrinsic to the daily work, that travel time should not be paid by some companies that we are commissioning to deliver this service? Does he not consider the non-payment of travel time an anomaly which is, quite frankly, beyond belief?

Senator A.K.F. Green:

You have to look at it in the round and the whole package. Some employers make an allowance for travel time; some employers make a payment for travel time. That is a matter between the employer and the employee.

3.5. Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding the prospect of action being taken to stop the service known as 'Jersey Lifts': [1(271)]

Will the Minister commit to take the appropriate action, in association with the Minister for Infrastructure, where required, to stop the service known as Jersey Lifts?

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

I am aware that this is a very topical question, which relates to a long-running subject of debate within our community. It is important to state, firstly, that not all of the activity on Jersey Lifts will be illegal. Legitimate not-for-profit lift sharing is within the law, good for the environment, improves accessibility for people without a car and reduces the likelihood of drink driving. Where there is illegal activity, however, such as unlicensed taxi services being offered, strict penalties are provided for in the Motor Traffic (Jersey) Law 1935, with fines of up to £10,000. The Deputy will be aware that an investigation was undertaken a few years ago into Jersey Lifts, with around 20 people being interviewed, although no offences could be proved beyond all reasonable doubt, which is the threshold needed to secure conviction. The police have continued to deliver safeguarding messages and advice regarding an improper use of Jersey Lifts and where they have become aware of anyone who poses a risk to the public, they will take proportionate action.

3.5.1 Deputy K.C. Lewis:

There are, at the moment, I believe, 4 Facebook sites offering this service. I am not after friends who are pooling their money to save petrol and help each other out, because I know money is tight. It is the other people that are providing this service. Is the Minister aware that acting as a *de facto* taxi service is, in fact, breaking the law? Taxi and cab drivers need to have security checks, must have a public service vehicle licence, must have the relevant taxi cab insurance and must drive the authorised vehicle. Should somebody be offering a taxi and cab service without this, not only are they breaking the law, but should there be a serious accident there would, certainly, be no insurance cover. The driver of these vehicles could also be a sexual predator, under the influence of drink, or drugs. So, what action will the Minister be taking?

The Deputy of St. Peter:

The Deputy will know that the operational side of policing is not a matter for the Minister. However, I refer the Deputy to my previous answer, in which I stated under the Motor Traffic (Jersey) Law the potential penalties for somebody, who is breaching that law, which is very clear. Also, I will reiterate the fact that the police have made great efforts to communicate safeguarding messages around the appropriate use of lifts.

3.5.2 Deputy M.J. Norton of St. Brelade:

Would the Minister, under the facts that the most popular of these social media sites has 10,859 members in the Island and in the last 24 hours there were 446 requests for lifts and there were at least 30 adverts openly advertising for lifts such as: “£20 to St. Brelade, call me now”, with a number, please give us some information as to what prosecutions have taken place, because this is deeply concerning?

The Deputy of St. Peter:

As I have already stated, the police have been monitoring this. They are engaging with the Department for Infrastructure. The police are there to enforce the law and, in this case, it is a law and a policy set by the Department for Infrastructure. We are in an age of great change, where the disruptive use of technology is a great phenomenon of our age. We look at many businesses that have now become household names, that have stemmed from the disruptive use of technology and engaging into a new market through the new technology that is now available to people. So, I will reiterate that the police are monitoring this.

3.5.3 Deputy L.M.C. Doublet of St. Saviour:

The Minister mentioned safeguarding messages that have been given. Can she give some more details, please, on whether officers have gone into schools to talk about this and exactly what work has been done? Is there any further work planned on this and does she think any new legislation is required to deal with this?

The Deputy of St. Peter:

Let us start, firstly, with the legislation. As I mentioned, the Department for Infrastructure looks after the legislation in this area and the police are engaging with the department, I believe, to that effect. Road safety law, of course, is a big matter on that department’s agenda currently. Regarding the safeguarding messages, there is a good deal of communication always emanating from the States of Jersey Police, of a very high standard and they communicate clearly. We also have a great relationship with Prison! Me! No Way! who undertake specific and focused pieces of information. If I could just blatantly use this as cue, as I mentioned Prison! Me! No Way!, they were highly commended last week at the National Chartered Institute of Marketing awards dinner for their excellent communications and, particularly, a campaign that was aimed at the use of psychoactive substances. I believe that a great deal is being done, has been done, and is intended to continue to be done.

3.5.4 Deputy M. Tadier:

Will the Minister state what the law says on this with regard to what fees, or what reimbursement, can be made for a non-taxi driver to recoup money? Could she clarify, for example, is it okay to accept a donation for petrol money, or a donation, full stop? Is it illegal, or unlawful, to ask for any kind of money in return for the lift? I will leave it there and may do a supplementary.

The Bailiff:

That question, Deputy, is right on the margins and probably over the margins of this Minister’s responsibilities. She is not responsible for the law and I am not sure it is fair to ask her to make a comment on what the law permits. It is not the law for which she carries responsibility. The only relevance of this question to her, seems to me, to be the potential police involvement, which is enforcing the current law.

Deputy M. Tadier:

Sir, can I rephrase the question, in that case? It seems to me that there is concern, on both sides, and I am concerned both for taxi drivers, but also I do not want to see young people being criminalised and the suggestion that there are drug addicts, who are driving round charging money

for lifts illegally, which I know was not said, but is the inference, is completely unacceptable. Does she think that it is absolutely important to put clear information out there and clear guidelines, both for those who seek to operate legitimate car sharing facilities in Jersey, which is surely something from an environmental point of view we want to encourage, while also putting in place protection for legitimate businesses? Does there need to be more information, so that the police and the operators feel that they know what the boundaries are and that when there is illegal activity the police can take decisive action?

The Deputy of St. Peter:

I will hark back to my previous answer, I think, whereby communication is very much a key part of the enforcement of the law. As I said, the police are here to enforce the law and I refer back to my original answer which said that legitimate not-for-profit lift sharing is within the law. However, it is vitally important, particularly around the issues of safeguarding and general safety of the public, that people understand the risks of undertaking such activity.

[10:15]

3.5.5 Deputy K.C. Lewis:

As I have mentioned, it is not the people car sharing I am going after. It is people who are making a living at this, people who are earning good money at this, people who are not insured, people who we do not know who they are, or what they are doing. I know the Minister is not responsible for operational, but she is responsible for policy. Will she kindly make it a policy to eradicate this nonsense, or do we have to wait for someone to be molested in a car, or a car wrapped round a tree and somebody left with life-changing injuries before something is done? Will the Minister take action?

The Deputy of St. Peter:

This aspect of the law, as I previously mentioned, is a matter for my colleague the Minister for Infrastructure and the States of Jersey Police are engaging with that department in order to progress, if required. It is for the very fact that people put themselves at risk that communications have been conducted by the States of Jersey Police to highlight the dangers and risks involved in this activity. So, I am aware that the police will continue to communicate regarding those risks to the public.

3.6 Deputy M. Tadier of the Minister for the Environment regarding the money to be raised per year from the proposed infrastructure levy: [1(270)]

How much money is estimated to be raised per year from the proposed infrastructure levy?

Deputy S.G. Luce of St. Martin (The Minister for the Environment):

Members will, I hope, be aware of my ambition to develop a planning levy, in order to fund key infrastructure improvements, particularly for the town of St. Helier, which takes the bulk of new development on our Island. My department has consulted widely with the construction industry and we have commissioned some work to help us understand the viability and benefits of such a levy. The Deputy raises an important point, but one which I am currently unable to offer a precise answer to, as the potential income from a levy will only emerge once we have completed this viability research. At a recent States Members briefing on the proposed infrastructure levy, my officers outlined the current progress of the levy work.

3.6.1 Deputy M. Tadier:

You can understand why Members get confused about which Minister to address questions to it when it is the Minister for the Environment, who is bringing forward the infrastructure levy and the Minister for Infrastructure, who is bringing forward an environmental levy. But could the Minister, perhaps, put a figure on it? I am sure he has told Members in a briefing that the estimated levy would be a total of no more than £1 million, but about the £500,000 a year mark. Is that the correct ballpark figure?

The Deputy of St. Martin:

In ballpark figures, I suppose the Deputy could use those numbers, but I would state again: it is important to get this right. Numbers change all the time and we are looking for the latest data to inform our work. The most important thing here is that any levy allows for a sensible level of profit to be made by developers, because profits are essential for lending and lending is essential for development and it is not my wish to stifle the development industry in any way.

3.6.2 Deputy A.D. Lewis:

I would be curious to know what dialogue the Minister has had with the Minister for Economic Development and his department as to how this may affect the economy and the actual business of development. He says he does not want to impact on their profits and their viability, but surely this will have an impact, in some way, on their industry and also, no doubt, will be passed on to domestic users, home owners, people who are doing developments of a domestic nature as well. What study has been done into the real impact of the infrastructure levy and is there sufficient payback from what he wants to do with the money to justify it?

The Deputy of St. Martin:

It is difficult to do a precise impact on anything until we know what sort of money we could raise, but I must tell Members, as I referred to in my previous answer, profit is essential and we have factored in and told everybody thus far that we are allowing for a 20 per cent profit margin before we look for any levy whatsoever. So, if a development is proposed, we would factor in a 20 per cent profit margin and that is the sort of level of profits that banks and lenders are looking for before they lend significant amounts of money to developers. I say to the Deputy: no, we have not got final figures, but we are allowing plenty of profit to be left in the job, so developers are not impacted.

3.6.3 Deputy M. Tadier:

I am not sure why the Minister is coy about giving us a figure, when his ministerial colleague at Infrastructure has given his estimated view, or he has told us that he wants to make X amount from the waste levy and if he does not, irrespective of what that ends up looking like. Could this Minister tell us: is he looking to tax profit here, or is he looking to tax the land? If it is the former, there seems to be a tension in him saying that profit is essential and the fact that it is based on land size, not on the profit which is yielded.

The Deputy of St. Martin:

Firstly, I think there is a not so subtle difference between myself and the Minister for Infrastructure, inasmuch as the Minister for Infrastructure has figures in the M.T.F.P. (Medium Term Financial Plan) which he needs to realise. This proposed levy is a levy which I am looking to take forward and all I am saying is that when I, or my officers, give planning permission and approval on a development, there is an immediate increase in the value of that land. All we are looking for here is a very small percentage of that increase in value to come back to us to use for infrastructure work. Every development on this Island has a small, medium, or large impact on infrastructure and we need to find ways of paying for this into the future. This is not a tax on profit. This is a levy that is looking at land values and the increase in value that property owners have when they gain an

approval, which costs them very little. A rubber stamp goes on a piece of paper in my department and that gives people an enormous increase in value. We are just looking to take a very small part of that back.

3.7 The Connétable of St. Helier of the Minister for Infrastructure regarding 'cover and treat' odour mitigation technology to be used in the proposed sewage treatment works in Bellozanne Valley: [1(266)]

Will the Minister advise what cover and treat odour mitigation technology is planned to be used in the proposed sewage treatment works in Bellozanne Valley and whether this is recognised in the industry as the most effective option available? If it is not, will he agree to pursue instead the most effective and, if not, will he explain why not?

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

The planning application includes an environmental impact statement that summarises the results of a comprehensive environmental impact assessment that has been carried out by the department's environmental consultants, Cascade, supported by the department's technical consultants Sweco. The environmental impact statement, prepared by Cascade, runs to some 303 pages for the main report, but also includes 1,040 pages of appendices, as well as a non-technical summary. The application also includes a design statement, a sustainability statement and a waste management plan, as well as some 23 associated drawings and documents. The odour assessment for the new works is set out in chapter 13 of the environmental impact statement and is based on the technical proposals to cover and odour control the most odious parts of the new plant. The treatment processes being covered and odour controlled at Bellozanne are: the inlet works where the incoming sewage is discharged; the associated skips where screening and grit from the incoming flow are deposited; the distribution chamber for the primary settlement tanks, which is the most odour-generating part of the primary treatment process; and the digested sludge storage tanks. In addition, there will be odour mitigation measures for the new tanker discharge facility to be located on the site of the old, now demolished, digesters on the west side of the Bellozanne Valley. This approach is in accordance with the U.K. best practice where the order of priority for mitigating odour is to address all operational dealings with sludge, which has already been achieved at Bellozanne, followed by covering and odour control in the inlet works, which is being achieved through the completion of the new works.

The Bailiff:

Minister, the 90-second rule is well passed.

Deputy E.J. Noel:

Sir, it is a complicated subject and I want to be able to give the information required. I have just 2 more sentences to say. The next steps will be to cover the whole of the primary settlement process and, as such, my department will ensure that these can be retrofitted, if required. However, it is only approximately 5 per cent of primary settlement tanks in the U.K. are currently covered and a high proportion of these is where there is industrial effluent received at the works, leading to very strong odours. This is not the case in Bellozanne.

3.7.1 The Connétable of St. Helier:

Why did the Minister tell residents, whom he met recently, concerned about the impact on their homes and businesses ... and I stress that they are not opposed to the provision of new sewage treatment works, they are opposed to odour nuisance. Why did he tell them there would be no cover and treat techniques used in the construction of the new works?

Deputy E.J. Noel:

What was said to those residents is that we have not got it in our initial plans, but if it is required - and the engineers tell me that it will not be required - we will build that in.

3.7.2 Deputy A.D. Lewis:

Did the Minister also tell those said residents that there would be no decrease in odours, because the size of the plant would be bigger, but proportionately there would be a discreet decrease in the amount of odours? I would also like to draw the Minister's attention to a headline here in 2009: "£1 million sum to clear the air at Bellozanne." Was that money used to do something to the old plant, or has it been put towards the new one?

Deputy E.J. Noel:

I am not sure what happened in 2009. I believe that we did take some mitigation works on that, but I will come back to the Deputy to confirm. With regard to the first part of his question ... which I have now forgotten, sorry.

Deputy A.D. Lewis:

You suggested to the concerned residents that there would be no decrease in the amount of odour, but as the plant will be significantly bigger, proportionately there is a decrease and the odour emissions in terms of the map that you indicated earlier will have moved east, therefore affecting less residents, but residents that are, perhaps, more sensitive being affected now, because there is a school and a hotel.

Deputy E.J. Noel:

Despite the fact that the new plant is designed for a larger population, some 120,000 plus expansion, there will be at least an 18 per cent reduction on the current levels.

3.7.3 Deputy J.A. Hilton of St. Helier:

The Minister has given States Members a lot of information in the past few minutes. Can he just confirm, did I hear correctly that he said that if there was a problem in the future that the money, the resources, would be made available to cover all the tanks involved to mitigate the odour problem for those residents of West Hill?

Deputy E.J. Noel:

Ministers act on advice and the advice I had is that the covering of the primary settlement tanks should not be required, but if they are, we are ensuring at the facility that we do build that those covers could be retrofitted. We are doing some additional work, as I indicated in my previous answer to Deputy Lewis at the beginning of this session.

3.7.4 Deputy A.D. Lewis:

Surely, the Minister should agree that everything possible should be done during this phase of development. For a 30-year plant that is going to last 30 years, everything possible should be done to mitigate the smell, a smell that residents have put up with for a very, very long time. Does he not agree that, for the sake of a few more million pounds, but over a 30-year period that is a well worthwhile investment, if it mitigates the problem once and for all, rather than waiting just to see if it is going to work or not? Should he not be implementing that as part of his plan now, as was agreed in a petition in 2006 and money allocated in 2009 in the then business plan to mitigate the smell? Does he not agree this is the opportunity, perhaps a once in a lifetime opportunity, to mitigate the smell once and for all?

Deputy E.J. Noel:

As I said, Ministers act upon advice and I have put the potential additional spend to cover the primary settlement tanks in the same category as we put the denitrification plant at Bellozanne. We do not want to spend some £40 million on a denitrification plant if it is not necessary. Similarly, I do not want to spend some £4 million on covering the primary settlement tanks if it is not going to be necessary. If it is deemed necessary then we will cover them, but I am not going to sanction spending taxpayers' money when it may not be required.

3.7.5 Deputy G.P. Southern:

Is the Minister, as a relative newcomer to this House, not aware that it was deemed necessary some 10 years ago and the Deputy for St. Helier No. 3 and 4 District was committed to covering this facility and promised, at the time, that this would be done? What has changed since?

Deputy E.J. Noel:

What has changed since is that we have covered other areas that produce more odour. We have mitigated on where we are. But I repeat: our aim is, and always has been, to transform the area of Bellozanne and the waste water treatment plant there to minimise any possible nuisances and attenuate the smells is a key component of one of our drivers.

[10:30]

That is why we have also moved, from that site, the Energy from Waste plant. It is why we are moving the clinical waste incinerator. It is why we are moving the scrapyards. It is why we are moving the green waste facility. It is why we have moved the household recycling centre. We are trying to be better neighbours than we have been in the past.

3.7.6 The Constable of St. Helier:

I am sure residents and businesses concerned about this development will be heartened by the Minister's assurance, and I quote: "If it is required it will be included." But he did say retrofitting and further work. My question to the Minister is: the first sewage treatment works, certainly that I am aware of, was of such high quality that people came to Jersey to see how we did it. People, Surfers against Sewage, surfed in the outfall. The fact that only 5 per cent of U.K. sewage treatment works are fully covered should not, surely, be a reason why Jersey does not want to be in that top 5 per cent.

Deputy E.J. Noel:

It is not the reason. Of course, the majority of those have a different type of effluent going into them. It is clear **[Interruption]** ... they have industrial effluent, which is slightly different to household effluent. It is clear that we have not adequately defined the unit of measurement for odour in our report, nor explained the report in plain English. On seeing the results of the survey, prior to lodging, we did add more odour control to the primary tank distribution area to mitigate issues. This additional safeguard has not been modelled. Over the weekend I have agreed with my officers that we should re-run the model with up-to-date information. If this does not further improve the odour issues for all then we would add more odour abatements. As I have already said, our aim has been and always will be to transform the area of Bellozanne for the better for all. We are not in the position of making life worse for our neighbours. Our strategy has been to move all of the solid waste activities away from that area and to try and enhance that particular part of St. Helier, of which I have fond memories, because I grew up alongside it in the first 10 or so years of my life. So, I know first-hand what odour issues there are at Bellozanne.

The Bailiff:

Question 8, Deputy Higgins is *en défaut* so we come to question 9.

3.8 Deputy J.A. Martin of St. Helier of the Chief Minister regarding the impact of the United Kingdom’s decision to leave the European Union on the development of a new population policy by the Council of Ministers: [1(267)]

Has the decision of the United Kingdom to leave the European Union changed the direction of the development of a new population policy by the Council of Ministers; and can the Chief Minister give a date on which the policy will come to the Assembly for debate?

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

Our ability to manage people moving to the Island is affected by the relationship of the United Kingdom with the European Union. This relationship will change and, naturally, this matters for population policy. However, I would like to have a debate in this Assembly on these issues in July. Realistically, of course, factoring in Scrutiny, it may not be until after summer. I will, however, undertake to lodge a population policy prior to the summer recess.

3.8.1 Deputy J.A. Martin:

It slightly concerns me that we have the Chief Minister saying “rush” where I am all for having a population policy, but, surely, what the U.K. do and what the U.K. can do when they leave the European Union will determine what we can do, because we follow them. We can have a really much tightened population policy, so what is the Minister saying that we could be discussing by July? It is the unknown, is it not?

Senator I.J. Gorst:

It is a very good question. What I am currently envisaging is how we would continue to manage population in that intervening period and then consider what our policy aims might be during the Brexit negotiation. I think from the workshops that we have had, that there could be a large amount of consensus about what it is that we would like to achieve during that process, albeit it will be for negotiation.

3.8.2 Deputy M. Tadier:

Can the Chief Minister confirm whether it was collective ministerial policy with which the Minister for Economic Development, Tourism, Sport and Culture came out on the front page of the *J.E.P. (Jersey Evening Post)* over the weekend?

Senator I.J. Gorst:

The Minister for Economic Development, Tourism, Sport and Culture has long held the view that he articulated to the media. I am not quite sure when. Of course, that would be a move from current policy, because it would, as I understand the approach, be delivering, in effect, a 2-tier system where you would have a system how you currently manage licences and over the top of that for some sectors of the economy you would be proposing that you could have a short-term work permit. Do not forget the current law does allow for named licences, so it may be that there could be a coming together, but I would just remind the questioner that some of this is what, I think, Deputy Martin was trying to highlight in her supplementary question.

3.8.3 Deputy M. Tadier:

Just for clarification, the policy position which the Minister for Economic Development, Tourism, Sport and Culture came out with is divergent from that of the Chief Minister’s current views and does not represent the policy of his ministerial team?

Senator I.J. Gorst:

The Minister is quite clear that it was his view that those areas should be explored and he has been quite clear with the Ministers that they are his views. That is not what the current policy is and it is not what the current law quite allows for.

3.8.4 Deputy G.P. Southern:

Point of clarification from the Chief Minister, if I may? The Chief Minister seemed to suggest that we did not already have the powers to limit permissions to work on the Island to a specific time, 3 or 5 years. Has the practice of making that restriction ceased among the Control of Housing and Work officers?

Senator I.J. Gorst:

I did say that there was the ability to put a name on a licence and a time limit on a licence is generally used for a much shorter time period, rather than a 3 or 5-year time period, as it currently sits.

3.8.5 Deputy C.F. Labey of Grouville:

The Chief Minister has suggested that the population policy that he intends to bring out in July, or the autumn, is going to be another interim policy, because we cannot have any firm proposals until the Brexit negotiations ... until we know the results of those. If this is going to be another interim policy is there going to be anything in it, for example the introduction of work permits, that we can introduce before we know the outcome of the Brexit negotiations?

Senator I.J. Gorst:

I think I tried to allude to that in regard to the comments of the Minister for Economic Development, Tourism, Sport and Culture. It is, and I think it is right, that it would be a 2-stage approach. I do not think that we currently want to radically change what we are proposing, but we do want to have some policy aims that we wish to deliver throughout this negotiation and that is, I think, what our medium and long-term focus should be on.

3.8.6 Deputy J.A. Martin:

I am slightly confused, because the Minister said we would have a debate in July, but I really do not know what on. Can the Chief Minister confirm that to have a population policy, that we can enforce, we must wait and see what the United Kingdom are doing with Europe, or can we step out on our own?

Senator I.J. Gorst:

There is more than one timescale here. We currently have our own Control of Housing and Work Law, which is on top of any requirement that the Common Travel Area, or free movement of people delivered by the Common Travel Area, place upon us, as long as we do it in a non-discriminatory manner. So, that will need to continue in the short term but, I think, it would be extremely useful in developing that policy and then approving that, for this Assembly also to have its say on what the policy priorities ought to be as we negotiate and talk to the British Government through the Brexit negotiations. The Deputy is right on the one hand that there is still a short term, as well as a medium and longer term, that we can, I think, well debate and agree in this Assembly.

3.9 Deputy M. Tadier of the Minister for Infrastructure regarding targets for vehicular traffic reduction: [1(272)]

What current targets, if any, is the Minister working to in terms of vehicular traffic reduction; are those targets likely to be met; and, if not, what measures, if any, is he considering taking to reduce car usage?

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

Traffic reduction targets were set not by me, or indeed my predecessor, but by the States in 2010 when it approved the Sustainable Transport Policy. The targets were to reduce peak hour traffic levels to and from St. Helier by at least 15 per cent by 2015. This was to be achieved by increasing bus users and cyclists by 100 per cent and walking by 20 per cent. As already reported, it is not surprising that the targets were not achieved by 2015, as the States accepted an amendment to the S.T.P. (Sustainable Transport Programme) in that the cost of motoring should not be disproportionately increased until a viable alternative method of transport is available to all, without adjusting, and in doing so they did not, at the same time, adjust the targets. In spite of this, we are trying to deliver the amended S.T.P. by investing and improving our bus service and making better facilities for people to be able to walk and to cycle. But, to be clear, the original targets were unrealistic and, indeed, remain so. The States decision not to increase the cost of motoring, and in that I mean the cost of car parking in St. Helier, being the main cause.

3.9.1 Deputy M. Tadier:

Of course, the Minister forgets to say that he allowed bus fares to go up as well during that time, so not only was driving a car not more expensive, but catching the bus became more expensive under his leadership as Minister. That, perhaps, has an influence. But, could he clarify what the actual figure is; if we have not met the 15 per cent target by 2015 where are we at today?

Deputy E.J. Noel:

Just to correct the Deputy: if one uses the AvanchiCard as a payment system that is still cheaper than the fares were back in 2010, I believe, for bus travel. I believe it is now £1.55; it used to be £1.60. What we are trying to do, and what we are trying to aim for, given the premise that we have the work in, so what does “good” look like? In my view, “good” looks like - given the increase in our population, particularly since 2010 - no worsening of our congestion in the morning. We have a marginal 1.6 per cent improvement, but that is not good enough and we are aiming to do better.

3.9.2 The Constable of St. Helier:

I am pleased to hear the Minister is looking at the viable alternatives that the States called for in 2010 and, indeed, we can all see evidence of them in the improved cycleways that have been provided, particularly in Parishes like St. Lawrence and Grouville. However, I would like to know a bit more about these targets. If it was a good target in 2010 to reduce our traffic levels by 15 per cent, what is the target now if it is unrealistic? Will the Minister be coming back with a revised S.T.P. that will have new targets that we can all together aim at?

Deputy E.J. Noel:

Just to clarify to the Constable. We are improving the cycle routes in St. Clement, in St. Saviour, in St. Lawrence, in Grouville, in St. Peter, in St. Mary and, indeed, in St. Helier. Will I bring back new targets? I do not want to waste the States Members’ time on debating targets, because if they are going to be realistic, a realistic target is no worsening of the current situation. As our population grows, if we can cope with the current levels of congestion, which are, to be frank, bad for us but when you look elsewhere, particularly in the U.K., they are not too bad. If we can live with the current levels of congestion and receive no worsening, with an increasing population, then I see that as good.

The Constable of St. Helier:

Could I ask a supplementary? The States have adopted a Strategic Plan, which has the environment as one of its key pillars. Is the Minister really saying that this government regards the *status quo* in terms of not reducing traffic congestion as acceptable?

[10:45]

Surely a government committed to environmental improvement will, at least, have a target of 5 per cent reduction, or something to bring to this Assembly for debate.

Deputy E.J. Noel:

It is all good having a target, but if the Minister, or the Ministers involved, do not have the tools to be able to deliver that target then it is pointless setting one. Without being able to substantially increase the cost of motoring - and I mean the cost of parking in St. Helier - for all Islanders, not just those using public car parking, but also those using private parking, then we are not going to see a reduction even of 5 per cent. I do not think the Island has the appetite to bring in such charges and increase the cost of motoring.

3.9.3 Deputy G.P. Southern:

I think the word the Minister is looking for is “deterioration”. Nonetheless, I ask routinely about the provision of the Hoppa bus, or its equivalent, in the town and surroundings. I am given assurances, regularly, by the Minister that things are developing. Will he outline what developments have taken place on the provision of an in-town Hoppa bus, or its equivalent?

Deputy E.J. Noel:

A Hoppa bus service within St. Helier, within the ring-road of St. Helier, will not improve necessarily the congestion at peak traffic hours, because the congestion is caused by those coming from outside of St. Helier into the town. We have had detailed discussions with the bus provider, so has the Parish. At this moment in time, a Hoppa bus service, as described by Deputy Southern, is simply not viable. Not unless we want to increase, dramatically, the subsidy that is already some £4.5 million, off the top of my head. It is certainly £4 million per year that we currently subsidise the bus service.

3.9.4 The Deputy of Grouville:

Is there not something contradictory about the Ministers for Environment and Infrastructure? On the one hand the infrastructure levy is going to seek to do away with the eastern cycle route contribution and yet the Minister for Infrastructure is complaining that he does not have the right tools to reduce the car and increase other modes of transport.

Deputy E.J. Noel:

The one will replace the other. So, we would have a bigger pot of money generated from the Minister for Environment, as opposed to the very narrow band that we currently have for the eastern cycle route. Even if we do manage to complete an eastern cycle route, that is not significantly going to change the congestion. In the morning it will help, as the other schemes that we do, but we will not get down to levels of a 5 per cent reduction, let alone a 15 per cent reduction, without using economic differentials for the cost of parking in St. Helier.

3.9.5 Deputy A.D. Lewis:

Although the Minister should be applauded with the success of the bus service, taxis, perhaps, is another matter. Could the Minister update us as to where you are with the taxi negotiations, because, clearly, there is an issue, because we had a mini debate earlier about unofficial taxis? There is, clearly, a demand for much more flexible ways of transport other than a bus and other than a taxi. Has the Minister given consideration to that and, perhaps, a revolution in taxi services is what is required? Is he brave enough to take that on, because he is already brave with the taxi drivers?

The Bailiff:

I rule that out of order. The use of taxis is nothing to do with reducing car usage.

Deputy M. Tadier:

I will not ask questions about the failed population policy, which the Minister is blaming for a failure to meet his own targets. That is, perhaps, for another day and, perhaps, he can take that up with his ministerial colleagues. But I suppose the question is: has he exhausted all the mechanisms that he thinks he has at his disposal to reduce car ownership, because the response he has given today sounds like he has resigned to the situation not improving, which is unfortunate.

Deputy E.J. Noel:

I do not believe that the Deputy means car ownership, I think he means car usage.

Deputy M. Tadier:

I did.

Deputy E.J. Noel:

I just wanted to highlight that population, when the targets were set in 2010, has increased. That is not an excuse for us not doing more. It is just identifying a fact that the targets were unrealistic. We have not exhausted everything. Last year we tried what we thought was going to be a 3-year scheme for our car to cycle. We managed to do that in one year. That scheme has just come to an end and we are going to assess its suitability and we may come back with a similar scheme when we have the funding to do so. We are looking at lots of different measures to persuade people out of their cars and on to either public transport, or on to their feet, or on to 2 wheels.

3.10 Deputy J.A. Martin of the Chief Minister regarding the implementation of ‘States’ approval of Assistant Ministers’ appointments’ (P.53/2016): [1(268)]

Will the Chief Minister give an update on the implementation of P.53/2016 and advise when he will be bringing a proposition for debate on how the next Assembly will elect Assistant Ministers?

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

Informal discussions have been held with the Chairmen’s Committee, Privileges and Procedures Committee, Assistant Ministers and Ministers on draft proposals in response to P.53/2016. Officers are now taking into account the feedback received and I am aiming for the proposals to be lodged before the summer recess?

3.10.1 Deputy J.A. Martin:

Would the Chief Minister confirm that the proposals so far have not found favour with anybody on the Chairmen’s Committee, P.P.C. (Privileges and Procedures Committee) and I am not sure about his Assistant Ministers or Ministers? Can he confirm that his proposals need to be brought to all of the Assembly, as soon as possible, to either endorse, or rule out?

Senator I.J. Gorst:

We all know in this Assembly that changes to the electoral system and changes to the machinery of government do not find universal favour. I have no doubt, and that is the feedback I have received about these proposals as well. She is absolutely right. They need to come from this Assembly. We need to decide whether we want to change our system of government, so that it is fit for purpose, so it is continually improved, so that it can show accountability and efficiency in the way that it operates and this Assembly will need to decide that.

3.10.2 Deputy M. Tadier:

Does the Minister agree that the number of Assistant Ministers should simply be abolished and that the number of Ministers should be increased, as necessary, to cover any standalone portfolios, therefore eradicating the problem of what is an Assistant Minister - which of them have proper roles, which of them do not - and whether the Assembly gets to vote for them, or not?

Senator I.J. Gorst:

That is an option: junior Ministers within a department. We do not need to create extra departments that Ministers, who have responsibility within existing departments, or even streamline departments is an option. But, we will hear many people talking, I have got no doubts, about many and different options. What I want to see is the division removed in this Assembly, so that those people who want to be involved in government can appropriately use their talents in government.

3.10.3 Deputy G.P. Southern:

The Chief Minister has referred to change within government and outside of government. But does he not accept that part of the problem is that we fail to get a strong steer from the Chief Minister and his office as to which way he would see as the way forward in terms of reform of the States?

Senator I.J. Gorst:

They will be seeing a very strong steer when it comes to the machinery of government proposals that I will put before this Assembly prior to the summer recess.

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

Has the Minister taken account of the recent review, by a member of the House of Lords, of the Isle of Man system? The reason I am focusing on the Isle of Man system is that that is roughly where the proposals from the Chief Minister are likely to take us. Just for his information, the review by the member of the House of Lords of the Isle of Man suggests that their present system risks real reputational damage.

Senator I.J. Gorst:

Perhaps it is a good thing that our system has not been reviewed.

3.10.5 Deputy M. Tadier:

Will the Chief Minister put on record his support for the principle of what is called the Troy Rule and that, not only should it be preserved, but the Troy Rule should be increased, so that the Ministers and Members of Government, including Assistant Ministers, should not count for more than a third of the overall Assembly?

Senator I.J. Gorst:

No, I will not. The Deputy, I suspect, has been part of some of the informal consultations. If he has not he has obviously heard about them. Those proposals do propose changing that particular rule.

3.10.6 Deputy J.A. Martin:

I would just like to get the Chief Minister to confirm that, before lodging - and I do say before lodging - that the Assembly is given a briefing on the new proposal, so we can have a full and frank discussion to see if any of them find favour with the Members of the Assembly?

Senator I.J. Gorst:

Of course I undertake to do that and I have got no doubt at all that the Scrutiny Panel will also wish to scrutinise the proposals.

3.11 Deputy G.P. Southern of the Minister for Social Security regarding zero-hour contracts: [1(275)]

In light of the latest labour market survey, will the Minister advise what proportion of jobs advertised through her department are zero-hour contracts; how many jobseekers, if any, have been placed in such jobs; and how many sanctions, if any, have been issued for those leaving zero-hour jobs?

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

The labour market survey, published at the end of last week, shows continued strong performance in the labour market and the wider economy. The positive increase in private sector employment was predominantly due to increases in the number of full-time employees, and the number of zero-hour contracts has remained flat. Jobs advertised through Social Security are placed on the Jobs in Jersey website directly, based on information that employers submit. We do not hold robust information on how many of the roles advertised are zero-hour contracts, as many employers advertise without specifying the contract type. Since the start of the year, 85 of the 598 job starts in Back to Work have been zero-hour contracts, providing a positive first step into employment for many. However, details about types of employment contracts for individuals, who give up work, is not recorded. However, regardless of contract type, it remains a fundamental aspect of Income Support that anyone who walks out of paid employment is subject to a penalty if they try to claim benefit straightaway.

3.11.1 Deputy G.P. Southern:

I am surprised that the Minister has admitted that she does not know such factors. I find it quite astonishing that the Minister does not know what proportion of jobs advertised through her department are zero-hours contracts, because she does not specify whether they are full-time, part-time or zero-hours. Surely, does the Minister not agree, she should know this data and that, similarly, she should know how many people, who try and make a go of zero-hours contracts, find it too difficult and leave that work and are subject to sanction as a result? Why does the Minister not investigate those 2 factors and come up with some robust detail?

Deputy S.J. Pinel:

As I said, the details are not recorded of the contracts that are made available, because it is down to the employer and the employee. As the Deputy will well know, the next thing on the agenda after the family-friendly rights for the Employment Forum will be looking into zero-hour contracts, as was requested by the Scrutiny Panel.

3.11.2 Deputy M. Tadier:

Would the Minister agree that it should be something that she is interested in finding out about: why people leave jobs, who are potentially subject to sanction in her department? Does she think that could be recorded automatically from now on?

Deputy S.J. Pinel:

When somebody leaves a job of their own accord, which they have been helped to get into by Back to Work, or Actively Seeking Work, if they leave, because they just do not wish to be there, then there is a sanction applied after several warnings. It would not be applied in the case of a redundancy.

3.11.3 Deputy M. Tadier:

I thank the Minister for that answer. It does not address the question, though. Essentially, should she be recording why people leave those jobs; at least the reason they give for having left, which

could be the work is too hard, it is a zero-hours contract, or simply: “I do not like the job”, irrespective of whether that does entail a future sanction.

Deputy S.J. Pinel:

There is only so much recording the department can do and, as I said in the previous answer, that we will be looking into the whole episode of zero-hours contracts after the family-friendly rights.

[11:00]

3.11.4 Deputy G.P. Southern:

Congratulations to the Minister for echoing the Minister for Health in saying it is not his responsibility. Surely, it is the responsibility of Social Security to monitor the prevalence of zero-hours contracts, given that they are somewhat contentious and certainly to monitor and investigate how many people get sanctioned as a result of not being able to cope with the terms and conditions involved in a zero hours contract? I will ask again, will the Minister engage to record this information so that we know what we are talking about when we come to investigating further?

Deputy S.J. Pinel:

I said in my opening remarks that, since the start of the year, 85 of the 598 job starts have been zero-hour contracts, so we do monitor the amount of zero-hour contracts and the reasons why people leave work is a separate issue.

The Bailiff:

We are unable to deal with question 13 because Deputy Higgins is *en défaut* and so we come to Questions to Ministers without notice. The first question period is the Minister for Economic Development, Tourism, Sport and Culture.

4. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture:

4.1 The Connétable of St. Helier:

Will the Minister join me in congratulating Ports of Jersey, sponsors, local stall holders, Island charities, the sea scouts, the Territorial Army, the St. John’s Ambulance, the Honorary Police and all the volunteers involved in the weekend’s boat show and making it so successful, in spite of the inclement weather? Will he further agree with me that this 10th iteration of the Jersey Boat Show owes much to the contribution of Her Majesty’s Royal Navy, both the visiting ships and their companies, and the Royal Marine band from Lympstone. Finally, will he give particular thanks, if I may jettison Standing Orders for a moment, to Commodore Jamie Miller for his sterling support of this event for many years? **[Approbation]**

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

It would be my pleasure to do all of that on behalf of the Constable’s questions and I am sure Members will join me in doing so. The Boat Show, despite the inclement weather, was another great success, although I do feel tremendously sorry, but very thankful, to the many stall holders, who braved the weather and did not see the level of business on the Sunday and Monday that they would have hoped for. As for the Royal Navy, I was privileged to be able to meet many of the officers and crew and thank them, personally, for their support. The Royal Navy, as do all of the Armed Forces, always get a very, very warm welcome here in Jersey and, of course, Commodore Jamie Miller for his unstinting support of the Island. I was also pleased to be able to spend some time with him and make sure he was properly thanked. But the Constable’s questions are welcome.

4.2 Deputy K.C. Lewis:

I recently witnessed several tourists stand at the steam clock waiting for something to happen with cameras at the ready. Of course, nothing does, as it is completely shut down and semi-derelict. I know it is under the ownership of the Ports of Jersey at the moment, but does the Minister believe that, in association with, maybe, the Constable of St. Helier that the steam clock should either be removed, or refurbished, and used as part of the Maritime Museum exhibition for which the steam clock Ariadne was originally designed to complement?

Senator L.J. Farnham:

There is a bit of an ongoing saga and debate with the steam clock. It is, of course, in the domain of the Ports of Jersey now and the Deputy makes a sensible suggestion, although it is always worth remembering that even a stopped clock is right twice a day, so perhaps if the visitors would have hung on they would have got something. But, no, it is a good point, and I will liaise with the Constable and the Ports of Jersey ... 4 times a day the Constable has reminded me. But I thank the Deputy for his question, and we will take it up.

4.3 Deputy A.D. Lewis:

I wonder if the Minister could advise us as to whether he has had any dialogue with the hotel most affected by the discussion we had earlier about the Bellozanne smell? Whether he has any concerns at all as to how that project is going and what impact it might have on tourism in the immediate area, not least the beach in front of it? What dialogue has he had with the owner of the hotel in particular, if any?

Senator L.J. Farnham:

I have not had any dialogue as such, but I do appreciate the problem and watching matters closely and I hope that a permanent long-term solution is found.

4.3.1 Deputy A.D. Lewis:

Will the Minister be engaging, then, on this issue with the Department for Infrastructure to ensure that a satisfactory conclusion is achieved?

Senator L.J. Farnham:

My department and I and the Minister engage regularly on matters of mutual interest and will continue to do so. It is in the interests of, not only the hospitality sector, but Islanders and the Island in general that this problem is resolved. I will keep pressure on the Minister and I know he wants to ensure it is resolved as well.

4.4 Deputy J.A. Martin:

I was given a written list on 14th February with policy work coming forward and I noticed the Liquor Licensing Law should have been lodged in February 2017 by the Minister's Assistant Minister. Can the Minister let us know what the holdup is and when it will be lodged?

Senator L.J. Farnham:

It is a work in progress. The Assistant Minister, the Constable of St. Brelade, is dealing with it. I understand it is very well advanced. For the record, because I have a perceived interest, I have not been that close to it, but I will ask the Assistant Minister to let the Deputy know the exact details and give her a full update.

4.5 Deputy G.P. Southern:

The Minister is fond of putting out data, which talks about inward investment and congratulates him and his department on the creation of job opportunities through that inward investment. In the

past, I have asked him about job opportunities, which are fictional, which are: “We think we can produce these number of jobs.” However, it takes some time for those to exist, to become reality. Could he supply figures for 2012 through to 2015 of inward investment and the number of jobs and groups of jobs, types of jobs, created by inward investment in this period?

Senator L.J. Farnham:

I think we have been down this road before several times. It is difficult to pull out all of the data to provide exact figures as to the groups of jobs created by inward investment, so I cannot promise to do that. I will speak to the relevant departments again and see what we can do. But, as I said before, notwithstanding that, what we do know is, and I would like to thank Locate Jersey and my department again for their work. That inward investment does create new jobs. Not just new jobs and new job opportunities, but new career opportunities for Islanders and long may it continue.

4.6 Deputy R. Labey:

The Condor ferry to St. Malo appears, invariably, to be not firing on all cylinders. Is this a genuine engine fault that can be fixed and will it be fixed soon, or is it an economy drive, does he know?

Senator L.J. Farnham:

Can I thank the Deputy? I think we all know that the St. Malo ferry has a record of strong and regular service between Jersey and St. Malo, although it has suffered some engine malfunctions very recently. But I am assured by Condor that the issues are not long term and have been resolved, so it is definitely down to some mechanical and engineering problems.

4.6.1 Deputy R. Labey:

A quick supplementary. On top of the extra 30 or 40 minutes travel time on the return, passengers are also faced with up to half an hour delay in getting through passport control. Could he investigate whether more than 2 officers could be checking passports and less standing around in the shed looking at, say, a dog in a cage in the boot of a car?

The Bailiff:

Wrong Minister really, Deputy.

Senator L.J. Farnham:

That is really a question for the Minister for Home Affairs, but I will certainly ask her about that after the questions.

4.7 Deputy G.P. Southern:

Could the Minister outline what contracts he is now engaged in for the maintenance of playing fields and how those contracts were agreed?

Senator L.J. Farnham:

Off the top of my head, no, I cannot, but I will certainly find out and provide that information to the Deputy.

4.8 Deputy M. Tadier:

Does the Minister have any hard statistics on what changes may be happening in terms of tourist accommodation choices, particularly in the light of Couchsurfing and Air BNB, *et cetera*?

Senator L.J. Farnham:

I am sorry, could the Deputy just repeat the first part ... the term used before “Air BNB”?

4.8.1 Deputy M. Tadier:

Does the Minister have any statistics available on what changes are taking place in the choices that tourists make in terms of their accommodation coming to Jersey?

Senator L.J. Farnham:

One of the jobs Visit Jersey have undertaken is to completely rearrange the way data information is collected and they are well into that process now. So, we will have much more accurate data on those figures during the course of this year. But, from data collected thus far there is an indication of a demand from potential new sectors of tourism for those types of services. The Deputy may also have realised that we have just finished a consultation process and are looking at a new tourism law that will address these particular areas.

4.9 Deputy A.D. Lewis:

Is the Minister supportive of agrotourism and, if so, what has he done in recent times to assist that sector in developing further?

Senator L.J. Farnham:

Yes, I am and, as the Deputy will know, we have worked together on one particular project, which is still ongoing to help a young Jersey family develop their farm, so they can take advantage of these opportunities. I refer the Deputy to the Visit Jersey business plan and the Rural Economy Strategy, all of which touch on the opportunities for improving joined-up working between agriculture and tourism. So, yes, I do fully support it.

4.9.1 Deputy A.D. Lewis:

Does the Minister, therefore, feel that there is sufficient joined-up thinking between the departments he mentioned and the Planning Department, as there seem to be a slight disjuncture between the 2 at the moment?

Senator L.J. Farnham:

There is certainly plenty of discussion and there is a good relationship between agriculture and tourism. They are working very closely together and, of course, with Genuine Jersey, who are now operating Farm Jersey, that is only going to improve. There always exists, and probably there should exist, a healthy tension between the business and commercial sectors and Planning. That does concern me at times and I do think Planning need to exercise perhaps some ... I have lost the word, but ... flexibility; thank you. Exercise some flexibility, but, of course, we have an Island Plan that the Planning Department work to and that is due for review in 2021, I believe, and I think we have got a lot of work to do to make sure the next Island Plan takes into account all of the opportunities the Deputy mentioned in his question.

4.10 The Deputy of Grouville:

What plans, if any, does the Minister have to write a creative industry strategy? The cultural strategy I know very well, because I brought it forward, came about in 2005. But the Minister is in poll position, being Minister for Economic Development and Minister for Culture, so could he tell us what plans are afoot for creative industries?

Senator L.J. Farnham:

Yes, I am pleased to do that and we do have plans ably led by Deputy Norton, who is the Minister responsible for those areas now and we are looking at a new cultural strategy, which will incorporate the creative industries and, for example, just off the top of my head, we are about to have the third book festival, which I think is a primary ... that is something we have supported, our intervention, working closely with them, enabled them to get going, and that is a prime example of how we can support the creative industries and we are keen to continue to do it.

4.10.1 The Deputy of Grouville:

On that, last week I met with the Minister of Rwanda and she is very keen, as is specified in the M.O.U. (memorandum of understanding), to develop relations between us, and them and one element of it is the creative industries. Could the Minister say who is the lead on this and who is co-ordinating all the aims of the M.O.U.?

Senator L.J. Farnham:

No, I cannot off the top of my head. I will find out though. I know Deputy Norton has been involved in such discussions, but who is lead on the M.O.U. I do not know off the top of my head, but I will find out and come back to the Deputy.

[11:15]

The Bailiff:

Very well, then we come to the next question period which is the Minister for Health and Social Services.

5. Questions to Ministers without notice - The Minister for Health and Social Services:

5.1 Deputy J.A. Hilton:

It has recently been reported that the former manager of the Diabetic Centre has been struck off by the Nursing and Midwifery Council because, allegedly, references were not produced to back up the qualifications that she said she had when she applied for the job. Is the Minister satisfied that H.R. (human resources) processes are robust enough and, if not, what changes he proposes to make to them?

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

The quick answer to the Deputy's question is: yes. I am now satisfied with the changes that have been put in place following a number of problems. I would remind Members that that particular problem was one of failing to produce appropriate evidence of qualifications and that took place in 2013. A lot of water under the bridge since then and I am happy that what we have in place now will ensure that not only the D.B.S. (Disclosure and Barring Service) is done but also we see the certificates and the references are taken from the last employer, not just character references.

5.1.1 Deputy J.A. Hilton:

Is the Minister confirming to Members that now the H.R. team requires sight of all the qualifications an applicant is saying that they have and not employing people without carrying out those basic checks?

Senator A.K.F. Green:

I believe that to be the case.

5.2 The Connétable of St. Helier:

Is the Minister satisfied with the time being taken by his staff in carrying out care assessments that are necessary to allow those wanting to move into residential care the ability to do so and the access to the funding that they require to do?

Senator A.K.F. Green:

I thank the Constable for his question. In a word I can say: no, I am not satisfied. We are in a better position than we were, but I have never hidden the fact that we were somewhat taken by surprise at the volume of assessments that needed to be done. For that reason, 2 interim staff were

put in place to clear that and we are in a better position than we were. But it was regrettable that we found ourselves where we did taking far too long.

5.2.1 The Connétable of St. Helier:

Could the Minister say what his target time is for carrying out these assessments, so that I can pass it on to my staff?

Senator A.K.F. Green:

I could be flippant and say “as soon as possible”. I do not have a target time, but that is a good question and I will ensure that we have one.

5.3 Deputy G.P. Southern:

Once again, twice in a morning, I am shocked to see the response to question 12, the written question, which says that vacancies among nursing staff in the hospital have gone up from 6 per cent in 2014 to a whacking great 12.2 per cent in 2017. Why when we, as the Scrutiny Panel, were talking to the Minister did the figure we get of 5.5 per cent, why was that information given to us, when clearly the information in this data says it is hanging around between 9 and 12 per cent, which, I remind Members, the key when the red light goes on you have got a problem is at 5 per cent and we are at 12.2 per cent. Can the Minister explain?

Senator A.K.F. Green:

The question answered to the Scrutiny Panel was correct at the time. It is true to say that we are having some challenges recruiting nurses, but we are not sitting on our laurels. If you were to take away the specialist nurses in theatre then our vacancy factor would be somewhat lower than the nearly 12 per cent. I think it is nearer 8 per cent. What have we done about it? We are carrying out a national campaign, targeted campaigns in London, Birmingham, Lisbon and other specialist events. We are carrying out training for the specialist nurses in theatres. We are carrying out more training. We had 16, I think it was, nurses qualify late last year through our school of nursing and we are carrying out our increased training there. This is a challenge for all health services. I accept that it has gone up and it is something that we need to get a grip on and we are. We are live to the problem.

5.3.1 Deputy G.P. Southern:

The Minister misses the point of my question, which was why, in a Scrutiny Panel, did he allow his officer to state that the vacancy rate was around 5 per cent - 5.5 percent I think was mentioned – when, in fact, the reality was 2016 and 2017 is 9.4 per cent, or 12.2 per cent. Why was that answer not given to us there and then in a straightforward, transparent, manner?

Senator A.K.F. Green:

The answer the Deputy was given was believed to be correct at the time. There is nothing hidden here.

5.4 Deputy M. Tadier:

Will the Minister confirm that he has a joint policy with Home Affairs when it comes to illegal drugs that is dependent, at least in part, but importantly, on harm reduction?

Senator A.K.F. Green:

Sorry, could the Member just repeat the question?

Deputy M. Tadier:

Would the Minister confirm that part of his key policy when it comes to drugs shared with the Home Affairs Department is to do with harm reduction?

Senator A.K.F. Green:

Yes.

5.4.1 Deputy M. Tadier:

What monitoring, if any, does his department do to make sure and to determine what content and what purity illicit drugs that are found on the street ... what level of purity and content they have?

Senator A.K.F. Green:

I am advised by the Jersey Misuse of Drugs Advisory Council. I cannot tell you how they do that monitoring, but they advise myself and the Minister for Home Affairs.

5.5 Deputy A.D. Lewis:

I am sure that the Minister has a great interest in effluent - and disposal of - from a health perspective and, no doubt, he has regular dialogue with the Minister for Infrastructure as a result. But I would like to draw his attention to something that he said back in 2010 regarding this matter when he was a District Deputy. He said that he thought it was a scandal that a private Member should bring a Bill forward to resolve this problem and he said that: "We are presented with glossy reports, pretty pictures and diagrams but what are T.T.S. (Transport and Technical Services) doing about residents' problems today?" "Nothing" is what he said. "It is time for a bit more honesty ... of some honesty, it is time to cut through the froth, cut the spin and get the job done." Does the Minister still believe that that is the case, or is he confident the Minister for Infrastructure has this matter fully in hand and that a resolution will be forthcoming fairly shortly?

Senator A.K.F. Green:

I am confident that we have got a Minister that is doing exactly what I was suggesting. Getting on with the job designing new treatment works that will have, as far as practical, a way of reducing the nuisance to residents nearby. That is important to me, not just for the residents, but my family are residents nearby as well.

5.6 Deputy J.A. Hilton:

A Member has touched on this subject just a little bit earlier, but I wanted to ask the Minister: in January 2017 it was reported in the U.K. that almost every single hospital in the U.K. is dangerously short of nurses. He mentioned that we had 16 newly qualified nurses that were trained in Jersey last year. This is going to be an ongoing problem. It is not one that is going to be going away. Has the Minister had any discussions with the Minister for Education, via Highlands, or the hospital, about increasing that number? Is there any capacity to increase the number of students that are training in Jersey? Whether any consideration has been given to make special measures to encourage young people into nursing whereby we subsidise some of their fees to be trained?

Senator A.K.F. Green:

They come through our scheme, dealing with the last bit first. We pay all their fees. There is very close dialogue, not so much between the Ministers, but more between the officers at Highlands and my Education Department, to try and ensure that we do have a good supply of trained nurses. We are dedicated to providing more training on the Island where appropriate people come forward. We know that we can attract mature students, as well, who are able to study and still look after their families at home. Those are the sort of issues that we are dealing with. But, as I said, we have got a protracted and targeted campaign running in Birmingham, London and Lisbon.

5.7 Deputy G.P. Southern:

Would the Minister care to explain how come his officers have made the serious error of stating that the vacancy rate for nurses in the hospital was around 5 per cent, when in 2016 it was 9.4 per cent and in 2017 it was 12.2 per cent? How come that basic fundamental error was allowed to be made by his officers?

Senator A.K.F. Green:

I am not sure that an error was made, but I need to look into it. Those answers were given in good faith. I believe an open and transparent reply and those answers were given in good faith. I need to find out if something went wrong.

5.8 Deputy M. Tadier:

The Minister stated earlier that the Drugs Advisory Panel advised him on statistics to do with purity and content of illicit street drugs. Can he confirm that they do monitor these and if the statistics are available would he circulate them for Members?

Senator A.K.F. Green:

I do not know the detail of work that the Council go into but they are my principal source of advice; that and the Chief Pharmacist.

5.9 Deputy G.P. Southern:

In his response to written question 12 he states that: "Community nursing services are provided by Family Nursing and Home Care, an independent organisation for which we do not have vacancy rates." Can he seek the vacancy rates, because it is important to know what the vacancy rates are overall for nurses in the hospital and in the community?

Senator A.K.F. Green:

It is a separate organisation, as I have said, but if the Deputy would like me to ask that question of Family Nursing I am happy to do so.

5.10 Deputy J.A. Hilton:

I have recently been taking a look at the Mental Health Strategy that was produced by the department in November 2015 and on page 18 of that report there is a table which sets out the population numbers. One thing that really concerns me about that table is that the forward prediction for population in 2030 is 106,200 people. This figure seems widely out to me and so my question to the Minister is: I am presuming that this strategy, which is the Mental Health Strategy, a really important strategy for the Island, is based on those population figures. Can the Minister tell me whether he will go away and do a piece of work around those figures, because if they are basing the services that they are going to provide the Island on those figures they are inaccurate; they are completely wrong, and I am really concerned that the resources are not going to be in place over the next 10 years to deliver those services that Islanders need.

Senator A.K.F. Green:

I thank the Deputy for her question. As usual, it is always a thorough one. The Council of Ministers is determined to improve services for mental health services and the Deputy raises a really important point: we are currently just taking a picture, if you like, looking at where we have achieved, what we have achieved, what we need to still do and where we are in terms of mental health services. So, I certainly will take on board what the Deputy has suggested and use that as part of our evaluation.

The Bailiff:

No other questions for the Minister, then, that brings that part of question time to an end. We now come to J, there are no Personal Statements. K, Statements on Matters of Official Responsibility, the Minister for Health and Social Services will make a statement regarding advice received from the Misuse of Drugs Advisory Council.

Senator A.J.H. Maclean:

Sir, if I may again interrupt, just before the Minister stands up. I wanted to inform Members that I have decided to defer the debate on P.130, the Hospital Funding which is on the agenda for today. I have spoken to the Chairman of the Corporate Services Scrutiny Panel and he and his panel agree that it would be preferable to defer until the next sitting of this debate. Members will be aware that, on Friday, I lodged a late amendment, which clarified the likely borrowing levels for the funding for the hospital at up to £275 million, which was significantly below that which was in the original proposition. That proposition, of course, was lodged last year. It is because of the outturn largely from 2016, where the Strategic Reserve has performed exceptionally well, growing by 13.7 per cent or in excess of £105 million, that we have greater flexibility and, therefore, were able to clarify the borrowing level. Members, at briefings on Friday, made it clear that they would be more comfortable on the basis that that was clarified and that is why I lodged the late amendment.

[11:30]

In that regard, I feel that it is appropriate, speaking to Members who have expressed their view and, indeed, the Chairman of the panel, that a deferral would be reasonable because, otherwise, Members would be asked to reduce the lodging period. I do not think that is reasonable or, indeed, for that matter, good practice in particular that Ministers should stand and seek to do that. Therefore, I propose to defer P.130, the Hospital Funding, until the next sitting of the Assembly.

The Bailiff:

I take it P.15 as well?

Senator A.J.H. Maclean:

Sorry, yes, absolutely.

The Bailiff:

Thank you, Minister.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

6. The Minister for Health and Social Services made a statement regarding advice received from Jersey's Misuse of Drugs Advisory Council

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

I am making this statement to ensure clarity and avoid misunderstanding about some changes I am intending to introduce; changes which will remove the legal barrier currently preventing the medicinal use of specific cannabis-based products. To avoid any potential confusion, or misinterpretation, there is no consideration being given to legalising cannabis, legalising self-medication, or allowing recreational use. Cannabis will remain, as now, a controlled substance. Last month, the Jersey Misuse of Drugs Advisory Council discussed the issue of cannabis for medical use. This was in response to a publication, in 2016, of the first authoritative scientific review on the subject that is known as the *Barnes Report*. The authors of the report, *Cannabis: The Evidence for Medical Use*, were Professor Michael and Dr. Jennifer Barnes and it became known, as I said, as the Barnes Report. The principal conclusion of the Barnes Report was that it is clear, from this review, that cannabis does have medicinal value and continuing the placing

of cannabis under Schedule 1 of the U.K. Misuse of Drugs Act, which thus states it is of no medicinal value, is inaccurate and misleading. The report stated that certain cannabis-based medicinal products may have more potential medicinal benefit in certain medical conditions than was previously believed to be the case. In the light of this report, the Jersey Misuse of Drugs Advisory Council recommended to me that I may wish to consider reclassifying some of the defined cannabis-based products, as they are identified, so that where doctors consider it clinically appropriate they can legally prescribe them to patients. I intend to act on this advice, which represents a measured and proportionate change to the current arrangements. At present, doctors cannot prescribe such products, because cannabis is included both in Schedule 1 of the General Provisions Order of the Misuse of Drugs Law and a designation Order of the Misuse of Drugs Law, along with other substances which have no recognised medical use. Reclassifying specified cannabis-based products would allow the medical practitioners to prescribe these appropriately and will ensure that there was quality assurance of products. The products could only be prescribed by an authorised prescriber and only from a pharmacy. One has to remember that certain controlled drugs, such as morphine, diamorphine and fentanyl are currently legally prescribed by medical practitioners and other authorised qualified prescribers. The change I am proposing would, in effect, apply the same rules to these cannabis-based products which would be treated as prescription-only medicines. It is not clear yet what specific products might be of appropriate quality to reclassify, or which prescribers should be authorised to prescribe. I have asked the council for further clarification on these matters. I have also asked for further advice regarding the arrangements for sourcing and importing these products. Once I have all this information, which I hope will be by the autumn, if I am content I will proceed to progress legislation accordingly. While a number of countries have legalised the use of cannabis-based products for medicinal purposes, the U.K. and France have yet to do so, so it will still remain an offence to take such products into these jurisdictions when travelling from Jersey. The move I am making is a small, cautious, step and in no way heralds the liberation of Jersey's drugs laws. It is about legalising specific cannabis-based medicines for clinical use; it is not about permitting the smoking of cannabis. The Barnes Report stated that the medical recommendation would be that cannabis should not be taken as a smoked product and, therefore, does not include the use of smoked cannabis in any form of street cannabis and such activity would remain illegal here in Jersey. I must stress that, again, reclassifying certain cannabis-based products in this way would not make herbal cannabis legal. Cannabis and cannabis resin will remain class B controlled drugs and cannabinoid and its derivatives would remain a class A controlled drug. Unauthorised production, manufacture, importation, possession and supply will remain offences with the same penalties as currently. This means that it would still be illegal for individuals, who use cannabis for recreational purposes, to grow cannabis, or to import cannabis, or cannabis-derived products, for themselves, or to self-medicate. Any use which has not been authorised by a prescribed medical practitioner and supplied by a pharmacy would still be unlawful. Thank you.

6.1.1 Deputy K.C. Lewis:

I am aware that we are talking about this as for medicinal purposes only, but going by the Minister's speech and notes this is yet to be adopted in the United Kingdom and, indeed, France. My question is: should a Jersey resident, who has been quite legally prescribed these drugs, happen to travel to the United Kingdom and France, do they face the possibility of prosecution?

Senator A.K.F. Green:

Yes, they could. If they are prescribed that product, that notice will be on the medicine that is prescribed when it is supplied to them.

6.1.2 Deputy L.M.C. Doublet:

Can the Minister elaborate on what conditions he thinks that these drugs might be prescribed for locally?

Senator A.K.F. Green:

There was a whole host of conditions, which the Barnes Report said that there was beneficial use of. There are also some cautions within there about long-term use, but all medicines have side effects; it is for the practitioners to manage that. I am waiting for advice, because what I do not want to do is say: "Well we are going to do this" and then find that we cannot, legally, source appropriately-clinically-produced cannabis products. The advice from the panel is that they think they can. I have asked for a list of what they can get legally; can it come through the U.K., for example? When I have got that information, then I will bring forward the appropriate legislation.

6.1.3 Deputy M. Tadier:

We will wait, with interest, to see what products are included, but can the Minister say, perhaps, of now, whether Sativex will be included, because that is currently available? If so, will these products and will Sativex be made available on an open prescription, where patients do not have to pay for them, to be issued as with other medicinal products?

Senator A.K.F. Green:

A very good question from the Member and that is exactly why I have asked for that advice. It is available now, so I do not see why it would not be available under the new system, but I have asked for a list of what will be available and who will be authorised to prescribe it. Will it be limited to the Pain Clinic? I am not suggesting it will, but I do not know the answer to those questions.

6.1.4 Deputy M. Tadier:

So, will it be available free of charge to the user, that is the key point?

Senator A.K.F. Green:

I do not know the answer to those questions. Those are the questions I have asked, but most prescribed drugs are available free, not all.

6.1.5 Connétable J.E. Le Maistre of Grouville:

Could the Minister tell us why these drugs are not available in the U.K.? Are they just lagging behind, or does he think it is likely that that will happen in the future?

Senator A.K.F. Green:

To turn it slightly on its head, the majority of Europe have made it available. France and the U.K. have not. I do not think there is a reason why the U.K. have not particularly done it. I do not think they are against it, they are rather busy with other things at the present time.

6.1.6 Deputy M. Tadier:

So, given the fact that the Minister says that the U.K. is lagging behind the rest of Europe on this, why is it that we look to the U.K. and their drugs policy, N.I.C.E. (National Institute for Health and Care Excellence), *et cetera*, before making decisions which we could have based on otherwise best scientific information that was available in the vast majority of other countries?

Senator A.K.F. Green:

We look at a whole range of different things that are available to us. This report was produced within the U.K., but the U.K. Government have not yet changed the laws. I will say, though, that the Minister of Justice is aware of this statement today.

7. The Chairman of the Education and Home Affairs Scrutiny Panel made a statement regarding the Panel's report, *School Starting Age*

7.1 Deputy L.M.C. Doublet (Chairman, Education and Home Affairs Scrutiny Panel):

I will try to make it as exciting as the previous statement. For young children in Jersey, the transition to formal schooling is arguably one of the most significant events of all during childhood. Being aware of recent changes in the U.K. and of significant parental and professional interest in the school starting age locally, my panel agreed to undertake a review into the area. My key objective, throughout this review, was to keep in mind the needs of the Island's young children and to assess whether they were being well served by the Minister for Education and his policies. In gathering evidence for this review, my panel and I visited various primary schools on the Island, held public meetings and questioned the Minister for Education at public hearings. To assist us in obtaining objective academic evidence for the review, we engaged Professor Elizabeth Wood from the University of Sheffield, who is a specialist in early years' education. A comprehensive list of sources may be found at the back of our report. Our key findings and recommendations can be grouped into 3 main areas: the first is parental choice. Our current system does not enable parents to make informed choices about their child's early schooling experiences. We found that parents want more choice both in what age their child starts school, but, perhaps, even more so in what type of schooling they receive when they get there. The Minister should find ways to make the system more flexible, so that children can start formal schooling at the age they are socially, emotionally and developmentally ready. The panel found that only those who can afford to pay for private schooling have real choice in the type of education their child enters into. The Minister should consider ways to provide more choice to all families, while balancing the efficient use of staff and resources. We recognise that changes in policy and legislation may be required in order to facilitate this. Secondly, echoing all of the panel's previous education reviews, several of our findings and recommendations centre around communication. The information on school starting is mostly available on websites and in pamphlets, but the panel found that it was often incomplete, inaccessible or given too late. The Minister should make the effort to go to where parents are, rather than waiting for them to come to him. Parents should be given more and better quality information much earlier and in a way that is accessible to them, so that they can make informed choices. Finally, our report touches on the importance of consulting teachers and encouraging professional judgment in the early years when children are starting school. The Minister should continue to encourage the teachers employed by his department to use their professional judgment in providing individualised education to children in the early years. Given that parents are equally, or more, concerned about the type of early schooling children receive, as when they start, I do hope the Minister for Education will give serious consideration to the creation of a Jersey early years' curriculum. We do not have to follow the U.K. in what we provide when children start school. The Minister has a wealth of experience and knowledge available to him, locally, and should consult teachers and other early years' professionals. I would like to see him aim high and create something tailored to the needs of the Island's young children. Finally, I would like to offer my thanks to my panel and our Scrutiny Officer for all of their hard work and to the Minister and his department for the time spent engaging with this review. Thank you to all professionals, parents and other members of the public who contributed to the review in any way. Most importantly, thanks must go to the children at the schools we visited for allowing us to spend time in their classrooms. It was an absolute pleasure observing you at work and play.

The Bailiff:

Are there any questions for the Minister? For the Scrutiny Panel Chairman. I am sure I am just anticipating things, Deputy. **[Laughter]**

7.1.1 Deputy A.E. Pryke of Trinity:

On behalf of the Minister, I would like to thank the Chair and the panel for the report. I know the Minister and the department will look at the findings and the recommendations and respond accordingly. As the Chair said towards the end, we are all here to improve the education needs of all the children. It is just a question for clarification really: is the Chair able to give the number of parents who came forward to express concern of the starting age?

[11:45]

Because there is only one family asking for delay this year and, typically, there is only usually 2 or 3 a year, usually for medical conditions, out of a cohort of 1,000 children starting school. So, I just wondered if she was able to give approximate numbers, because that would help the departments. Thank you.

Deputy L.M.C. Doublet:

I thank the Assistant Minister for her question. I do not have the exact numbers to hand, but I could request that our officer provide those numbers. I think what the panel found was that parents felt sometimes they did not have a voice and they felt quite powerless when they were trying to make choices and then they did not attempt to try and change things. So, I wonder if the Minister is going to make the system more flexible, in accordance with our recommendations that you might see more parents coming forward and asking for the changes that we think that they are quietly wishing for, rather than demanding at present.

PUBLIC BUSINESS

8. Draft The Law Society of Jersey (Amendment No. 4) Law 201- (P.136/2016)

The Bailiff:

Are there any other questions for the Chairman? Thank you. Then that brings to an end Statements on Matters of Official Responsibility. We come to Public Business. We have just heard from the Minister for Treasury and Resources that P.130 has been deferred, so we come to P.136, Draft The Law Society of Jersey (Amendment No. 4) Law and the debate is now to resume following the adoption of the principles on 14th February and the referral to the Corporate Services Scrutiny Panel. Chief Minister, do you wish to present the draft law again or are we going to go straight to the ...

Senator I.J. Gorst:

You may recall that Senator Bailhache was acting as rapporteur.

The Bailiff:

Thank you. Senator.

8.1 Senator P.M. Bailhache (Assistant Chief Minister - rapporteur):

The Assembly, as you have said, has approved the principles of the amendment to the law and the Scrutiny Panel, having reported on its investigation into the draft amendment, has expressed the view that it has no comments on the substance of the amendment, although it has some recommendations in relation to the broader issue of whether there should be a review of the system of self-regulation. Perhaps I could just say, in relation to that last point that the Chief Minister is perfectly content to accept that recommendation from the Scrutiny Panel and to undertake through the Legislation Advisory Panel the review which the Scrutiny Panel has requested and to report to the States within the next 6 months. So, perhaps, on that basis I can now proceed with the Second Reading. I would like to divide up the *projet* into 3 parts and take separately Articles 1 to 7, 8 to 17 and 18 to 25 if that is agreeable to the Chair.

The Bailiff:

Very well.

Senator P.M. Bailhache:

Perhaps I may, therefore, propose to move the first set of Articles. Articles 1 to 6 of the amendment provide changes to certain definitions in the 2005 law, including the definition of professional misconduct and make other consequential amendments to reflect, for example, the introduction of legal services bodies, which was one of the principal purposes of the amendment. So, Article 7 will introduce a new part to the 2005 law, which will enable the Law Society to provide in by-laws for the recognition of legal services bodies. If I may remind Members, because it was dealt with at the time of the debate on the principles, one of the main reasons for the development of legal services bodies is to follow the lead of many other jurisdictions in having the ability for legal practices to be set up as limited liability partnerships. So, in tandem with this development, the Assembly will recall that it recently adopted a restatement of the Limited Liability Partnerships Law. So, I move that Articles 1 to 7 be adopted and will be content to answer any questions.

The Bailiff:

For the benefit of Members, those are the Articles set out between pages 21 and 26 of the draft law. Seconded? **[Seconded]** Does any Member wish to speak on those? All Members in favour of adopting them, kindly show. Those against? Those Articles are adopted.

8.2 Senator P.M. Bailhache:

I move to Articles 8 to 17, which deal with the action to be taken on receipt of complaints by the Law Society and hearings before the Disciplinary Committee and hearings before the Royal Court. Perhaps I could just highlight some of the changes. At the level of the Disciplinary Committee, the complainant will now be represented by the Law Society, through a local practitioner and Law Society member who is to be appointed as the case delegate, and not the complainant. The reason for this is that experience has shown that if a case is not professionally presented, the complaint may not be put forward as fully and effectively as it should be and it is more difficult to do justice to the complaint. So, the amendment will have the effect that the complainant will no longer have the burden and responsibility of presenting the complaint, presenting the case and cross-examining witnesses. The view is taken that that is an unfair burden to place upon a lay person, particularly in circumstances where the complainant may be very emotionally involved in the issues underlying the complaint which has been made. The revision of the complainant's role from a party to the litigation to a witness is thought to enhance the efficiency of the Disciplinary Committee process and bring it into line with the Royal Court procedure where a complainant may be called as a witness, but where the conduct of a case is carried out by the Attorney General, or a Crown Advocate, on his behalf. It is also analogous to criminal proceedings in general where a complainant does not prosecute the allegation, but it is presented by a professional prosecutor. The Disciplinary Committee will have the power to make a finding in respect of a complaint following a hearing, but also the option to refer the matter to the Attorney General if the committee considers that the potential sanctions that it might impose are not adequate to deal with the conduct in question. If the committee does consider that its sanctioning powers are adequate in a particular case, then it may impose a sanction. So, the effect of the draft law will be to give the committee more teeth, so to speak, because as well as a private rebuke and a public reprimand, it may also impose a fine of up to £10,000, which is the same level of power as limits the jurisdiction of the Magistrate's Court in criminal matters. In line with the practice of the majority of other courts and tribunals in the Island, the legal member of the committee will now chair the proceedings, but the lay members will remain in the majority. Finally, the Disciplinary Committee is required to publish

its decisions where it finds that a complaint is proved and it imposes some sanction against the legal professional. The Royal Court, of course, will continue to publish its judgments in the normal way; however, as disciplinary proceedings are *in camera*, there would be no publication of the findings of the Disciplinary Committee, or the Royal Court, if the complaint is dismissed, or if a finding that a complaint has been proved is rejected on appeal by the Royal Court. I move that Articles 8 to 17 of the Bill be adopted.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting those Articles, kindly show. Those against? The Articles are adopted.

8.3 Senator P.M. Bailhache:

I move to Articles 18 to 25 of the Bill, which contain certain housekeeping changes and also provide for a regulation-making power so as to allow the States to amend the 2005 law by regulations. The power to make Rules of Court has also been amended and clarified and transitional provisions have been included to provide that any complaints received in the 3-month transitional period immediately before the law comes into force shall be dealt with under the new procedure; whereas, if complaints are received before that point, or proceedings are already underway, then the complaint will be dealt with under the old procedure. I move that Articles 18 to 25 be adopted.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting those Articles, kindly show. Those against? The Articles are adopted. Do you move the Bill in Third Reading?

8.4 Senator P.M. Bailhache:

Yes, I move the Bill in Third Reading. Perhaps I could just take the opportunity in so doing of thanking a number of people who have worked very hard on bringing these amendments to fruition, including all those in the Law Officers' Department, the Law Draftsman's Office and indeed the Law Society itself. So, I move the Bill in Third Reading.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Yes, Deputy Le Fondré.

8.4.1 Deputy J.A.N. Le Fondré:

I would also just like to make a couple of points and I thought it was most appropriate here, rather than debating on the Articles. Firstly, I would like to thank those who appeared in front of the Corporate Services Scrutiny Panel to assist us in our deliberations by way of briefings, *et cetera*. What I would just like to do is refer Members to the last 2 paragraphs in our comments, which I will just read for the record, if that is okay, which is: "The panel understands that the disciplinary system in Jersey is similar to that of other small jurisdictions and that efforts are made to ensure impartiality in the system and to avoid conflicts of interest. However, the panel considers that a wider review of the system of self-regulation is required at a subsequent date, this falling outside the scope of the review of the proposition." That is what Senator Bailhache has referred to: "One specific example that the panel has considered is the potential for establishing a legal ombudsman, or similar body, which would stand separately and distinct from the Law Society of Jersey and the local legal profession. A precedent for this type of independent adjudicator has already been set with the establishment of the Channel Islands Financial Ombudsman. It might be possible that this structure could be replicated for the legal services industry (possibly even sharing administrative

resources), and the panel recommends that further work is undertaken by the relevant departments to explore the feasibility of this, with a report back to the States Assembly within 6 months.” The only observation I would like to hear from the Senator, if possible, I know you are rapporteur, is that, obviously, we trust and welcome that the Legislation Advisory Panel will be looking at this, but obviously that they will seek opinions from the relevant departments which would include, I guess, Financial Services, but definitely Economic Development, as to the feasibility of what our recommendation is. Thank you.

The Bailiff:

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

8.4.2 Senator P.M. Bailhache:

I thank the Chairman of the Scrutiny Panel for his intervention and I certainly confirm that the Legislation Advisory Panel will consult very widely in relation to the suggestions that have been made by the panel.

[12:00]

I would like to say, and I am sure the Chairman of the Scrutiny Panel will agree with me on this, that there is no evidence of which I am aware that the members of the Law Society, who have been engaged in different disciplinary enquiries over the years, have shown themselves to be other than extremely impartial and independent in their dealings with the investigation of complaints made against fellow professionals. I think it would be a pity if there were to be any suggestion that there has been any doubt in that respect, because, certainly my experience is that the investigations are undertaken extremely professionally and with the utmost integrity. So, I move the Bill again in Third Reading.

The Bailiff:

Those in favour of adopting the Bill in Third Reading, kindly show. Those against? The Bill is adopted in Third Reading. We now come to P.14/2017, E-petitions, lodged by Deputy Wickenden and I ask the Greffier to read the proposition.

Deputy S.M. Wickenden of St. Helier:

Sir, can I just ask first? Members will be aware that there has been a briefing arranged for today’s lunch recess by Anne-Marie Griffiths, who is the Clerk of the House of Commons’ Petitions Committee, who has kindly come over to answer questions on how it works and practicality and lessons learnt from enabling the e-petition system in the U.K. So, it gives Members a chance to hear more about it, could I kindly ask for Members to agree to take the recess now, early, and then we will continue with the e-petitioning proposition after the recess?

The Bailiff:

What time are you proposing that we reconvene?

Deputy S.M. Wickenden:

Well, when Members feel that they should, but normally it is an hour and a half, is it not, so I propose that we finish now and we come back at 1.30 p.m.

The Bailiff:

There is some muttering. Chief Minister?

Senator I.J. Gorst:

Could I amend that to 2.00 p.m.? I understand that the Vice Chairman of P.P.C. would be prepared to take the appointment, P.20, I think it is, although I think it is only fair to the Connétable of St. Clement that we do not start P.18 until his return after lunch. He has had to go away to attend a funeral and I hope that Members will understand why he is not able to start that prior to the lunch recess. I wonder if we could just take P.20 and then adjourn until 2.00 p.m.

The Bailiff:

Vice Chairman of Privileges and Procedures Committee, you are ready to take P.20 now, are you?

Connétable D.W. Mezbourian of St. Lawrence:

I am, yes.

9. States of Jersey Complaints Panel: appointment of members (P.20/2017)

The Bailiff:

Yes. Well in those circumstances, Deputy, perhaps we can come back to your proposition for an early deferment in a moment and take P.20 at this stage. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with Article 5(2) of the Administrative Decisions (Review) (Jersey) Law 1982, to appoint the following persons as members of the States of Jersey Complaints Panel, from whom members of Complaints Boards can be drawn, for a period of 5 years: Mrs. Susan Cuming, Mr. Gavin M. Fraser, Mr. David Greenwood and Dr. Gwyn Llewelin.

9.1 The Connétable of St. Lawrence (Vice Chairman, Privileges and Procedures Committee):

As Members will have seen, the proposed appointments of the 4 new members of the Complaints Panel have gone through a robust appointments process and their biographies are clearly set out in the appendix to the report and the Complaints Panel system is explained clearly within the report to P.20. I am just very happy to commend the members to the Assembly. Thank you.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the proposition, kindly show. Those against? The proposition is adopted. It is proposed by Deputy Wickenden that the States now adjourn until 2.00 p.m. Does any Member wish to speak on that? No? Then will those Members in favour, kindly show? Those against? Very well, the States will now adjourn and reconvene at 2.00 p.m. this afternoon.

[12:05]

LUNCHEON ADJOURNMENT

[14:01]

10 E-Petitions (P.14/2017)

The Bailiff:

Very well, we come to P.14, E-petitions, lodged by Deputy Wickenden, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion - (a) that a system for enabling people to petition the Assembly by electronic means should be introduced; and (b) to request the Privileges and Procedures Committee to bring forward specific proposals for an e-petitioning scheme, including any necessary Standing Orders changes, before the end of 2017.

10.1 Deputy S.M. Wickenden:

First of all, can I thank everyone that was able to attend the briefing today at lunchtime? Can I thank Anne-Marie Griffiths for coming over and taking the time to talk to us and answer questions about how the e-petition system works in the U.K.? **[Approbation]** I am not going to say an awful lot. Hopefully enough was said at the lunchtime debate; though if anyone wants to air something publicly now about a question that can be answered, I am more than happy to answer at the end of this. Really and simply, e-petitions is something that is happening across the world right now. It happens in Canada, some areas in Australia, in the U.K., Scotland, Wales. It is something that is coming, it will come eventually, and I think it is right that we start looking at it now. Of course, petitioning has always been the long-standing way for the members of the public to get their name *en force* across to the elected Members of their constituencies or their parliament or their county, so really all I am going to ask is this proposition just lays out: would we accept rather than just in paper format that we will accept petitions in an electronic format by this Assembly? Of course, there are questions about what age limit, what is the threshold for starting a petition which do need to be answered. I think anyone that has got some views on if we are going to do the same as the U.K. where a number of signatories then gets a response from government and then a further number of signatories creates an in-Committee debate within this Assembly, what those thresholds might look like if we wanted to do it like that. Do we set up our own, as in the U.K., Petitions Committee or do we ask the Privileges and Procedures Committee to take it on depending on the numbers of petitions we receive? All has to be answered in some way. But that would be up to us giving our responses to P.P.C. for them to put together the proposals of what it should look like in actual fact, so again I would like to just bring forward the question: would you like this Assembly to receive petitions in an electronic format? With that, I propose the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? Yes, the Connétable of St. Martin.

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

Yes, I will speak if I could. The Deputy has brought an interesting topic to the Assembly today. Sadly, the lunchtime briefing was a little bit close to the debate. I would have preferred to have it a little bit sooner but I thank the Clerk for coming over and explaining it so thoroughly with the enthusiasm that she had. The proposition made me spend a bit of time over the weekend having a refresher and reading up Standing Orders, and in particular Schedule 1, and then finding there was an appendix at the back of the proposition anyway after I had downloaded it. Before doing that, I will look at the proposition itself, what he is seeking. Basically, I think he is asking the Assembly that we are of the opinion that a system is introduced to allow people to petition the Assembly by electronic means and, secondly, to request P.P.C. to bring forward just specific proposals for the e-petitioning scheme before the end of 2017. No more, no less. I am not sure from the comments at lunchtime today if the Deputy himself was thinking this would be introduced by the end of this year or just coming back before the end of this year with proposals to be debated. He might be able to do that in his summing-up; maybe I have misunderstood. How often we can go off on a tangent during debates, wording of propositions is so important, so I do not think he is after this by the end of 2017. I then referred to the helpful comments from P.P.C. and I noted that they were broadly

supportive of the initiative and explained that the issues that they found were not insurmountable. But in between that they then go on to ask/suggest various questions. They identified 6 bullet points and up to 30 individual questions so not quite as simple as it might seem and that was before they even started looking and before the presentation we had at lunchtime today. We read that similar queries and questions have been raised and addressed in other jurisdictions; of course, they are not surmountable. P.P.C. also go on to suggest that the implementation date would be May 2018. If I could just say, if this is approved today, the Deputy will be happy. P.P.C., albeit with a heavy workload, they will be happy and the public will be happy. I wanted to speak because my only words of caution fall on a number of fronts. The Deputy speaks of a modest cost in setting up the e-petition website and suggests a figure of between £10,000 and £20,000. It was quite a broad figure that seems to have been plucked out of the air. I do not know, he knows better than I do. But if previous history is anything to go by, and the Deputy is better qualified to speak on this, I think it is a figure plucked out and it might rise. Secondly, the States Greffe, the Greffier, may not find it so easy, as suggested, in time to absorb the cost of administering the e-petition scheme. I will not go down the road of the Freedom of Information, for instance, how much that has cost this Island. We know that some of the questions, how much for the biscuits or how much for the water consumed, that is what we are going to keep going down. We know the additional work for the Greffier from the cameras in this Assembly and having the additional member of team having to work and sit through each sitting. Every little bit counts and every little bit of savings also counts. Then going through what the Deputy has put in his proposition, there have been 26 petitions since 2005 and of course this will run in tandem with the hard-copy petitions, from what I understand. Thirdly, the other point I wanted to make, something that may become large if we think in fact to the points I have raised, the financial implications, I think it will ... and initially we have heard today that the initial impact is going to be high. How easy is it to sit at a desk, computer keyboard and a screen in front of you and forget the art of speaking and talking to people? I am sure there are many people out there who would happily compose a petition. I thought of one at the weekend: should tax be abolished? Yes, I am going to sign up to that. We have had the recent one with the lifeboat where people were signing a petition without knowing the facts. As Martin Luther King once said: "I have a vision." Well, I have a vision that one day we might reach a stage where we do not even have to talk to each other. Sadly, letters are a thing of the past, emails are a way to correspond, emails to colleagues in adjoining offices, even in opposite desks in the same office, keyboard to keyboard. I pride myself in writing letters, good or bad, and when I say that, the bad ones, I mean they are poor letters I may have written, not bad news. But even more so in meeting and speaking with people face to face, is that not the best part of an election campaign? I might not have had to fight in an election but I still went around and knocked on every door in the Parish and that was the best part of that campaign. That is the way I think we build bridges, not necessarily on an e-petition. The Deputy himself has referred to it that we have got this growing gulf and maybe this would be a way to serve it. I do not think it is through a keyboard, so I do not share that direction with him, although I know he has got the best of intentions. I will be supporting the proposition. I have every confidence with P.P.C. researching the subject and putting together a thorough report for us to consider at a future date. That report will contain all the possible consequences and the likely costs of those proposals, not just the hardware, albeit I am afraid P.P.C. will not be able to predict how many e-petitions that may be submitted however good those members in P.P.C. are. I think the proposition today, this debate, is not about an alternative way of submitting a petition, I think this is about a new concept, a new process likely to result in a considerable rise in work for the Greffier's Department. I have no more to say; I wanted to make those points today. Thank you.

10.1.2 Deputy M.J. Norton:

Can I congratulate Deputy Wickenden on bringing this proposition, albeit, and I do take the comments just made by the Connétable of St. Martin, with regard to more questions than answers? Yes, of course there are questions to be answered yet; however, as we learnt at lunchtime today, and as has been learnt from the Scottish and Welsh Parliament Assemblies and from the U.K. and from Canada and from other such places, the engagement level that has been raised with the public by having online petitions, those that do not reach the stage of effecting what the petitioner wanted in the first place is really important because what happens is that people get answers from Government, they get answers from their Parliament. They sometimes reconnect with their parliamentarians and that in itself is so important and for some the engagement that we do not have at the moment may well be increased by those online with e-petitions and that can only be a good thing. From that perspective, while I agree that we still need to know final costs and the details, and P.P.C. will have even more work to do, which I now sit on and I am so grateful for, I would suggest that this is an obvious proposition to support at this stage so we can explore this further, so we can engage with the electorate further, so that we can open our doors even further. I will be supporting. Thank you.

10.1.3 Deputy M. Tadier:

It was someone far more intelligent than I, or maybe many of us, that said that you should make a problem as simple as possible and no more simple. I think there is a risk that some of us might want to overcomplicate this and some of us may be seeking to oversimplify, which I think is the concern raised by the first speaker after the proposer, that are we today voting on a principle here, the principle which seems to me entirely sound and very difficult to find an argument against. If we have paper petitions in an increasingly-electronic era, then it seems eminently sensible that we should allow the facility for signing a petition electronically which I think is the key point. But similarly, there will be a re-questioning of the *raison d'être*, if you like, of what petitions are for and where the threshold should be in the interaction between citizens and their petition coming to the Assembly. So, the whole question about the mechanism through which the petition is presented potentially does come in for review and for question in part (b). So, the reason I think part (a) is so obvious, and I think it is the very key point, is that it is the way the public engage with the petition at the time. How do you get your signature on to that petition?

[14:15]

You can either do it with a paper petition, somebody potentially in King Street, Queen Street or going door to door saying: "Will you sign this petition?" and having to put your signature on it or what is more likely, most people nowadays at least want to have the option of saying: "I received this in the form of an email. I received it via social media. I agree with the wording of the proposition and first and foremost I know that it has been sanctioned by the authority of the Clerk's Office, the Greffier in Jersey, who say that, yes, this is a legitimate proposition and there will be a procedure that will be followed" so you can sign it with the full knowledge that you will be certified and verified as somebody who has got the authority and ability to be eligible and then the proposal will go forward as necessary. I think that is the way I see it and the first part of this should not be at all controversial, it is something that we should be doing and it is something I am also pleased that the Deputy is bringing forward. I would like to ask perhaps just for transparency whether or not this is being brought forward as a ministerial position because it seems that it is something that the Deputy could and perhaps should have been expecting the full backing of his Chief Minister's Department on. It is something that seems is completely compatible with his position as the Assistant Minister for Digital Jersey. But either way, I think it is important that this is debated and passed today. What I would not like to see is that we overegg the pudding. It is quite right that the Deputy is saying we do not need to reinvent the wheel and certainly where the technology is concerned, it is probably almost as simple as copying and pasting a few lines of code

and adapting the right text for the Jersey context. But we do have a completely different parliamentary context, it goes without saying, to that of the U.K. and of other Parliaments or Assemblies. Now in some ways we have a really great and accessible system already and what I would not want to see is that petitioning ability of a member of the public to be eroded in any way on the back of something which is meant to be more progressive. So, we need to have electronic petitions, I think that goes without saying, but, as I said, I do not want to see an erosion whereby somebody as an individual can now submit a petition in their own name. The threshold for that is not a numerical one, it is not 1,000 or 10,000 signatures on that petition which says this will automatically trigger a debate or it will likely trigger some kind of debate or ministerial response. That may need to be considered but I think the option should still be there for a person to submit an electronic petition regardless of how many signatures there are on that, provided that that person or that group signing the petition can find a States Member who is willing to present it. In that context, the number of signatures is not so important as the content of the proposition. It is entirely possible for one individual, and we have seen it in the Scrutiny process, whereby one individual has suggested a topic which years later has found its way into legislation and policy changes. That does not mean that the idea is any way linked to the number of people that have signed the said proposition. It is entirely possible for a petition to have thousands of signatures but for the wording or the intent of that proposition to be either completely unviable or politically unrealisable. So, these are my concerns in that, that we should not reinvent the wheel. We should make sure that what we have in the future builds on what we have already got and I think it is important. I remember perhaps looking back to 2014 when I was able to present 3 separate propositions to this Assembly for 3 different individuals on their own behalf with one signature on a very important issue which today has realised some fruit in this Assembly on the issue of medicinal cannabis. Now if we put a threshold in to say that these people needed to get a certain amount of signatures, that might not have happened, and it was not appropriate in those individual cases because those people knew better than anybody else what their particular issue and their suffering was and how legislation could be changed to help them. I think it is important that even if issues are not resolved immediately, but an individual in our society, with the backing of a States Member, who may not even necessarily fully agree with what is being proposed, you can have that democratic safeguard that voices, even minority voices, can be heard in this Assembly. So by all means today, give Deputy Wickenden the ability and the green light to go ahead with this much-needed and great proposition but I think we do need to make sure that when P.P.C. are looking at this, as I said, they do not overegg the pudding. They may wish to consult of course with the membership and the public on what the new proposals look like but I would say do not undo some of the very good systems that we already have in place regarding petitions in Jersey.

10.1.4 Senator P.F.C. Ozouf:

The annual Members' Christmas lunch was an annual treat when the former Greffier treated us with his Clarrie mobile phone telephone conversation where he recounted the events of the last 12 months with his friend, as I recall, Hedley and his wife Muriel and others. So, we continue to salute the work of the former Greffier but as all good things come to an end, a page was turned, and that page was turned with the arrival of our new Greffier. In thinking about the proposal of Deputy Wickenden, I looked at the report which I think was the product of the work of the new Greffe with his staff, R.5, which was *Engaging the Public with Jersey's democracy: a 3-year strategy*. In that report it is said, despite the excellent ... and our Assembly website is, I think, one of the most-visited websites in Jersey and it has been regarded as a brilliant website just like the J.L.I.B. (Jersey Legal Information Board) website, if I may say, Sir, that you are President of are one of the 2 most visited websites in Jersey. Now, why does that matter and why is this relevant to this debate? Well, despite the fact that we think that that was good and it is good, it is not good enough in terms of our modern tech world today. The report, R.5, says public engagement has developed piecemeal

in recent years without any underlying strategy or co-ordination. There are new developments in open data and digital-first not being exploited. There is a strong risk that our services - that is parliamentary services - will fall increasingly short of both the public's and Members' expectations unless we keep up, and this would undermine the Assembly's reputation at a time when trust in politics in Jersey, as in many democratic jurisdictions, appears to be waning and electoral turnout remains stubbornly low - we are going to get on to that a bit later - adversely affecting the Assembly's effectiveness in representing the best interests of Islanders. If the Assembly is increasingly seen as out of touch from people it serves, Jersey's democracy will be damaged. At the heart of this proposal is an innovative, modern way of connecting Islanders with this place, which is their Assembly, their Parliament, the places where they expect decisions to be taken which are relevant to their lives, relevant to solving problems in their lives, and relevant to issues of their friends and families. Anything with the disconnect that we have between the public and this place that can reconnect that and make it more relevant and draw people's attention to the debates that we have or think that a significant view of Islanders would be taken seriously must be a way to connect people with democracy. We have a long way to come and this is one way to do it. I was honoured and pleased that Deputy Wickenden could come to Estonia with me last summer. Estonia is a world leader in e-voting, e-democracy, e-Parliaments, e-Cabinets. You name it, it is online and it works and we, as a small jurisdiction, could do better to look at them and effectively see how they do it. There are solutions. The United Kingdom is a world leader, I think, in e-petitions. It has been followed by Parliaments in Canada, in certain provinces in other countries, certain states in Australia, and the U.K. is clearly leading, along with Estonia, in this regard. If we are to be a truly digital Jersey in all senses of the word, then e-petitions are a way of achieving and sending out a message that we are doing it. Of course, there are controls and, of course, there is a cost, but we have also heard from the Greffe that they believe that they can absorb that cost in the way that they can administer this. Certainly, for those Members who are rightly concerned about security, security perhaps in larger countries is a bigger concern, and I mean security of the things called bots and these automatic people that just vote repeatedly on petitions. In a small Island that does not happen. The risks are much lower and an electronic I.D. (identification) is going to be at the heart of rolling out digital services and that would be a feature, as I am sure that Deputy Wickenden would say. Whether or not he is acting as an Assistant Minister or not, there is no reason not to support this proposition. It is congruent to eGov, it is congruent to being a digital leader, and it is congruent to better democracy, and I hope Members will support it.

10.1.5 Deputy J.M. Maçon:

Just very briefly again, I am very supportive, of course. In one sense, of course, it can always be a double-edged sword because we never know what exactly is going to come forward. It may be some very controversial matters which perhaps as Members personally we may not want to be associated with. That does not mean that the debate should not be happening in this Assembly, which I think should be welcomed. All I really wanted to add is that I do appreciate there is a lot of thinking that must go on behind the administration. My personal view I just wanted to put on the record is that I think it should be tied into being on the electoral roll and whether there should be an automatic process that when you sign up to the petition it automatically puts you on the electoral register. How that is going to be done with the other databases that we currently have is something which does I think need to be thought about, but what I would say is that it is always easy for Members to say this, that and the other should be happening and leave P.P.C. to do it, but what I would say to P.P.C. is if a subcommittee is to be formed I am more than happy to volunteer and contribute towards that because I do appreciate that there is a lot of work which goes on behind this. Broadly, I am supportive. I think what was highlighted to us during the presentation is also how much work goes on, unseen work, about educating and informing the electorate who engage within these processes about parliamentary processes and procedure. While they may not get

exactly what they wanted, they may be able to influence change in some manner, and that is always to be welcomed that may not always grab the headlines. Therefore, I will be supporting this proposition.

10.1.6 Deputy K.C. Lewis:

Very briefly, most jurisdictions who have this already sometimes or often use the electoral register. So the voting age, of course, is 18. As Members are aware, we have a voting age of 16. Does the proposer envisage mirroring that difference?

10.1.7 Deputy G.P. Southern:

As I mentioned in the meeting earlier, I just wonder whether, in fact, this is the appropriate move in that we have a very accessible Chamber Assembly where Back-Benchers have the right to bring any proposition that they deem and it is very, very instant access for a Back-Bencher. I am just wondering whether, in fact, we do need this formalisation of an efficient system which, it seems to me, may be supplementary rather than complementary.

10.1.8 Connétable L. Norman of St. Clement:

Yes, just very briefly. Obviously, P.P.C. are delighted to support this proposition as it was due to be part of a work plan, perhaps in a longer timescale than Deputy Wickenden wanted. What I also want to confirm and emphasise is this is part of what we are trying to do to engage and re-engage very much with the public. I think of Hansard. I think about these cameras. I think about eGov and now e-petitions. It is about trying to communicate with the people who put us in this place and the people that we represent. I would also like to say thank you to Deputy Maçon for volunteering to be on a subcommittee if we decide to set one up to investigate this matter, and I think that probably is a proper way to go and would probably be quicker than the main committee trying to do it all by itself. I can assure the Deputy that if we do set up a subcommittee he will be the first one to be invited, as will everyone else who has spoken in favour of this proposition. **[Laughter]**

[14:30]

10.1.9 Senator S.C. Ferguson:

I would just like to add a quick note of caution. This is complementary to and should not be considered to replace paper petitions. That is incredibly important because, as Members of the Assembly will realise, a lot of the voting public are old or are older. They do not have computers, they do not intend to have a computer, and if you decide that you are going to replace the paper petition because it is expensive, then you would put them in a very invidious position. So, there are no quick economic fixes from this to save money. We must keep the paper petitions as well.

The Bailiff:

Does any other Member wish to speak? Then I call on Deputy Wickenden to reply.

10.1.10 Deputy S.M. Wickenden:

Thank you to everyone that spoke in favour or had questions on this proposition. I am just going to deal with a couple of the issues. I tried to make this proposition as simple as possible because I would not like to come and try and dictate how anyone in this Assembly would feel that an electronic petitioning system should go, though I do see that there will be some synergies with the way they do it in the U.K. Unlike the F.O.I. (Freedom of Information) where there is an awful lot of cost involved, as the Connétable spoke about, that is about trying to collate an awful lot of information. The overheads in a petition is just to make sure it is something that the Assembly can do, which would probably be the very first check if somebody was raising a petition. Is it that you are asking for something the Assembly is able to talk about? Can they do something about it? If

not, then it probably will not pass that first border, and there will be others that will check. You would not want to see a petition about somebody's neighbour because they wanted their hedge cut down, and we should not be talking about that in the Assembly. The costs as such, again, of course, £10,000 to £20,000. We are not going to have to build this site. The U.K. Government have it on open source, so we already have it built into our system. We are testing it now to make sure it all works and that it is all done. So, the cost of that is very low. The cost on what is between £10,000 and £20,000 depends on what our threshold is. Do we want a digital I.D. solution for somebody that was going to petition? Was it going to be using Facebook to register to say that you want to sign? What is the level of assessment? Is it going to be we can lock it down, called G.o.I.P. (Governance over Internet Protocol), that says that only if you are within Jersey can you sign the petition, so we cannot have multiple people from outside. If we wanted to do that, if everyone in the Assembly wanted to do that, that is a possibility. Do we want to check against the electoral register? That is also a possibility. Depending on what this Assembly chooses with a subcommittee, which I would also volunteer to be on, of course - I will tell the Connétable - depending on how the thresholds are and what we set as an Assembly and what is agreed when it comes back depends entirely on how high the costs will go, but the overall running of it, we already have the service so we do not need to worry about that. The website is already up so we are just linking the code in. The cost is relatively low. The cost of the time for the Greffe's team will have to be seen on what that costs. I do expect that we will have a very large raft of start-up petitions, but I think it will peter off in time. I think there will be a lot of things that people would like to do. This is, of course, not going to replace the paper petitions and I would not like it to. I have been involved in my very short time in this Assembly on a number of petitions, going around and talking to the people of Jersey and explaining why we are doing a petition and what the issues are to see if they are willing to sign it with as much information as I can provide. I think that is absolutely right and I will still continue to do it even if there was a petition. Of course, I think this petitioning system should be a tool for the people of Jersey, not for politicians. I think that was one of the challenges they had in the U.K. Parliament to make sure where that threshold stands.

Deputy J.M. Maçon:

Will the speaker give way?

Deputy S.M. Wickenden:

Yes.

Deputy J.M. Maçon:

Does that include former politicians as well?

Deputy S.M. Wickenden:

I see where he is coming from. No, I do not think we should bar any former politicians, but that is my view. Again, it is up for this Assembly to choose how it is going. No, this is not a part of my ministerial role. This was a private Member's proposition, not that it matters. We do have to look at is it one person signing the petition or is it 10. The idea of a petition is to try and get a raft of people that are interested. There is already the ability for one or a few people to get their voice in the Chamber, as has rightly been said, and that is to contact your parliamentarian, your politician. Deputy Tadier also mentioned that he had 3 that he has brought in and today we have seen some fruits of that labour, which is very good. That will not go away either. We are very approachable in Jersey to your elected Members, I think, so I do not think that should be a problem. But again, it will be up to the Committee or the subcommittee of P.P.C. to go out and garner opinions and support for how they see the system working. I think voting age was mentioned. I would not mind if it went down to 14 years old and we will get young people in schools to get involved in what we are doing in politics. I do not see there should be a problem with signing a petition at an earlier age

than 18 or just on the electoral roll. The sooner we get people engaged in the political system then the better I think we will be in the long run in Jersey. I think that covers all of the points. I would like to say thank you again to everyone that is supporting this, and I do hope you will support this. With that, I would like to raise the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether or not to adopt the proposition of P.14/2017 and I ask the Greffier to open the voting. If all Members have had the opportunity of voting, I ask the Greffier to close the voting.

POUR: 47		CONTRE: 0		ABSTAIN: 0
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				

Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

11. Draft States of Jersey (Amendment No. 9) Law 201- (P.18/2017)

The Bailiff:

We now come to P.18/2017, the Draft States of Jersey (Amendment No. 9) Law, lodged by the Privileges and Procedures Committee. There are 2 sets of amendments lodged by Deputy Andrew Lewis. However, the second set of amendments will not be able to be taken if we reach that point where they would normally be taken today because the debate to a contrary proposal was 3 months ago tomorrow. So, we come to P.18 ...

Deputy A.D. Lewis:

I wonder if it is possible to ask for a ruling whether it is possible to suspend our Standing Order 20 so that it could be taken if Members were approving and if you felt it was possible.

Senator P.F.C. Ozouf:

I would like to raise a point of order.

The Bailiff:

All right, let us have them all at once then.

Senator P.F.C. Ozouf:

I communicated to Members ... I do not believe I am the only Member to have been rather taken aback in seeing that a proposition which had been discussed by this Assembly 3 months previously was permitted to be lodged. I think that this Assembly, if I may say so, is entitled to an explanation because I for one know for certain that a previous proposition that I attempted to lodge on, funnily enough, a similar issue concerning senatorial matters which was debated 3 months before was not allowed to be lodged. My understanding was that that was the rule, is that nothing would be lodged within the 3 months. If the interpretation of Standing Orders has been changed, then I would ask on a point of order of what the ruling is now because the rules seem to have changed.

The Bailiff:

Well, as far as that is concerned, Senator, I do not think I was aware of the previous occasion, so if there has been inconsistency, that I regret. The decision I took was on a construction as I read it of Standing Order 20 of the Standing Orders of the States, which I consider deals with the question of when you can vote on a contrary proposition and not on a question of when you can lodge it.

Senator P.F.C. Ozouf:

You are unaware, if I may, of previous rulings that that was not the case previously?

The Bailiff:

I certainly did not have any previous rulings in mind when I made this particular ruling, and I was certainly unaware of it at that time. I may be generally unaware of it, I am not sure.

Senator P.F.C. Ozouf:

But this ruling supersedes all others?

The Bailiff:

The ruling has been made.

Senator P.F.C. Ozouf:

The ruling is now that this is the rule?

The Bailiff:

Because the Standing Order in my view properly construed simply prevents the proposition being voted upon during the 3-month period in question. It does not prevent lodging.

Deputy J.A. Martin:

Before we go on to debate Deputy Lewis's amendment to Standing Orders, could I ask a matter of procedure on where we are at the moment? From my understanding, the Chairman of P.P.C. will propose P.18/2017 and we will have a discussion on the principles. From the reading of what the Greffier has sent round and my understanding of Standing Orders, after the principles you, Sir, will then ask Scrutiny if they want to scrutinise the legislation under Standing Order 72(1). Would that then not be without any amendment to the legislation? It is just to get my head around it and probably everyone else's. Other than that, I think we have to wait until Standing Order 79 if the amended proposition went all the way through. Then we would have to be in the position of asking whether this could be referred to Scrutiny and taking a vote in the House. Sorry, it is procedure. I just need to know.

The Bailiff:

There are 3 relevant Standing Orders, it seems to me, in this connection. The first is that if the principles have been agreed then Scrutiny is given the opportunity of calling the legislation or regulations in for scrutiny. The purpose of that, the purpose of calling in at that point, is to look at whether or not the law as drafted properly meets the principles which have been agreed. It is not an excuse, as it were, to consider any other principles because the States have approved the principles. That is the underlying purpose of that Standing Order. Under Standing Order 79, anyone, including panel members, may propose at any time that the debate be suspended and referred to Scrutiny and there can then be a debate on that question. Under Standing Order 86 the proposer, of course, when Scrutiny have finished may move the proposition afresh to take into account any amendments which might have been lodged then by the Scrutiny Panel or, indeed, anybody else. I hope that is helpful.

Deputy J.A. Martin:

Yes, thank you. It is very clear.

The Bailiff:

Very well. Deputy Lewis, in principle your proposition to lift Standing Order 20 can be put to the Assembly and if appropriate I will put it, but not yet because we will first have our debate on the principles. I ask the Greffier to read the citation.

The Greffier of the States:

Draft States of Jersey (Amendment No. 9) Law 201-. A law to amend further the States of Jersey Law 2005. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

After nearly 20 years, at least 17 years, of investigations, reports, discussions, roadshows, Mori poll, electoral commissions, special committees, massive consultation and innumerable debates - and I have taken part in every single one of them - 3 months ago the States made an informed, clear and democratic decision on reform of this Assembly. The States decided 3 months ago that they wished to reduce the number of Deputies by one to 28 and to create 6 electoral districts whereby those Deputies would be elected, 2 in St. Helier, which would elect 6 in each district, and 4 in each of the other districts throughout the Parishes. That is the decision of the States. This amendment to the law gives legal *vires* to that decision, puts that decision into law. I propose the principles.

[14:45]

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak? The Connétable of St. John.

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

This Island has for many hundreds of years, even prior to the Constable of St. Clement **[Laughter]**, relied on the stability of the parochial system. It was once explained to me, totally incorrectly, that it was the united States or, rather, the united Parishes of Jersey that made up the States of Jersey and it often sits in the back of my mind that we do have 12 Parishes that makes up the States of Jersey. It is so very important that these Parishes are protected at all times. They are the basis of Jersey's traditional honorary system. Our honorary system, sadly, is under continual threat and the loss of the honorary system, be it the Roads Committee, the Honorary Police, used to be us here in this Assembly, if that is lost then Jersey will lose an enormous part of its heart and soul. I am not a person for tick-box mentality. I am a person for common sense. I get very agitated sometimes when people say: "Oh, you have to do this." I had one classic example when I was converting one

of my sheds to industrial dry storage. I had a building inspector tell me I had to have a ramp to the fire exit, and the ramp went across where the forklift trucks went. If the forklift trucks went over the ramp, then anything on the forklift truck would fall over. I argued that this ramp was unnecessary. I rang Health and Safety and I said: "Are wheelchair bound and disabled people allowed to work in this area where there are forklift trucks?" "Oh, no, sir, they are highly illegal." So I said: "Why do I need a ramp to that fire exit?" "Well, that is a stupid idea. You do not need it." So here were 2 organisations totally contradicting each other with both very good arguments. I took the simple, common sense view. I smiled at the 2 inspectors and said: "Sort it out." This is very much the case we have today. There are very good arguments in both ways, but we are in very great danger of doing the famous thing: the bathwater is dirty, let us throw it all away, including the baby. I would urge Members to think very, very carefully and come to the common sense decision of maintaining what is traditionally Jersey and what we or certainly I have always fought so hard to maintain. I would urge Members to vote against the proposition.

11.1.2 The Connétable of St. Martin:

I have to say if you prepare your notes before a debate too early you see changes happen, as happened with the hospital debate. I do not know how many times I changed it. If you prepare at the last moment, as I was expecting a debate tomorrow, you suddenly find that you are too late, like I am. So, I have added a few bits to my few notes. I think I will only speak the once and I will only speak in this part, if we get to the amendments or not. I am sure we will probably hear many times during this debate about the public having no confidence in States Members, esteem at an all-time low, the worst ever States. Well, that will be until the next States come in and, of course, we were worse than the last lot. But I think we should try and stop the self-destruct comments that we have. The more you say them, the more you start to believe in them, that they are true. Before we get the self-destruct button, are we so bad? I was infuriated to read the media reports just 3 weeks ago that States Members could not read a 110-page Scrutiny report over the Easter weekend. What nonsense, of course we did. But, of course, people believe the media. That was not the issue and it went unchallenged and probably rightly so because of the contempt it received. No one wants to start a tit-for-tat argument with media commentators, if that is a parliamentary expression. The delay was because we wanted to get it right. Like other Members, I spent that weekend cutting and pasting, and literally I was cutting and pasting pieces of paper, to get the amendment on a large sheet of paper, and counter amendments, to go with the first amendment that had been approved. The reason we wanted to get that one right was because of a proposed £400 million loan, a bond, and, yes, those briefings that the public never see, the explanations from the advisers who know what they are talking about. Maybe I know a few things but I am not an expert probably on anything. I am certainly not an expert in lots of things that come before this Assembly and I do not want to be rushed into making decisions. I did not want to be rushed into making a decision then after receiving the Scrutiny report that offered Members an alternative. Maybe Members are wondering now where I am going with this. Maybe Members are thinking I am losing the plot and referring to my notes on the hospital funding debate that we were going to have earlier this morning. **[Laughter]** No, I am not. I am fortunate enough that I have only sat through 5 and a half years of debates on the composition of the States. So many Members have sat through so many. The Connétable next to me, the Connétable of St. Clement, all of them, the Assistant Minister, Senator Routier, and many other Members - I will not name them all - we all want to get it right, too. It is easy for the public and the media maybe to suggest self-interest. There certainly is not any self-interest on my part. As far as I am concerned, I believe all Members want to get it right and it is a big decision that we are being asked today. It could be suggested we have it wrong, so it is a situation of our own making. Yes, it probably is. We probably have to accept we are responsible for the situation we find ourselves in with regard to changing the composition of the States and the possible causes of that. Members will have seen the changes in the composition of

the States in this Assembly, reducing the numbers of Senators without presenting those proposals to the public. That was questionable, but there have been other proposals that have been very popular, I think. Holding the general election for all Members on the same day seems to have been a positive and welcome move. Candidates allowed to stand for only one position; obviously with the same day that had to happen. Four-year terms, I think that was very important. Elections in the spring to improve turnout, yet to be tested. I am sure Deputy Southern cannot wait for that to see what is going to happen. Will we have a bigger turnout in the spring? So how have we reached this impasse? I suppose it depends on your view and I do not want to repeat the history because you all know it probably better than I do. Choosing a commission, first of all, that included 3 States Members, even with the talented Members that were chosen. Fudging a referendum question and possibly making the States with that one question at the time that was eventually debated and approved in this Assembly. Rejecting the result of that referendum; those Members at the time who rejected it believed it to be a good and valid reason to do so. Some of us did not reject it. The work undertaken by P.P.C. over the past 2 and a half years, the lunchtime briefings that we have attended, attempts to find a way forward, and the comments that were made by the Chairman in the comments paper - I think it was when Deputy Andrew Lewis brought the proposition earlier this year - to the effect that P.P.C. could not find agreement to bring reform to the States and it was left to the Deputy to bring his propositions. Then we had the debate in January and February this year when the Deputy tried to bring his own or resurrect then, if you like, the original referendum result. Then we had Deputy Maçon bringing his part for a referendum, and then Senator Farnham's and Deputy Andrew Lewis then trying to withdraw his proposition, which was unsuccessful. When P.P.C. bring back the proposition to this Assembly today at really the latest possible time that they can do it, and they say it in the papers, to be able to ensure that the election goes ahead next year this is about the latest time they can do it, and again now we have 2 more propositions or a number of propositions to amend that. It is no wonder the public have some concerns, but I have reflected back on the events of January and February of this year and my decision. Did I get it right? On reflection - and I voted to carry on - I think I got it wrong. I know the Constable of St. Mary spoke about another debate that happened on that sitting, probably the worst sitting she thought she had sat in. On that day, I think there was ... I will not say confusion because Members were not confused. I am sure Members all understood, like I did, what was happening. But I think personally I made the wrong decision that day and I should have opposed it. I am not sure many members of the public have an idea now what is being proposed, certainly if they are interested. As I said before, if people are so upset with this Island I think they would come out and vote. If they were upset with this Assembly, I really think they would come out and vote in droves. They would put Members forward or they would stand themselves, to stand in this Assembly. I went back to the Parish and I did speak with the Deputy of St. Martin. We considered even holding a public meeting to tell the parishioners what was being proposed so they would know, because they did not know. We came into this Assembly thinking they were going to be in one district; we left and they were in a different district. Of course, today, again, lucky we did not hold that public meeting because I would be calling another public meeting at the public hall to ask them to come back to tell them what I told them with the Deputy has changed yet again. I am not sure what would happen. I did not finish my notes for this speech today, but I wanted to speak in this Assembly. I have looked back on how important I realise the Senators are, but what purpose do the Senators have in this Assembly? I do not mean it in any other way but we will have 8 Senators in this Assembly who do not have to be Ministers. They have the Island-wide mandate. I always thought we must have the Senators, and I did say in the last debate that we had if the Senators are there, there should be more and they should be Ministers, but that is only a personal view. Everything seems to be now at the very last minute. I think Deputy Andrew Lewis is bringing back really what we discussed 3 months ago. The Constable of St. John has mentioned the parochial aspect and I think the parochial is very important. We all know in our heart of hearts we are never going to

solve this problem while we have 3 types of Member in this Assembly. If we want to keep the parochial life, the parochial style that we have and, of course the proportional representation, it just is not going to happen, so I do not know how this will be resolved. Whether it is an independent commission as has been spoken about before, that may be the way forward. I think at the very last moment we are rushing this through, and it is not personal interest. We are rushing this through, and I look forward to the remainder of the debate.

11.1.3 Deputy M. Tadier:

This is a difficult one to speak on because we have already had the debate. We have had the debate and P.P.C. are bringing back the in principle. Essentially, what this boils down to ... I do not buy into any of this reason that people did not know what they were voting for. If you did not know what you were voting for on the day, then you do not deserve to be a States Member. Because the propositions and the amendments have been lodged for a long period of time and to say that we were simply tired ... and it is true that, of course, when the amendments had gone through and everybody had finished speaking on the amendments after a long debate, there was an opportunity for people to speak and nobody took that opportunity up. Then there was a summing-up and we voted on that, and there was a resounding endorsement for the proposal as amended without a referendum. I know some people are hanging on to this. The intellectual somersaults that are going around this Assembly trying to justify the position because a few parishioners when they get back to the Parish, or the vocal ones, the ones who always come in for the free lunches or who hang around for legitimate reasons around the Parish Hall, they say: "We do not like the super-constituencies." But the bottom line is I suspect none of us engage on a regular basis with all of our constituents because it is simply not possible to do.

[15:00]

We like to flatter ourselves saying that the public all hate us, but the reality is that the public are by and large indifferent to us because they do not have the same esteem for us, even in the negative, that we might have for ourselves and some of our colleagues. I think this is the issue. There are certain individuals in the Assembly, the retro conservatives, if you like, the ultra conservatives, who are now scared that something meaningful might take place in Jersey politics and they are scared that that might change things one way or the other and they are not sure that they can support it. This idea that our politics must be linked intrinsically to where streams flow through the Island is complete nonsense. The Constables should know, and some of those will no doubt be the ones who are sceptical about the changes that are being put forward, that their positions are already secure. We have already bent over backwards, those of us who want to see real reforms in this Island, to accommodate the voting majority's view that the Parishes are important. We accept that and we have lots of ideas, if you want to help reinvigorate your Parish democracies, to get to a point certainly in St. Helier where we can have true democracy, true municipal councils reinvigorating Parish and municipal life. Absolutely, let us do that, but your position is already secure. Now, that does not mean we have to have a situation which perpetuates inequality between the town and country because that is what it boils down to. The propositions that we have already had on the table were already far from perfect but many of us have had to make compromises in this respect. So I do not see what is so bad about what is being proposed, whether it is the current proposal, which keeps the best of all systems ... if you like Senators, and remember Senators are not elected by Parishes, they are elected by super-constituencies where not just one, 2 or 3 Parishes are joined but 12 Parishes in the Island are all joined and nobody has a problem with that. People in St. Brelade or in my district do not say: "I do not want to be joined with the rest of St. Brelade. I do not want to be joined with St. Peter, St. Ouen, St. Clement, St. Mary." Let us see if we can name them all: Grouville, Trinity, St. Mary. Have I missed anybody out? **[Interruption]** Oh, St. Saviour and St. Martin, and St. Catherine, that is right, **[Laughter]** the underground Parish which

we know is a quick escape route if you want to get out to the Cotentin coast in Normandy in an emergency. It is the tunnel that runs under St. Catherine's to take us there. It was built years ago so we do not need to worry about building a bridge. We all know that to be fact. Why am I saying this? I think because I am hopefully airing some of the frustration that not just Members of this Assembly but people out there looking at us feel. We have something on the table where we have a consensus already, so we have got ourselves over the hump. We have got ourselves through a system where P.P.C. said: "Look, we do not want to do reform which is sensible or makes sense on paper and which works, we need to have reform which States Members will vote for." It might be imperfect and it might even be, some of it, complicated, et cetera, but we need to get reform through the Assembly that States Members will vote for. So what happens? That happens. We get a resounding vote where over 30 people vote for something which we can all agree to, and now the excuses come out. This is why we cannot do anything. This is completely unacceptable. We hear in the background that there are shenanigans going on, again possibly trying to drag Scrutiny into this so that it does not get on the table. We are less than a year away from nomination night for the elections. Now, we do not know what kind of system we are going to be operating. Poor us, poor politicians, the other candidates out there, but this is a matter of public interest. The public need to know what kind of electoral system we are going to be having in less than a year's time. We would not foist this kind of legislation or put the private sector in this kind of position, this amount of uncertainty. How much more important is it for our Parliament to have some kind of certainty when it comes to the elections in the future? I ask that we get on with this debate today. I ask Scrutiny to think about what is in the public interest. Let us not play games with this. This is not about partisan politics, about pulling something in for legislation which cannot really be scrutinised. There is no value to scrutinising this. Let us get this resolved today or tomorrow and accept what is on the table, either in its current form or in its amended form. Let us have a meaningful debate about that and keep the best of the system. We will have the Parishes represented in this Assembly by the Constables and by people elected throughout the Island who, incidentally, live in Parishes one way or the other and who pay their rates. I think we do not do ourselves justice when we go back on decisions which have already been made, and I think we can make a decision and move forward on this today.

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

I cannot believe that I am hearing from certain Members the attitude of: "If it ain't broke, don't fix it." It is patently broke. The system does not work. This is not about the destruction of Parishes by any means. If you live in St. Lawrence, you get 2 Deputies for each vote. If you live in St. Peter, you get the one. That is a broken system. There is not a consistency for each vote and there should be, as close as we can get to that. The system is broken. I would rather be elected in a fair system. I would rather lose my seat this Assembly in a fair system than keep it in an unfair system. It is about time we got over our own job protection, which is what it amounts to in certain sections of this Assembly, and that appals me. We get on with making this fair and equitable because that is what true democracy should be. It is about time that we grab this opportunity and move forward with this debate instead of going round in circles and then waiting for the next Assembly to sort it out and the next Assembly to sort it out. I would love to be a part of an Assembly which actually achieved something, and we are on the cusp of that possibility now. Please, I beg you, do not throw away that possibility.

11.1.5 Deputy A.D. Lewis:

I think I nearly got timed out there. I guess Members would expect me to perhaps speak on this. Other Members have had plenty of time and spent lots of time and effort in bringing various propositions forward to this Assembly over many years. A huge amount of work has been put into this by P.P.C. over many years. The Greffe, the Parishes, a lot of people see the need for reform

and have acted accordingly in an endeavour to try and get it. I have studied with great interest Hansard scripts going back over the last 10 years and in each Assembly that has debated reform there has been at least 15 new Members who have never experienced a reform debate. I was one such Member in 2006. So I can say with a degree of confidence that most new Members to the Assembly believe that there is some kind of silver bullet that would satisfy the views of everybody and the way forward for reform. This view is reflected in the historic transcripts. Some arguments and solutions being eloquently articulated to this Assembly by both new and old Members. But the problem is there is no silver bullet and if there was one I very much doubt that this Assembly would find it or indeed agree as to how it should be loaded and fired. Which leads us to why we are where we are today. We use that political slogan quite a lot: "We are where we are." But we are here to create the future to a certain extent. We are elected here to do that for people. I have heard comments today about the Parish system. I have worked as a Deputy in a parochial Parish when I first got elected, at the moment I work in a Parish that has districts within the Parish and multiple constituencies, which is akin to the large districts which have been proposed within the States of Jersey law. I can safely say from my own experience of working in both that the parochial system is alive and kicking in both. In the Parish of St. Helier we have a very robust extremely active and hardworking Roads Committee, staffed by volunteers, honorary people. We have an extremely successful Honorary Police Service that not only works in St. Helier but participates in honorary service with the Parish Police services across the Island. We have a twinning committee, we have a Youth Committee, we have a Rates Committee, and all these committees are then supported by other Deputies as well. My Constable, Constable Crowcroft, has 10 Deputies to work with. We are all different, we all have different strengths and weaknesses and he is able to draw on those strengths when he needs to. It works. I am not saying it did not work with me and the Constable of St. John when I was a Deputy there. Yes, it worked very well, but there were occasions when a little bit more resource around that table, that committee, and differing views of other Deputies would have been very useful. I would urge Members to consider that in their Parish system for the future, which is what is on the table today. Constables will be able to draw upon other Deputies across the district to assist them in all sorts of ways. The Constable of St. Martin said that he is not sure that people really understand what has been agreed. I think he is right in that. I will tell you why. It is because when the referendum was had and the consultation before it was had, and the commission did their review and Clothier did that review as well many years previously, an awful lot of effort was put in by P.P.C. and by the Greffe to explain to people what it was all about. What the system was going to be, what the proposal was and members of the public that engaged in that process fully understood what it was about. They got it and they participated in that consultation process, those that were interested. Those that were not it does not really matter what we say today, if they are not engaged in the political process they will not necessarily find out about it, they will just have to stumble across it in social media, which is in some ways a great thing because they will. So I am of agreement with the Constable of St. Martin, what we have before us today the public are not quite sure about because they have not been consulted fully on it in the way they were when the commission presented their report. So I understand his concerns here and that is why I had some amendments that I do hope will get debated later on today, in particular with regard to boundaries. That was mentioned in the Constable's speech as well. Boundaries have been discussed at length with the public, they have been explained, they have been documented and people understood that is the way it was going to be. Unfortunately when Senator Farnham presented his amendment that changed. I think some Members, I may be wrong, but my understanding is that some Members did not quite realise that at the time. It was not significant but it is different to what the public had expected. So if we were going to have a referendum, which the Senator at that time promised was possible, it later became clear that it was not, then that would be a good thing to have a referendum about because you are changing something that is historic, that is different to what the public thought when the original consultation took place some 4 years

ago. So changes to boundaries are a significant issue with some. There has been much debate about Senators, having them or not having them, there has been much debate about how many Members we should have in this Assembly. There has been new debate about machinery of government. The Chief Minister answered questions on that earlier today. All these are relevant and they are all important, but the question that will no doubt get raised a lot today, and has already been raised by some, is the question of different categories of Members, in other words, Senators. Within the proposition I originally brought, P.133, there was a reduction by 5. If you ask members of the public should we have more politicians or less, they would generally say less. That is not a reason for doing it, you still have to have the mechanism around it to make it work but it was an expectation that there would be less. But the question of the Senators is for perhaps an amendment debate, which I have hopefully the opportunity to discuss with you all at a later stage in these proceedings. But what perplexes me is that during this process of several months and, in fact, years, not a single Member has come back since this Assembly reduced the number of Senators by 4, not a single Member has come forward with a proposition to increase those Senators back to 12 or more. Yet we consistently hear from the Constable of St. John and others that the Island-wide mandate for Senators is uppermost in people's minds and it is very, very important. So why have Members not brought a proposition to increase the number of Senators. It has not happened. I think I know the answer - I may be wrong - but the public have been consulted and a process was presented to them by the Commission which did not include that but substitute it with large districts. But if people were so enthusiastic about Senators why was an amendment not brought either today or previously. No amendment has been presented to you to increase the number of Senators, none. The only one that vaguely did something was Senator Ozouf's that reduced it. Somebody mentioned earlier on - and it is a great quote - we need to get reform through that Members will vote for. I do not think that is right.

[15:15]

We need to get reform through that works, that is equitable, that is fair, that is compliant, that moves us forward and is modern, acknowledging the historic elements of our democracy here in the form of the Parish system. Which it does because we have asked the public twice about the Constable's retention and twice they have said: "We want them to remain." The parochial system is very important to all of us and I have just articulated as to how it works in St. Helier that is a multi-district, multi-seat area and it works very, very well. I take my hat off and congratulate and thank all those honorary people that serve the Parish of St. Helier. But should we be taking a decision, a vote, that gets reform through because it is what Members are most likely to vote for. I think it should be the other way around. I think it should be a result of consultation and it should be the result of an independent body which the Constable of St. Martin's wise words yet again said: "Maybe it should be an electoral commission of an independent nature again." But when do we stop? We made a decision in this Assembly a few months ago to bring this legislation which the Chairman of P.P.C. is now bringing to us. The very least Members should do is vote for that legislation. It should almost be a rubberstamp, we have agreed it already. Other Members, perfectly within their right, and I did expect it, but perhaps with the Bank Holidays and so forth did not get on people's agenda, I submitted 2 amendments which I think are very important to bring it back to what the public expected because we have not had another referendum, we have not had a full piece of consultation on this and we also know the science of making our democratic system work better, fairer, equitable, compliant is the commission's report. It was not a silver bullet completely but it is as close as we are ever going to get. Members can tinker with that as Senator Farnham did. I am delighted, and I have said on many occasions since we made that decision, that the change that may well happen today in increasing the size of districts is an important step. But it is not as big a step as we could have taken. I think that is disappointing but we should not throw that opportunity away today. I would hope that Members will support the Chairman of P.P.C. in

this enabling legislation and I hope that later we can get to the amendments and bring it back, that law, to what the public were expecting, what they voted for. I have heard all the arguments against the referendum. It was not just the referendum, the Constable of St. Mary and St. John will be well aware because they worked on this extremely hard talking to people, consulting with people. There were years of that, an intensive period of a year consultation, it was not just about the referendum, that was the last bit. So we should, in my view, be taking on board all of those comments, those external experts, that review that was done, the science behind it, the effort put in by the Greffe and P.P.C. which we have not done and go the full hog. Members will have an opportunity to consider that, I hope, later on in this debate when we get to my amendments. But the first thing, the most important thing today, right now, in this part of the debate is to get the enabling law through that we decided and agreed to several months ago. We at least owe that to those people that elected us. I do not agree with the way it has been hampered and I hope we have a debate about that later but we must support the Chairman of P.P.C. in this enabling legislation. Reform is a moveable feast, we should always be looking at what we do and how we do things and I think there is many, many groups and committees and subcommittees in this Assembly that do that all the time, and all sorts of things that we do. Reform of the Assembly should be the same. So it does not end here today but we can get much closer to where we need to be by supporting the Chairman of P.P.C. today. Somebody said earlier, we should not be rushing this. I am sorry, we really are not. We really, really are not rushing this. This is very, very considered. There will be lots of difference of opinion and that is healthy democracy but let common sense prevail and let us stop thinking just about how it affects us and how we work in this Assembly, and the bubble that we all work in, and think about the bigger picture, both whole Island and globally too. I am going to a conference shortly - many of you have been to other conferences in recent times - and when you start trying to explain our system when you are overseas or even to somebody new to the Island here in the Island, it is not easy. This goes some way to improving that. If it is not easy to understand why would we expect full participation from people? We simply will not and we do not. So that argument has been well-rehearsed. I do not want to go down groundhog again today but today the important thing is support the Chairman of P.P.C., get the enabling legislation over the line, have a debate on the amendments. I do hope that people will reflect, if they get a chance to speak, on the reasons why you should stick to what the experts, the commission and public opinion has been on this matter. We will have that debate later on today but right now on this element of the proposition please support the Chairman of P.P.C. Thank you.

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

Thank you very much. Since February when this Assembly debated P.133/2016 I have had the opportunity to consider this matter once again and to discuss with members of the public. I was opposed to it then, I remain opposed to it now. I think it is important that we take this last opportunity to consider our views on this. This is not Groundhog Day - to a coin a phrase from Deputy Andrew Lewis - this is our last opportunity to consider things once again. Now, during the original debate we heard a number of justifications and reasons as to why we had to support that proposition. The majority of people want it. Democracy, the voice of the people. The Island has voted. The public must be listened to. Not to support it would be anti-reform and somehow anti-democratic. Do not get seduced like a moth to the flame by the attractiveness of the vox pop argument as there lies within it a number of fundamental flaws. Deputy Andrew Lewis during that debate and since has constantly challenged anyone and everyone who disagrees with him: "Where are your facts?" So let us look again at the facts, the true facts and only the facts. In April 2013 the referendum was held. We are now May 2017, over 4 years later. The world is a very, very different place. The composition of the States has actually changed with the referendum on the Constables so that is no longer a question. The population of the Island has changed and indeed increased. But more importantly the opinion of the public towards ministerial government has

changed. So, I contest that the 2013 referendum is no longer valid and to base any decisions and to introduce any legislation based on it is fundamentally misguided and flawed. I would also submit that it was actually a flawed referendum from the very start. The Electoral Commission was not independent. There was political influence despite public opinion being against, including politicians. There was no yes/no question, which all experts on such matters insist there must be for the result to be valid. Even if one does accept the concept of a multiple choice, multi-option referendum, which I do not, there was no option D: “none of the above”. As to the claim that the majority of the Island wanted option B, I contest that assumption. The figures speak for themselves. Figures published by our own States Greffe. Let us look at those figures. I think it is important that we go back to that referendum because that is the basis on which we are being asked to introduce draft legislation that will fundamentally change the constitution of this Island. 16,624 people voted in that referendum. That was 26 per cent of registered voters at that time. So doing a bit of maths, that means that there were 63,940 registered voters. So in round one, if we may call it that, 40.93 per cent of those people who voted voted for option B. That is 6,804 people, which is 10.46 per cent of the registered voters on this Island. Fine. We move now to round 2; 8,190 votes were counted for option B. That is 12.81 per cent of registered voters voted for option B, which means 87.19 per cent of the registered voters of this Island did not vote for option B. They did not vote because there was nothing for them to vote for. So who will speak up for the silent majority? Well, I will for one. I would remind, very respectfully, all States Members that we are here to represent the whole Island not just the vocal and politically active minority. 12.81 per cent does not, in my book represent a majority nor can it be claimed by any stretch of the imagination to represent the will of the people. Now, low voter turnout is a very serious issue that we have to address. It is not due to voter inequity but about a lack of trust, faith and confidence in the current system of ministerial government. The machinery of government is broken, not the voting system. The application, and indeed the very concept of voter inequity means very little, if anything, to most of the electorate. They are concerned about employment, immigration, taxes, health care, how much our wonderful new hospital is going to cost us, to name just some. Achieving voter equity is not the panacea to all our ills. It will not magically see an increase in voter turnout. To suggest that it would is both a complete fallacy and very naïve. Our main aim must be to rebuild public trust, confidence and engagement with government and this Assembly. To do this we need a root and branch reform of government. Ministers with executive powers that affect every single Islander on this Island must have an Island-wide mandate. Once we have solved the problems with the machinery of government then, and only then, can we go forward taking the electorates with us, leading by example, to address electoral equity with their support and input.

[15:30]

They, the electorate, must be offered the final say by way of a properly constructed, simple referenda. Let us not make the mistake of legislating for reform just for reform’s sake or to appease a vocal minority. We have one and only one opportunity to get this right. Right, for all the people of this Island. Let us not delude ourselves nor the public that this draft legislation will change our current system of government. It is the current system that the public have no faith in, no trust in and no confidence in. That is why we see low voter turnout. Let us consign this draft legislation to where it belongs by rejecting it outright, and move forward by re-engaging with the public and actually listening to what the majority want both now and in the future. Let us not just listen, let us hear. The majority need to be heard through the ballot box, and, Constables, you should be in no doubt that to vote in favour of this legislation is to sign the death warrant of the Parish system. The Parish system that represents all that is great about Jersey and its people. Do not let political alliances nor fear of the verbal backlash from the vocal minority stand in the way of this Assembly making the right decision by rejecting this draft legislation. Let us all, for once, act as statesmen in

the best interests of the Island, its people, its Parish system, its very heart and protect it for generations to come. I urge Members to reject this proposition. Thank you.

11.1.7 Senator P.F.C. Ozouf:

Winston Churchill said the best argument against democracy is a 5-minute conversation with the average voter. So on that basis I put my own timer on and I am going to deal with this issue unlike the previous 2 speakers in less than 5 minutes. The former Deputy Chief Minister had another quote. He liked: "The danger of a good plan was a perfect plan." He was speaking about his frustration of the police station. His successor, the current Minister for Health and the esteemed former Minister for Health could be repeated, I am sure, in saying of their frustrations about the fact that we still do not have a hospital being built. The debate on democracy has been going on for 20 years and we have an absolute fact ... Deputy Brée can speak about his views and his interpretations about why he thinks there is a disconnect with the people but the facts are that there is egregious and terrible voter equity so he is right in saying that it is not only voter equity, it is voter equity and voter equality and that means that there is a unfair democracy. For the first time ever in our history we will have international electoral observers in our general election. I do not want to see, as I have said in previous debates, a report written of our democracy about international standards which we are a part of and we cannot simply put the walls around Jersey and say these things do not exist. If there is a serious issue of voter equity and voter equality it needs to be fixed. This issue has been going on for more than 20 years. An agreement was finally reached that is not everybody's perfect plan but it is a plan that is workable. I say to Deputy Lewis, I brought a proposition to reintroduce Senators just in case nothing would be agreed in terms of simply a reform of the deputation system, banking of course the fact - and this is the nonsense that the previous speaker is speaking about - we have made the decision about Constables in this Assembly. There is a last chance saloon chance. We cannot make changes to the electoral system a year before a general election. We have come to a decision which is not perfect but it is a jolly sight better and will mean that when we are subjected, and rightly so, to what is a proper test of democracy and vote equity and voter equality if Deputy Brée does not care about it, I imagine that many people who will know the figures of the simply unfair, unjustified, disparate fact of the different populations of Jersey being treated in different ways and the way in which there are arguably other places - we call them rotten boroughs in relation to the fact that there are simply constituencies of varying sizes with very different numbers which means that there is a different democratic test in different parts of the Island. This system that we have before us in this draft legislation is not perfect, but it is a jolly sight better than what we have now and it will work. There has been even a coming together of people that previously were foes on this issue in the fact that even Reform Jersey, who were ardent opponents - I am trying to think of a polite word - of including the Constables. They have compromised and they have realised that a solution that is an improvement is better than nothing. That is the reason why we have to move on. There are further changes that can be made in future. Some of us have been giving consideration to what to do with Senators in the event there is a remaining set of Senators in this place. What is the best thing that they can do? Perhaps they should be in a revising chamber, perhaps they should be but those are issues for another day. We have a solution. It is nearly within our grasp of avoiding what I believe to be a catastrophic situation of an election observing report which will not just look the modalities which we already know are brilliant in terms of the count, it will look at the whole electoral system and the foundations on which our election and our democracy is based upon and ultimately our legitimacy and the legitimacy of this place. That is what we have before us and we have to fix. I urge Members not to be pulled into this, as the former Deputy Chief Minister said, the quote from Carl von Clausewitz: "The danger of a good plan is a perfect plan." There is not a perfect plan but there is a good plan and we need to go on with it and get on with it today. Thank you.

11.1.8 Deputy S.Y. Mézec:

I honestly sometimes despair in these debates and I disagreed with every single word said by Deputy Brée. I normally agree with a large proportion of what he says in this Assembly but I think in future I hope he comes to regret some of the comments he made in his speech because I think some of the points were manifestly untrue. In particular, he made the point ... he said: "Vote for this and you are voting to dismantle the Parish system." I am sorry that is complete and utter nonsense. One of my political heroes was Aneurin Bevan who is the founder of the N.H.S. (National Health Service) and he said that the N.H.S. would survive as long as there were people who wanted to fight for its survival. It will be the same with the Parish system. Some of the staunchest supporters of the Parish system in this Assembly sit on the Senators' bench who, as Deputy Tadier said, were elected in a super-constituency. I am sure most of them would be prepared to admit that they are supporters of the Parish system, even though they were not elected in a single Parish. I myself was elected in a district that does not encompass a whole Parish and I am a supporter of the Parish system, and I personally would not vote for something if I thought it stood a tangible chance of weakening the Parish system. It is vitally important that this Island continues to have Honorary Police. It is very disappointing to see a Member insinuating that I am lying by making ... when have I ever voted to diminish the Parish system. I never have and it is quite an out of order thing for that particular Member to do that. I would not vote for something that would harm the future of the Honorary Police in Jersey, not just because of the positive impact it has in developing a community contribution, people volunteering, but because it is quite good value for money having an Honorary Police system because of the savings we make for the work that the States Police do not have to do. I think it is important that we have people at a local level able to make decisions on things that should not be decided by a national government because the people who would make those decisions are closer to the ground in that sense and will be more in touch with what those people around it would think. That will continue to be the case under this next system, the only difference is that one type of Member will be elected in a slightly different constituency and I think it would enable some of those smaller Parishes to call upon the expertise of more Deputies than they currently do. Deputy Lewis spoke about the relationship between the 10 Deputies in St. Helier with our Parish Constable and our Parish municipality. We had a meeting this morning where we had one of our procurers and a representative from the Roads Committee. We have these meetings every month. They are very worthwhile. We get to learn, I think, about what is going on in the other areas of Parish administration that we do not have any direct responsibility for and that helps us, I think, communicate with our constituencies and direct people in the right direction so they can get solutions for some of the problems that they are facing. Through that experience we can, I think, enhance how the Parish in St. Helier is governed and through that experience they can also better inform our Deputies so that we can represent our constituents better in this Assembly. That is with a district system and that will be the same under this new system and those Parishes that currently only have one Deputy will be able to boast that they will have several Deputies and the Parishioners will be able to go to different Deputies with different problems depending on who they think is most suited to helping them with their problem. That is a good thing for democracy. What this also does is it goes some way to fixing the problems we have with voter equity. Now, there are some Members who do not think that voter equity is important and they do not think that it has anything to do with the political disengagement that we have in Jersey. I forget the name of the report but there was a report a few years that showed that political engagement in Jersey was one of the worst in the O.E.C.D. (Organisation for Economic Co-operation and Development). I think it was the O.E.C.D. that it was benchmarked against. An analogy that I have had put to me on this is of a football league where you each have your team that you support and each football team has 11 players and the teams play against each other, they have to train very hard to make sure they are fit for these matches and come up with their strategies, and you would hope that the best team wins. We all go out and we support our teams. I support Spurs so I am quite happy today after quite a good weekend. My Arsenal supporting family members are

not so happy but I am quite happy with that. So the football teams are playing against each other, each team has 11 players, we go out and we support our team, we hope they do particularly well. Would you still go out and watch your football team if there was a ruling that your football team could only play with 8 players on the pitch but every other team could continue with 11 players? You might hope that your team would still do well but no matter how hard they trained, no matter how clever they were putting their strategies together, they would probably still always lose because they would only be allowed 8 players when every other team is allowed 11 players. You would not bother. You would stop turning up eventually because you know what a waste of time it would be. That is what voters in St. Helier have. They know that even if they elect the best politicians that they possibly can do - and in my constituency they have certainly done that - then ... sorry, I had to make that point. Indeed, no one else would. Yes, Deputy Southern would. So even in St. Helier if they elected the best candidates, they had the best Deputies at the end of it, they know because of voter equity and the fact that St. Helier is underrepresented in the States, that ultimately we would be fighting an uphill struggle and that, I think, leads to decisions being made in this Assembly which are not in line with what the majority of people across the whole Island think. I would say to Deputy Brée that one of the Parishes that suffers from underrepresentation in the States is St. Clement, it is only just behind St. Helier, and this proposition unamended will improve voter equity for St. Clement to the point where I believe that it is very much within the Venice Commission's guidelines there. Some districts will continue to be just outside the Venice Commission guidelines but they will be better than what they are now. Despite the fact that I do not particularly like the solution that this legislation is proposing, despite the fact that I voted against it in the States last time, I will be voting for it today because it is a positive step forward where the alternative is doing nothing.

[15:45]

How can that possibly be right to say: "We wash our hands clean of this, we will not do anything, we will leave it for the next Assembly to mess up instead." So to Members who are saying that they do not want to vote for this because they think it is the wrong solution, I have a very simple question for you. What is your solution instead? Bring it forward, propose it to us and then we will have our opportunity to rip that apart as well when we do not think it represents what the public want, when it does not fit in line with the Venice Commission criteria or anything else. The fact is that there is no silver bullet here. There are around about 70,000 eligible voters in Jersey, there are around about 70,000 different views on what the perfect electoral system would look like. We have to compromise. There is no way that we are going to get any progress if we all dogmatically stick to what we want and refuse to accept that there are alternative points of view and that there is a pragmatic way forward, which means compromising on certain elements in the name of progress so that we get something that is better than what we have currently got. My views are very clear on electoral reform. I believe in one category of elected Member in equal size constituencies where everybody has the same number of votes. I do not think that is radical, I think that is democratic, I think that is fairly normal but I know that there is not the faintest chance of this Assembly voting to support that, and in standing up for the interests of my constituents, the people who put me in this Assembly, I have to say: "Right, well pragmatically what can we adopt that is at least better than what we currently have?" and that is what this proposition in front of us does. It does that unamended and amended. So I will be voting for it irrespective of whether the amendments afterwards are passed or not. Both of them represent a step forward to what we currently have and to do nothing, I think, is a betrayal of our constituents who deserve so much better than a States Assembly that sits on its hands, does nothing and lets a broken system continue. Because when we have our next general election under a better electoral system than the one we currently have, we will get a better quality of government. Deputy Brée considers the ministerial system to be the actual problem to Jersey's woes. I do not believe that that is true. I think that the ministerial

system is itself a good system, I just have a problem with the people who occupy the positions of Ministers and with a fairer electoral system the people who will end up getting elected Ministers will be those with a greater democratic mandate. Maybe it will be the same people who it is currently and that will be down to the public of Jersey, or maybe it will be someone different. We will have to trust the public to make the right decision, but to enable them to make the right decision we need the right democratic framework underpinning it so that the results and the makeup of this Assembly is reflective of what the public want and this proposition does that better than the current system. There will be fewer uncontested elections under this system. I happen to think that is a very, very good thing. I do not think it is right that such a large proportion of States Members can sit in this Assembly without having faced a democratic election where people have taken part and where multiple candidates with multiple visions have come forward. Getting elected to this Assembly should be pretty tough and it will be tougher under this system. I for one am going to vote to abolish my constituency and I ask my fellow Deputies in this Assembly to be prepared to do the same thing. If the result of voting for this and changing your constituencies is that you do not get re-elected, well, okay, that is life. That happens. That will be sad on a personal level but it will not be sad for the Island because the Island will have replaced us with somebody who is more in touch with what they want to get out of their Deputies. So I ask all Members to put aside their self-interest, vote to abolish their constituencies and vote to put in place something that is objectively fairer and more democratic than what we have now. I hope Members will support this proposition.

11.1.9 Deputy J.A. Martin:

It is very interesting to follow the last speaker. I probably disagree with lots that he has said. He is saying that new system that is before us in P.18 is the panacea of all ... is not the panacea but vote for it anyway because it is better than what we have. Why would I have a problem with that? Well, let me just take all of you to page 4 on P.18 and people have said this is the last chance saloon, the proposition. I am on P.P.C. and we agreed around the table, 4 people, to put this through, 3 would rather not and the Chairman said: "We all have a free vote in the Assembly." But this is the last chance saloon and we are up to the wire when we should be amending our electoral districts for the election next year, whether or not people are going to stand again or whether it is their electoral district. We say that we can do the legislation at a push. We will get this done possibly by July. But read between the lines. They want to change the system to districts but they want to keep everything else to do with the election Parish-based because there is no way, with the best will in the world, it can change in that time. So alarm bells start ringing for me. Absolute alarm bells start ringing. I get Senator Ozouf again on his election observers are going to have this terrible, terrible report on us. Well, let them bring it so we know what we are doing wrong, because I am not going to change a system because there might be some bad reports on us. If there is and if takes an independent electoral commission to sort us out, so be it. Now, let me put to bed this thing about I support Parishes, I support Parishes. After we debated this in February the *J.E.P.* said you will have under the new system 8 Senators, 6 Districts and 12 Constables. Not once did they mention a Parish in that report. So they disassociated everybody from the Parish and in this lovely world that Deputy Mézec and Deputy Lewis of St. Helier talk about: under the new system it will be like St. Helier where you are in that Parish Hall and you are talking to your Constable and you are talking to your Deputies. Well, which Parish Hall are you in? If you are in St. Ouen: "Oh, you are in that Parish Hall? Is it a St. Ouen problem or is it next door?" Is it St. Saviour, Trinity, or whoever now they may be coupled up with, or trebled up with? That is another thing: this is why I ask you to literally tell us where we are on this debate. The principles go through and we go on to the amendments, and again, we debate something that was debated and thrown out less than ... well, 3 months ago, because it must be 3 months, or today, now, is the time when we debate the principles. If you like them, you support them, and if you do not want change, you vote against. To me, it is simple: there is one vote that we should be having today and it should be on these

principles: in or out. Then you go ahead and support, obviously. Some people are going to support the principles because they are going to vote, again, for getting rid of the Constables, and having ... sorry, not the Constables, having 6 Senators. So everybody will stand up and tell you their reason. It does not affect St. Helier. Why should I bother? I am just trying to put a fair read on this and, as I said, I reiterate this, I am P.P.C.; legislation is being rushed to get this through. Because P.P.C. did not bring anything last summer, Deputy Andrew Lewis of St. Helier brought this through in February. From then, we have been running on that treadmill, or the little wheel, like mice, trying to catch up. That is what we are still doing. Is that any way to go forward? I just have to go on; we have got something here about there was consultation in the form of a referendum. Just let me read the 3 lines of what were in the options of the referendum. I will say this, because it will concentrate on people's minds as to what people were voting for: "Option A, there will be 42 Members, known as Deputies. Option B, there will be 42 Members: 30 Deputies and 12 Parish Constables. Option C: there will be 49 States Members." Both the A and B option got rid of 7 States Members, so most people out there will just go out and vote for that anyway: "Oh, less of them, good. Less of them, however many ways we carve it up; good." But not stay the same and have 49 Members. So I have put that consultation where it belongs: in the bin. It really was not consultation. I just reiterate that. Today, we are being rushed. I am not convinced that this is the way forward. I really do not want to have P.P.C.'s legislation, feet to the fire. As Deputy ... and I have got the referendum here, P.5/2013, it was 24th April 2013, 4 years ago, that we are supposed to now be deciding this is what people sort of wanted if you do not ... it was not, it is option C, which nobody supported, because it did not get rid of enough States Members. I think we are all in a bit of a turmoil here. I would like to have one debate, and who would not, on the principles and you either accept it or you do not. I know if we accept it then we will have to go on and debate again the 2 amendments from Deputy Andrew Lewis. But, as I say, for me, and I am on P.P.C. and I do not disagree; the Chairman will have a chance to sum up, I just think, with everything in consideration, the preparation for elections that the Parishes have to do, that the people who are standing in them have to do, people considering what they are going to do, there is too much uncertainty that will not be changed until at least July, even August this year. That is with a fair wind. So I really implore people to make their decision now: either vote for the principles and we get on and we change, or vote against the principles and we stay the same, until we get the report from the election observers to tell us how bad or how good we are.

11.1.10 Deputy G.P. Southern:

Like Senator Ozouf, I shall endeavour to be brief. But I must start with praise for Deputy Brée: what a magnificent speech he gave. If we had another Agincourt, he indeed is the successor to Henry V. However, I did carefully listen to the content of what he was saying and not merely the impressive rhetoric. I come back to another Shakespearean image there, and it was all sound and fury, meaning very little. To end up on the magnificent point that if the Constables were to vote for this today they are voting for their own demise was absolutely, in my opinion, absurd. I am minded of how easily this House is persuaded to do everything twice. Give it half the chance and we will; we will do it twice and 3 times, or 4 times if necessary, until we think we have got the right answer. But twice is enough for anybody. We had this debate 3 months, less one day, ago. We had this debate. I voted against this particular amendment from Senator Farnham; I was one of the 13 who voted against it, compared to the 30 who voted for it. Having had that debate and won it, P.P.C. have come back with the means to enable that to go forward. We do not have to have the debate again, we should not be having the debate again. Let us get on with it and move forward. I was looking at the 2, potentially, comparisons between this version, which we have got today before us, and Deputy Lewis of St. Helier's version, and I am looking at it and I am thinking: "Why was I so strongly committed to one and not the other last time, to vote against one and think the other one is better?" The fact is, I will not be voting against this particular way forward this time round. I too

do not have to do things twice. I accept the fact that my vote against was defeated 3 months less one day ago, and let us go on with what we have got. We have made the decision once; let us go on with it and proceed, because otherwise we risk going round and round and round and round again until we are all dizzy.

11.1.11 The Connétable of St. Helier:

I belong to a relatively elite group of States Members: those who have survived being Chair of P.P.C. and lived to tell the tale.

[16:00]

I must say, I have sympathy for the Chairman, who might be accused of giving rather a lukewarm proposing speech, but I suspect that, like me, around the time I resigned as Chairman of P.P.C., he is somewhat tired and depressed by all the good work his committee put in, particularly in the early months of this new government. All that work, all that consultation with States Members, the quite innovative approach to getting our feedback before presentations downstairs, the difficulty his committee had of reconciling the different requirements Members gave his committee in terms of which Members should be in a new Assembly. They came up with proposals and finally we had a debate and it went through, and it was not perfect, but it was evolution, and we always say we prefer evolution to revolution. It was not the last word, because we all said we will revisit it, we know, every time there is a new election. But he, as Chairman, put it forward, it went through, and at least in his chairmanship of P.P.C. they could say, well, they achieved something, a massive amount of consultation, not only with States Members, but, of course, also out there. But, essentially, he did a good job, he got it through and perhaps he, as I was after that debate, was quite pleased that: “At least we are going to achieve something in 3 and a half years. It will not be perfect, it will not suit everybody, but we will be able to go to the electorate and say: , We did make some progress with electoral reform., ” I remember being so cheerful, I shared with someone my feeling that it is good that from this government, which has made a priority of sorting out St. Helier, we are going to see 2 extra Members, so we are going to reduce the inequity of the situation in St. Helier. I liked Deputy Mézec’s analogy of a football team hobbled by having fewer members than the other players. That is, of course, true. It is ironic that, in a 3 and a half-year Government, which has prioritised the improvement of St. Helier, St. Helier, in terms of this Assembly, has had less representation than other Parishes. So how, we might ask, are the kinds of things Government is bringing forward for debate going to get through in that way? Anyway, back to the Chairman of P.P.C., he did all that, and I felt pleased as well after the result, and someone said to me: “Well, it will not get through, you know. When it comes back as legislation, it will not get through; people will start worrying about it in the Parishes.” That is exactly what happened: we saw quite a lot of concern in the Parishes about how a more equal distribution of Deputies will bring about an end to the Parish system. We had a similar siren call just now, about the end of the Parish system, from Deputy Brée. It is the same argument that was used about the removal of the Constables’ automatic right to sit in the States, regardless of the size of their constituency. We were told it would be the end of the Parish system if the Constables were not all here, *en bloc, ex officio*, regardless of the size of their constituencies. That was the people in a referendum approved keeping the Constables, which has made the Chairman of P.P.C.’s job pretty difficult. The Chairman of the committee, Constable of St. Clement, needed the wisdom of Solomon to come up with a solution that would be approved, and he did it and he got through it. I was pleased and somebody said: “Do not worry, it will not go through when it comes back as legislation.” To some extent, how right they were. So, I think like some other Members who perhaps have not spoken yet, I am very keen to see some small evolutionary change made by this Assembly in the light of this Government. Because, to go back to Deputy Brée, he invited us in his speech ... I liked the comparison by Deputy Southern to a Shakespearean warrior king, it was, yes, full of sound and

fury, but signifying nothing because what Deputy Brée invited us to do was to throw all this work, done by the Constable of St. Clement and his committee during the life of this Government, in the rubbish bin and then, I quote: “Engage with the public.” Well, what is the purpose of engaging with the public, engaging with States Members, agreeing it in a difficult debate, many people are happy to support it even though it was not perfect, because they wanted some change, some progress, to take into the next election. Then Deputy Brée says: “No, put it all in the bin and then engage with the public.” Well, I have been engaging with the public on reform of this Assembly for 20 years, and the Constable of St. Clement, formerly Senator Norman, has been doing it for longer than that, so no wonder he feels a bit tired. I urge Members, particularly the newer Members, who have not been doing it as long as we have, to just have faith, just believe that we can get to the end of this term of office and show some small reform has been made to our system. Then in the next Government, those of us who are still here, those of us who have got the energy to still be here, can then address the inequity that still remains. They can then address any problems that have arisen with the fairer distribution of Deputies, for example. If there are problems in the Parish Halls, if there are problems about who to go to with your problem in certain Parishes, even though you have still got your Constable, I should add, we can deal with those in the next iteration of changes. But, for goodness sake, let us approve something today, let us take something forward. Incidentally, I notice people are already shaking their heads; we cannot debate hospital funding, we could not debate it last meeting or the one before that, and we could not do it today. When are we going to do it? When are we going to do something meaningful in this Assembly? I urge Members to not listen to the people who want to go back on the debate we have just had. Let us get this into legislation, let us make some changes and let us move on.

11.1.12 Connétable J. Gallichan of St. Mary:

I could not get into my seat, obviously, because the previous speaker was talking, but I was glad to be able to hear what he said. This is a small evolutionary change we are proposing? Gosh, that is interesting; I had not ever thought about it in that way. I could take issue with ... let me think about this logically. The unamended proposals before us, based on Senator Farnham’s proposition, have not been tested with the public. The districts do not accord with the research of the Commission and the proposals do not go far enough to fully correct the imbalances. It does nothing to reduce the complexity of our system; we still have 3 kinds of representatives and 3 kinds of constituency. I am not afraid of reform; I think my voting history and the work that I have done in my time on P.P.C. can easily support that. But reform has to be the right reform and we cannot have uncertainty. That is why, to Deputy Brée, there was no option D, because option D would have meant: “None of the above”, and option C was: “Let us go with what we have got now.” So we would have gone into the next election with everything having been rejected, and that would not have been supportable. Anyway, I digress. I am not afraid of reform. The move to larger electoral districts was only acceptable - because I saw the evolution of this during the Electoral Commission - in the context of a replacement for the Island-wide mandate. What we have before us is a melange, and it is without clear public support. Surely, as we know, it could only lead to a further round of reform, and I say not in the distant future, but very soon. It does not really accomplish any of the things we set out to accomplish. I abstained in the last vote because I was hopeful that there would be a referendum and that would allow the public to have their say. As things have worked out, we all know that did not happen. In the absence of a referendum, I simply cannot support the proposals that are in the unamended proposition. Do I support the principles in the hope that amendments will be allowed and that we will eventually get to something nearer the referendum outcome? I have always thought that, yes, if we had been debating the original proposals put forward by Deputy Andrew Lewis then I would have been supporting it, because the public had endorsed that in the referendum 4 years ago. But although I could take that risk, perhaps, is that outcome really still valid? I was torn by this dilemma when we debated the proposals a few months

ago. Since then, I have been doing a lot of thinking about it and I have talked to a lot of people and I have listened to what the public have been saying to me. I could take issue with a lot of the things that Deputy Brée had said when he spoke, but on one point I am totally in agreement with him, and that is, from every question I have asked and everything I have been told in recent weeks, it is not the issue of the way we elect our Members that is giving our public most grounds for concern, it is most certainly the machinery of government, without a doubt, the way in which government is working, more precisely, the way in which it is falling short of what the public expects it to deliver for them. Whereas Deputy Brée thought that was the thing that was broken, I say it is both elements, both are broken. Here we are at the crux of the matter; we are back to a chicken and egg situation. Do we arbitrarily reduce our numbers - that is assuming we get through to Deputy Lewis's scenario - and then make the machinery of government fit what we are left with? I think if Members think that is a good idea, then they are not taking seriously the concerns of the public and are not noting the things that have been of issue to them. This is not the time for pouring blame or whatever, but there are certain things that have come to light in the last, say, 6 months, that the public simply cannot understand. For example, the question of the Innovation Fund; that really rocked the public. That was just one thing. It seemed to the public - and this is again from listening to what people have told me, and I think you have to understand the perception of the public is important - they only react to what they see the Government doing. The perception of the public was that the Council of Ministers was not able to exercise the required degree of control over processes that had validly been set in motion in order to allow them to be fully accountable, and to be sure that things worked within the parameters that Assembly, I think, felt would be the case. When we originally launched, for example, the Innovation Fund, it was done with the very best of intentions, but along the way something happened that was outside the control, apparently. In 2013 the second report of the Electoral Commission showed that there were 5 Members of the Assembly who were not actively engaged in any part, in any defined role in the running of the Assembly: they were not sitting on Scrutiny, for example, they did not have a ministerial or assistant ministerial position. That led people to believe that there was spare capacity in the system. That is not the case today, various things have changed recently, we are in a bit of a state of flux, but there are only one or 2 Members who do not have major roles on Scrutiny or in ministerial or assistant ministerial, or on some other major States committee, Privileges and Procedures, for example. All these things are taking a lot of Members' time, Members are actively engaged. I venture to say that there is very little slack in the system. The Planning Committee works with 7 members and we can sometimes be down to 4 members because of the demands on other members of our committee being on either Scrutiny and an urgent hearing, or in a ministerial role. So we are working absolutely at the limit of what is reasonable. I had a quick look on the Scrutiny website: 2 panels have 5 members; now, that is a good number for working. Three panels only have 4. It only takes a member to be ill or a member to be conflicted in some way, and you are down to 3. That really stifles, perhaps, the ability of that panel to react and to take forward an active work programme. How many times in this Assembly recently have we felt that Scrutiny is either not being quick enough, not through its own fault but because it was working under different constraints, when we could have perhaps had better resources put to the Scrutiny Panel? How many times has that happened? How many times have members of the public listened as something has been batted from one side of the Assembly to the other while we try and work out a way forward? I think somebody alluded to the fact that I had said the last States debate was absolutely the worst thing I had ever been involved with, the last reform debate.

[16:15]

That came hot on the heels of the first hospital funding debate, which was so unsatisfactory on so many levels. I do not say it is definite, but perhaps a few more people involved in the crucial early stages of that decision-making, either through people on Scrutiny or a different kind of approach

from the ministerial side, could have avoided that. The Constable of St. Helier said: “When are we going to debate something useful?” I say, when we get the system right to let the antagonistic debate that we have here in the Assembly be dealt with earlier on in the process, so that when we come to the Assembly we have a clear vision of what is right and what needs to be done for our public. I do not think there is that much slack in the system, not the way things are working now, and I certainly think that the public want things to work better. Whereas it is all very well to say: “We have got too many Members, they cost too much”, the cost of not doing things right first time is so much greater. **[Approbation]** I really question now, even though the evidence at the time showed one thing, whether we should not be reforming the way we do things, analysing the way ... we have looked at this many times before. The Deputy of St. John and I have worked with other Members on various things, one of which, a ministerial board system, came so close to being accepted, and would probably, arguably I think, have brought us back to inclusive Government. That is the single thing that I miss most. I was never here in the committee system; I have only worked with the ministerial system, but I am on the outside looking in. I have got a huge amount of experience in this Chamber now, but I cannot use it for anything because I am on the outside looking into Government. There we are. I do not believe reduction in numbers is feasible at this time and I think the chicken and the egg situation should be resolved as follows: change ministerial government then change the way we compose this Assembly. I simply cannot support the principles, for all the reasons I have now mentioned.

11.1.13 Deputy D. Johnson of St. Mary:

I am pleased to follow my Constable who, as one would expect, has made a number of very valid comments. Going back to the debate 3 months ago, I supported Senator Farnham’s amendment for 3 reasons: first, it retained the office of Senator, which, in my informal consultation I felt most members of the public wished. Secondly, it reduces the number of Members by only one, which as the Constable has just said is very relevant, because I do not think there are enough Members to adequately service the Scrutiny function at the moment. Thirdly, and dare I say most importantly, he at the same time lodged an amendment requiring a referendum. Most of us who voted for his amendment, or many of us who voted for that amendment, for his own amendment, believe that the referendum was part of a suite of proposals which will be carried. Regrettably, it was not, and I believe that was a major mistake on behalf of the Assembly. For my own part, yes, I am not averse to change, and I wish there to be change, but reform is a constitutional matter that requires a mandate from the public. We do not have that mandate. We cannot go back to the referendum of 4 years ago and suggest that is a basis of how we should decide matters now. We have a greater electorate and things have moved on. If the Brexit referendum was repeated today, less than a year after its first outing, there may well be a different result. Four years has passed since the previous referendum; as I say, it has no foundation to be a basis for a decision today. I do wish that the referendum vote had taken place and, without that, I do not think we have engaged with the public and, in consequence, I have difficulty in supporting the proposition.

11.1.14 Senator P.M. Bailhache:

I thought that was a very disappointing speech from the Constable of St. Mary and I am particularly disappointed because I usually agree with her. Having sat with her on the Electoral Commission and having come forward with a bundle of proposals which ultimately form the basis of the proposition which is before the Assembly today, it is rather sad that she seems to have persuaded herself to go backwards rather than to progress in the matter of reform which is before the Assembly. The Constable said that a reduction in numbers was not feasible, but we are only talking about one person. Did I get the Constable wrong on that?

The Connétable of St. Mary:

Sorry, I was meaning if we had moved on and we were talking about the amended proposition.

Senator P.M. Bailhache:

Well, the amendment is another matter. We are talking about the proposition which has been brought forward by the Privileges and Procedures Committee, and that involves a reduction of one Member, as things stand at the moment, which is hardly, in my view, going to break the bank. As Deputy Mézec said, and I think a number of other Members have echoed this too, the proposal with which the Assembly is left as a result of the amendments brought forward on the last occasion, means that we are not dealing with a perfect proposition. It is not everything that everyone would wish for, but it does do 3 important things: the first important thing is that it introduces a system of large districts, which means that we will always have an election; no Member will, or should in future be elected unopposed. In saying that, I do not criticise any Members who have been elected unopposed, that is not their fault, but it is, nonetheless, an affront to a democracy. It takes away the choice of the people. If there is only one candidate who presents himself or herself for election, that is an affront to democracy, and that will not happen under a new system. The second advantage is that it means that every Member who sits in this Assembly in the future should have the advantage of knowing that he or she has a reasonable mandate, that is to say, that he or she has been elected by a significant number of people. No Member in future will become a Member on the basis of 200 or 300 votes. We do not know exactly what the number of electors will be, but it should be significant; it should be something in the region of 1,000 votes that every Member will require in order to be elected to this Assembly. Thirdly, it means that the rotten borough system that we have at the moment, where we have a good Member, or perhaps not even a good Member, but a Member who has been elected in a constituency for a long time, will always have to defend his or her record and appear before the electorate. It means that people will not be deterred from challenging a Member who has been a Deputy for a long time because they believe that the sitting Deputy has built up such a measure of support that it is not worth standing for election in that particular constituency. That, it seems to me, is not a good parliamentary or electoral system. So the system may not be good but it has at least 3 significant advantages, and I urge Members to support the principles of the Bill that have been brought forward by the Privileges and Procedures Committee.

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

I have got a headache at the moment; not just listening to the debate, but it has just added to it. I was not planning on speaking but I will say, after the last debate we had on this - going back to what the Constable of St. Helier said - I thought we had finally done something to move forward. I knew at the end of that debate we had not moved anywhere because I heard some of the voices of those who were disappointed or angry at the result last time, saying: "We will get them or we will change it at the next stage." So just going back, I remember the debate well and I did come away ... it was not exactly what I wanted, I can say that, but I did feel that we had made some progress and I thought that was good. But then I heard some of the voices afterwards and I thought: "It is going to be a fight when it comes back to the States again." I am disappointed because we have shown the public repeatedly over the years that we cannot make any decisions, and there is always someone who wants to unpick the decision that has been made. Now, we may not like all the decisions but at some point or other we have got to make a decision because we are in danger of just ... well, making no progress at all and making no decision at all, because everybody will just keep on going round in circles, as has been said. I do not normally agree with Senator Bailhache but I did agree with his comments. One of the failings of our system has been the fact that people in certainly country Parishes, and I do not mean this against the country Parishes, I like the country, I like going into it, but there is a tendency for people not to stand against the sitting Deputy and certainly not against the sitting Constable. Sorry, this is my opinion, my view. So we have people

who have returned without a contest, which I do not think is good for democracy any more than I think Senator Bailhache thinks it is. As far as the rest of the debate is concerned, I probably will not speak on it at all. I am going to make my colours clear: I am going to support what we decided last time and no further amendments, but we do have to make a decision. I just urge Members, do not let us revisit this and throw it out and then have to come back again. We will not deal with it before the election, it will be the next Assembly, and probably, if the same people remain in the States, it will be another 3 or 4 years before there will be any further progress. I think the electorate is fed up with the lot of us, and that is not just the Council of Ministers, but they look at the Assembly as being totally ineffective. If we decide to stand, we have all got to go before the electorate and explain our position because, let us say, in some cases we have failed simply on issues like this. This is not the Council of Ministers versus everybody else, it is the Assembly as a whole and, if we cannot get our act together and make decisions, some will think: "Let us put someone else in who might." So I would urge Members to support the legislation as it is going forward at the moment and reject any amendments, and let us just move on, please.

The Bailiff:

Does any Member wish to speak? If not, then I call on the Connétable to reply. The next Member who is holding back and holding back will find he has held back too long. Deputy Labey?

11.1.16 Deputy R. Labey:

As soon as the previous speaker sat down I did put my light on but it is towards the end, I know. The previous speaker and Senator Bailhache make persuasive points, but here is where I think the sacrifice is too great: where, at a time when the rest of the world is moving towards a more localised government, what is before us does the reverse. That is what worries me. I do not know if this is a speech or a confession, because I too spoke vociferously in favour of Senator Farnham's proposition 3 months ago, mainly because I did not want Deputy Andrew Lewis's proposition to get through, at all costs, I am afraid. We were talking about P.R. earlier today. Deputy Andrew Lewis is brilliant at P.R., so brilliant, in fact, that he has managed to delude himself on this issue. **[Laughter]** I am not sure that the Chief Minister did not have a good idea, which he floated at the last election, which was to have a kind of grand committee to have a look at this, and then I thought more about and I thought: "Well, we have already had that 20 years ago in the shape of the Clothier proposals."

[16:30]

The gentleman who gave me my first ever job, writes for the *Evening Post* a column and quite a lot of letters. I met him at a Channel Television reunion a few years ago and I said to him: "John, I enjoy your letters to the *Evening Post*, they are brilliantly constructed, but I disagree with every single word you write." Because we are not necessarily on the same political wavelength. But I have to say, his column in the *J.E.P.* last night, or was it the night before, was absolutely correct and chimed with me. He asked in that column: "Have we considered that we might be wiping out the Deputy of St. Ouen, the Deputy of St. Mary, the Deputy of Grouville, the Deputy of St. Martin?" We could be wiping those out, and those are localised, that is bringing government to the heart of the community and this is what is nagging at me. I am in the mea culpa club, along with the Constable of St. Martin, and I do not know how ... I was out of control, I was an idiot, I was going for the Senator Farnham thing to knock out the Deputy Lewis thing. I thought it would be knocked into the long grass via a referendum; that did not happen. Why I voted with it, I am not sure; all I can say is now that I was wrong and, do you know what, I am not afraid to say that. I was wrong about that because I cannot help feeling that this is not ... we might take some flak for it, but do you know what, I have to advise the Assembly that electoral reform, do you know what, is not really any more a hot topic with the electorate. I think they are fed up with it and while there

might be a bit of flak in the press we can take that. Then will there be any lessening of public confidence in this Assembly if we now reverse what we did 3 months ago? Possibly, but what is worse is to vote for something personally that I do not have full confidence in myself. A Deputy asked me if I was part of the ragbag of resistance to this proposition earlier and do you know what; well, I proudly am now. I am part of that ragbag resistance. I just want to reach out to others who, for whatever reason, voted with the Farnham proposition last time round who have had second thoughts. There were various reasons why we did it because, you know what, we can ride this out. We can stick together. I think if you want to sit on your hands or abstain in the vote that will be coming up, like I am going to have to then do it because it is worse to vote for something that you do not have total confidence in just because you are worried about the confidence of the public in us on this particular issue.

Deputy M. Tadier:

Would the speaker accept a point of clarification? My memory seems to be failing today and it might be because of a long session but is he the Deputy for St. Ouen or for St. Helier constituency? It was not clear from his speech.

The Bailiff:

I call on the Deputy of St. Ouen which answers your question. **[Laughter]**

11.1.17 The Deputy of St. Ouen:

I am pleased to be the Deputy of St. Ouen and to have been elected as such in a contested election because there are contested elections that take place in the country Parishes and increasingly so. **[Interruption]** Yes, but that changed. The Constables elections are increasingly being fought also but that is not why I am standing up to speak. I found myself agreeing with so much of what Senator Bailhache spoke about that there is a risk that in the single Member constituency there is a democratic deficit in that there is some fear of standing against an established candidate and, yes, I believe that Deputies elections should be conducted, would be better conducted in a larger district but the unfortunate fact is I cannot find myself able to support this present proposition. I find it very much a dog's dinner because what we have got is overlaid by the Island-wide vote and to me that just does not work. It creates a system which is far more complex than what we have. It creates confusion and I find already we have got tremendous confusion across the Island when I speak to local people, especially young people, who do not understand differences between a Connétable and a Deputy and what each has to do. They do not understand the electoral system and here we are creating another constituency for elections so people would vote in a Parish for a Constable, half the Island for a Deputy and as a whole Island for a Senator. How confusing can that be? Moreover, what we have before us is a proposal that has come forward without any research, without any consultation and it seems to me there is no rhyme or reason for the system that is proposed. Why would we have 8 Members elected in a large constituency, which happens to measure 9 miles by 5 and another 28 Members also elected in large constituencies and why have that distinction? That is a nonsense to me because there is no distinction between the politicians that would end up being elected under that system. Senators came in in 1948. They were the senior politicians of the Island and why were they needed? It is because the Jurats, it was agreed that by holding their judicial positions could no longer act as politicians but they were Island-wide figures. It was inconceivable that the Jurats of the time, senior members of status within the Island who had led the Island through the occupation, would submit themselves for election alongside their Parish Deputies or Parish Constables. So it seems to me that at that time instead a creation was made for the political Jurats. The Jurats who wanted to stay in the political realm, an Island-wide mandate was created for them and those who were most successful at the polls in those first elections for Jurats won a term of 9 years compared to their Parish Deputies of just 3 years. They

were very much seen as the senior experienced Members, politicians, the leaders of the Island. That has changed now so much that we no longer have a different term for Senators and Deputies. Deputies sit in the Council of Ministers. There is no reason why a Deputy could not be elected Chief Minister by this Assembly. I think that notion of needing senior Islanders of status to be Senators and perhaps those who have achieved only a parochial status to stand as Deputies has gone completely. Anyone putting themselves forward as a States Member should be elected to hold any position within the States and that is why I think a movement to larger districts rather than retaining the parochial system for the election of Deputies would enhance that single member status, all Members would have a substantial mandate behind them, would have fought an election in a larger district and then could present themselves as someone capable of holding, let us say, any ministerial position. But to move to that and still retain an Island-wide mandate just seems a nonsense to me and is totally devoid of any research. It just confuses and really does not serve us well so I am left in a position where I am saying: “Why should I vote for that sort of system?” and I am afraid, much as I would like to move towards a reform, I think it has got to be demonstrably better and I cannot say at all how this is better and therefore I cannot give my support to the principles of this proposition.

11.1.18 Deputy K.L. Moore of St. Peter:

I sense Members are generally slightly fatigued and ready to go to a vote so I shall be brief but I think this has been a useful debate because it has reminded us all of the allegiances that we have and the fact that we can find agreement across seeming party boundaries and differences of opinion that we would normally expect between each other. So that is a good thing and a positive thing and I really I wanted to reach out to Deputy Labey of St. Helier who is sadly not here at the moment to offer him some words of reassurance but I think he, in his speech, answered his own question because the Deputy raised a concern that the rest of the world is going towards a more localised approach. I simply wanted to remind him that in retaining the Constables we will retain a localised approach to our fabric because the Constables will be there to represent their Parishes and the Deputies of course will also represent the Parishes within their districts. There is absolutely no fear that that movement away from the Parish structure that others have spoken of already will occur. Also in raising that issue I wanted to reassure the Deputy that because of the great passion that we all have and Members who will consider this illustrious role in the future will have, I am sure, there should be more contested elections for the role of the Constable and so that can only be a very good thing for our democracy. As I said, I think the Assembly is fatigued right now and after 20 years of debate of this matter I think there is a general sense of fatigue for the subject. We have almost found a compromise solution between us which was such a great achievement after so many years of debate. The possibility of this going out again to the public for further engagement will just fall on deaf ears. If we think that the representation at the last referendum was poor what can the expectation be of public engagement at the next referendum or public consultation? It can only be lower than we have seen before so I think we have already got a good indication of what the public sense is and it is time for us to take a bold step and move forward because once we have adopted a new ... and it is only a slight change to what we have at the moment, but once we have made that step into the bold future we can always adapt our boundaries and our rules as we see fit and as future Assemblies see fit.

11.1.19 Senator L.J. Farnham:

I feel just compelled to follow the Deputy of St. Ouen and I align myself with what the Deputy of St. Peter said but I just wanted to remind Members very quickly the reason why there are different types of States Member in this Assembly. It is because we are a unicameral system. I know I have said this but I am going to say it again because I think it is important and I am a strong supporter of the Parishes and I do hear very clearly what the Constable of St. John said when he opened the

debate about the Parishes. I like the Parish system and I think when we have debates like this we have to take account of historic boundaries. We are a small nation. We are a small island but we are a unicameral system. After the Second World War it was not just because we wanted to replace the Jurats that we thought of this Island-wide mandate. It was a bit deeper than that. It was because we do not have another Chamber. We do not have devolved Assemblies in different parts of the Island. We do not have town councils or city councils or county councils. We have our Parishes. They look after a certain aspect of local government. Deputies are the constituency members of this Assembly and Senators look after our national interests so there cannot be too many conflict of interests and I, as a number of other Members, have served as Senators and Deputies, as my colleague on the left here, Senator Ferguson has, and Senator Bailhache and Senator Routier and they will know that there is a difference. It might be subtle at times but it is also very important at times. When I served as a Deputy in St. Saviour No. 2, for example, I often championed causes, especially in relation to housing and protecting green spaces that were in the best interest of a small group of my constituents or parishioners but they were not in the interests of the whole Island and that is why it is important that we retain the different types of Member in this Assembly because if we do not then I think it could cause its own problems but the only way ... we either have single ... we do away with Constables and Senators and just have the single constituency member, I think that is what some people want but I do not think this Assembly would be any better for that because I think generally on reflection this Assembly makes a right decision.

[16:45]

It has for hundreds of years and even when the decisions go against what I propose or the Council of Ministers of the day proposes, I think generally the mix of people in this Assembly from all walks of society get it right.

11.1.20 Deputy J.M. Maçon:

As Members know, I did not support this when it came through so I will be consistent with that today. Something which, of course, I did not mention in previous debates, as I am sure Members will recall my previous speeches, I will not repeat that, but I do want to say as a representative of St. Saviour, and I have been a chairman of the Privileges and Procedures Committee, and whenever you look at the St. Saviour makeup under our current system we are always bang in the middle of over and under; we are right in the margin, where we should be with our 6 Members including our Constable. If this goes through and we get District 6, St. Saviour, the Parish of St. Martin added to us, suddenly we lose 3 representatives and we become quite under-represented, just on the cusp of what is acceptable under the Venice Commission and of course that does not take into account all the new building and residents that we now have in St. Saviour. So considering the deal ... so I understand thoroughly why some St. Helier representatives want to support this but looking at it on the other side, from St. Saviour, the second largest Parish population-wise, it is a raw deal for us. I know that is not the be-all and end-all but it is something which, as a St. Saviour representative, is something I have to consider. I am very worried however what the Constable of St. Helier said which is to have faith. "Have faith in these proposals." I, for one, as a Member, have never been one to take anything in this Assembly on faith. I do not think that is good enough personally. It does strike me how some Members get so passionate talking about: "Oh, you know, we are not going to have uncontested elections anymore." But, of course, you know, suddenly blank out the Constables because that situation will continue now. It is not a criticism of anyone that if someone does not come forward to stand with them but you cannot say: "Oh, it is absolutely brilliant. We will not have uncontested elections anymore but we are still going to have 3 categories of Member." Of course that is going to continue so it just seems ... I believe that the term is cognitive dissonance where you can hold 2 different beliefs at the same time and so I cannot really get my head around that because it seems so glaringly obvious. There is one other thing which of course I

did not mention when looking at the super-constituency notion. Now, someone who has ran a senatorial election and has also ran a deputorial election there is one element which, of course, super-constituency will change. If we are looking at trying to encourage different branches of society to come forward into election of course one element which is going to change significantly is the cost because if you have a much larger area to canvass then of course that is going to increase the cost of the elections. Now, for Deputies, if you have not been a States Member previously, not everyone has the wealth to run a large campaign like that, and that is part of the reason why I have been so supportive of smaller constituencies because it does allow someone from a different background to stand for the States Assembly which you may not get in the senatorial mix. It does allow younger people in particular to get on the doorstep and be grilled by parishioners and let the parishioners make up their minds. Of course that is something which you will lose; well, you will not lose entirely but it will be more difficult. It will be different. Different is not necessarily bad but that does not mean different is necessarily good and the right thing to do either. I do want one other point which I am going to raise; well, okay, these Members might be still called Deputies but I wonder if they were called Members of the States of Jersey because you will not be a Parish Deputy anymore except, okay, for St. Helier but it will not be a Parish Deputy anymore. It will be something different. I have referred to them before as Senatees or Deputors because they are a blend or a mix of a Senator and a Deputy and, therefore, that is going to change and I do wonder when, from what I understand, all the current sitting Senators at some point in the past were a Parish Deputy or have been a Parish Deputy. So if the system is so absolutely awful why are we looking to abolish that aspect of it? I am not saying it does not need reform because I know there are issues about the number of Members in different Parishes but again I think from someone who has tried to represent poorer people, who has tried to represent middle earners in this Assembly, who has tried to represent younger people in this Assembly I think that the benefit of a smaller constituency gave me that opportunity and I certainly think it will be more difficult in a large constituency and that, in some people's eyes, will be a good thing and in other people's eyes it will not be. I think this does nothing ... and again there is one other problem which I do want to raise and I have said it before but this one I will say again. Again, it is looking at the election process. It is copying the worst election process that we have in the senatorial campaigns, the short question time where we have a huge amount of candidates and it is usually one for 3, for every one seat you get 3 candidates. That is not a good process. That is an awful process. The husting process, the senatorial one, is awful. I do not think anyone can say it is something which we really want to hold up. But what is the decision then? To replicate that process in all the super-constituencies and suddenly we are going to get a more informed electorate with greater choice and that is ... and this is the other thing, and this system is really going to enthuse people. That is going to get them out of there. That is going to engage people because of this system. I suppose I should say some Members of this Assembly are ever the optimists. Now, I have said in the Assembly before, I do not want to be an optimist. I do not want to be a pessimist. I want to be a realist because for me that is what it is about. Say it as it is. I do not believe that these proposals in their current form is a step forward I do not think it is in the interests of the Island and therefore I will not be supporting this and I would encourage other Members to do so. Thank you.

The Bailiff:

I call on the Connétable of St. Clement to reply.

11.1.21 The Connétable of St. Clement:

Deputy Mézec was absolutely correct, St. Clement is underrepresented in this Assembly but as I said before, what we lack in quantity we make up for in quality. An interesting debate because all this proposition does is put into effect the decision that this Assembly made by a large majority some 3 months ago. It is clear that for some Members the penny has dropped when they realise

what they actually voted for. It is rather sad that they did not keep up with the debate some 3 months ago. The Constable of St. Mary, I always have a great deal of respect for the Constable of St. Mary who has chaired the P.P.C. and brought many reform propositions to this Assembly. She made it quite clear, and I quote, she said: "I am not afraid of reform". I paraphrase, she went on to say "but not this reform". Now, how many times in the last 17 years in the 50-odd debates that we have had have I heard that? Because while every single one of us believes in reform, not this reform. What that means is that we do not have reform. We have to compromise. We have to recognise that there are other views and there are other ways than our own particular way. If we do not accept that then reform will not happen. The Constable quite rightly pointed out that there are other issues which the public do not understand. She referred to the Innovation Fund. Of course, we all understand that but rejecting reform today will show those members of the public that we are not prepared to change and we are not prepared to improve. That is totally wrong. A couple of Members, I think it was Deputy McLinton and Deputy Brée, pointed out the lack of esteem in which this Assembly and its Members are currently held by the public. I just wonder where our approval rating will be once we made a decision to improve things 3 months ago, by a good majority, a significant majority, we are now going to say: "No, we did not understand what we were talking about, we do not want to improve the democratic process in this Island." Our credibility with the public would be not just low but lower than low because despite what one or 2 Members said, the object of the exercise when it started off 17 years ago was not simply to increase voter turnout but to improve democracy in this Island. To improve the fairness in representation in this Island, and to improve the equity of the number of votes as best we can. Nothing to do, I believe, with improving voter turnout. That might be something that happens but the important thing is to improve the democratic process. When the Constable of St. John opened this debate after I had brought the proposition I did wonder if we were going to have a rerun of the debate 3 months ago, and of course we did. I was wondering what the relevance of what he was saying was, but now I do understand what it was, the penny has finally dropped for so many people and we want to change our minds. But the important thing is the Parish system. There are one or 2 Members who felt that this was an attack on the Parish system. If that were the case I certainly would not be bringing this proposition, because if we lose a significant amount of our Parish system we lose our identity. The Parish system is the very soul of this Island. It is on which we base our political life, our social life and our cultural life and we put that at risk at our peril. But this proposition does not do that, it improves and, I believe, strengthens the democratic process, which is what we should be all about. Two Members said they did not want this thing rushed. That was the Constable of St. Martin and Deputy Martin. Absolutely right. I do not know if they want to go another 17 years or another 20 years or whatever it is before we make the significant change but certainly there is no way that we can be accused of having rushed this process. As I say, it all started in the late 1990s when the Clothier review started. Deputy Martin, I did not quite understand what she was getting at. She said people need to know now what basis they will be standing on for election in May of next year. Of course, if this debate runs its course we will know later today or tomorrow exactly what the process will be, whether we stay exactly the same or whether we have Senators and whether we have Deputies elected on the larger constituencies. We will know that once we debate the Articles. So Deputy Lewis pointed out, probably correctly, that there is no silver bullet, no perfect system, but the one system which I think will come close to that will be that that was proposed 17 years ago by Sir Cecil Clothier's Committee. Unfortunately the States have never, or certainly the public, really had the opportunity of debating it. We did 3 or 4 years ago, the P.P.C. at the time under Deputy Maçon wanted to go to a referendum on the Clothier proposals. That got hijacked by the non-reformers who then decided they would turn that into a referendum on the Constables where everybody knew what the results would be. So a totally meaningless exercise and the public were once again denied the opportunity of voting on that system. For those who do not recall, that was reducing the number of States Members to 42 or 44

and the Deputies being elected on Parish-based boundaries or districts within Parishes. So that certainly maintained the Parish system significantly. I really do not think there is much more I need to say. We made the decision 3 months ago, the proposition before us is to give effect to that decision so I maintain the principles and ask for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. We are voting on the principles of P.18 and I ask the Greffier to open the voting. Before I ask the Greffier to close the voting I should add that this is a proposition that requires 25 Members to vote in favour.

POUR: 25		CONTRE: 21		ABSTAIN: 1
Senator P.F. Routier		Senator A.J.H. Maclean		Deputy J.A.N. Le Fondré (L)
Senator P.F.C. Ozouf		Senator S.C. Ferguson		
Senator I.J. Gorst		Connétable of St. Peter		
Senator L.J. Farnham		Connétable of St. Mary		
Senator P.M. Bailhache		Connétable of St. Ouen		
Senator A.K.F. Green		Connétable of St. Martin		
Connétable of St. Helier		Connétable of St. Saviour		
Connétable of St. Clement		Connétable of Grouville		
Connétable of St. Lawrence		Connétable of St. John		
Connétable of St. Brelade		Connétable of Trinity		
Deputy G.P. Southern (H)		Deputy J.A. Martin (H)		
Deputy J.A. Hilton (H)		Deputy of Grouville		
Deputy of Trinity		Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		Deputy of St. John		
Deputy E.J. Noel (L)		Deputy J.M. Maçon (S)		
Deputy M.R. Higgins (H)		Deputy of St. Ouen		
Deputy S.J. Pinel (C)		Deputy R. Labey (H)		
Deputy of St. Martin		Deputy S.M. Wickenden (H)		
Deputy of St. Peter		Deputy S.M. Bree (C)		
Deputy S.Y. Mézec (H)		Deputy T.A. McDonald (S)		
Deputy A.D. Lewis (H)		Deputy of St. Mary		
Deputy L.M.C. Doublet (S)				
Deputy M.J. Norton (B)				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

[17:00]

The Bailiff:

I will just ask the Chairman of the Scrutiny Panel whether he wishes to call in this legislation for scrutiny?

Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):

Yes, Sir.

The Connétable of St. Clement:

Do we not have to fix a date for it to come back?

The Bailiff:

Connétable, in accordance with Standing Orders it comes back in 2 weeks at the next substantive meeting, on 23rd May. It comes back when a date would be then fixed.

Deputy M. Tadier:

Could I ask for some clarification from the Chairman as to what he is scrutinising and how people can engage in the Scrutiny process for the panel?

The Bailiff:

Chairman, are you able to help the Assembly on that?

Deputy J.A.N. Le Fondré:

I was not going to add to the debate too much. The Scrutiny process will be done in conjunction under Standing Orders and the normal code of conduct in relation to this as previously advised. The normal engagement will take place, in other words, if the Deputy wished to make representations, send them to the panel.

Deputy A.D. Lewis:

Am I right in assuming it is agreed that it is the 23rd, it is just that I know that several Members are away at a conference and I am wondering if it is possible with the agreement between the Chairman and the Chairman of C.S.S.P. (Corporate Services Scrutiny Panel) to put it back to the sitting after that, Sir, in June?

Deputy J.A.N. Le Fondré:

I think he said it is the date.

The Bailiff:

Chairman, I think perhaps I was a hasty with you a moment ago, Standing Order 72 paragraph 5 says: "Where the draft is referred to the relevant Scrutiny Panel but the panel has not reported on it, the States must decide at which meeting the second reading of the draft shall be listed to continue." So perhaps the question is, Chairman, are you intending to report by 23rd May?

Deputy J.A.N. Le Fondré:

No, the panel considered this matter and we think it should be the normal 4 sittings, which is 4th July.

Deputy J.A. Martin:

Sorry, Sir, can I question your ruling on 72. It is 72(2)(i) surely. They have agreed to take it, not 72(3) where the States have asked them to look at it, then they come back and tell us. Sorry, I do not want to challenge your ruling, Sir, I am just interpreting it differently to you.

The Bailiff:

No, thank you very much, Deputy. **[Laughter]** The position - I am sorry to be so slow with Members - does not arise very often and the Standing Order is obviously beautifully drafted but it has taken me some time to follow it. The position is that the States have referred the matter to the Scrutiny Chairman because he has asked the States to do so under Standing Order 72 at paragraph (1). It is then a matter for the States to decide at which meeting the Second Reading of the draft shall be listed to continue because pursuant to Standing Order 72, paragraph (3), the States have agreed that the Second Reading shall not continue at this meeting. So in those circumstances the Chairman has proposed that the Second Reading should continue on 4th July but it is a matter for the States to decide and that is a question now therefore for the States.

Senator P.F.C. Ozouf:

Sir, I sought guidance from you earlier. I emailed Members early this morning to express my concern about the use of this ability with the right to call in legislation and become a responsibility. I do not know whether or not after having heard with astonishment that the Chairman intends to bring this back - or intended it before your ruling just now - on 4th July then that clearly is an indication of the panel's desire to stop the consideration within the 12 months, which is the guidance period in which you can make changes. Whether or not that is to reject or accept the uncertainty, you simply cannot do that and the Chairman has simply indicated that he is quite happy to take a matter on electoral reform on 4th July, after a general election would have been on 18th May next year. I am considering whether or not that is an abuse of privilege and whether or not I will take soundings from you and others because I think this is a very serious issue. You have just indicated that you can list it earlier, the consequences of us trying to deal with electoral reform within 12 months would be an absolute outrage. It would not work and it would be wrong and anybody on both sides of the debate would say that. It is shocking this has happened and I wish to understand from you what opportunities the Assembly has to stop what I think is an abuse by minority and potentially abuse of privilege.

The Bailiff:

Well, Standing Order 72 paragraph (1): "When the draft is referred to the relevant Scrutiny Panel [which is the case] the States must decide" - that is the States must decide - "at which meeting the Second Reading of the draft shall be listed to continue." So that is where we are at the moment.

11.2 Draft States of Jersey (Amendment No. 9) Law 20-1 (P.18/2017) Second Reading listed to resume on 6th June 2017

11.2.1 Deputy A.D. Lewis:

In that case, could I propose a later date, Sir, of 6th June. There are only 4 Articles here to scrutinise. I cannot quite understand why the Chairman would want quite so long to scrutinise 4 Articles. So can I propose that a date of 6th June is considered, which gives more than enough time for Scrutiny to do the job that they are asking to do. I have no issue with that at all, that is the process and the 23rd as someone is saying behind me, the Chairman is already saying he would like until July so one can only assume he wants more time not less, and also, like I said, on the 23rd a number of us are absent on States business.

11.2.2 The Connétable of St. Clement:

Can I second Deputy Lewis's proposition for D-Day, 6th June. A most appropriate date for this debate to be concluded in my view. As Deputy Lewis mentioned, this is not complex legislation. There are 5 Articles of which none of them run to more than 2 lines. Even this panel should be able to complete that in 5 weeks. **[Members: Oh!]** I know they are not the speediest panel. I mean, we are still waiting for the Finance Centre report, are we not, which has been going on for a few years. I would think that even this panel could do this work in 5 weeks, bearing in mind that 2 Members

of that panel are members of the Privileges and Procedures Committee who have worked on this legislation and were responsible for its drafting. I am delighted to second Deputy Lewis's proposition and hope the States will accept it.

11.2.3 Deputy J.A.N. Le Fondré:

Sir, I can say something to that. Right, number one, I absolutely disagree fundamentally with the tone of the Constable of St. Clement, I am afraid. I absolutely reject in fact the allegation that we are doing this just for a laugh.

The Connétable of St. Clement:

I certainly did not say that and I have not criticised the committee except for their tardiness in one other report. I have accepted their absolute right to call this in, I do not criticise them for that publicly but what I am saying is they should be able to do this work in 5 weeks.

Deputy J.A.N. Le Fondré:

The Constable may also have missed the fact that not only have we had the hospital review, which continues on and has been changed, and in fact our starting point was that we were looking at debt of £400 million and have now come to £275. That has been delayed twice at the request of the Minister for Treasury and Resources. The Constable said we have been tardy. We have also done 2 other sets of work, all of which have had an impact on the J.I.F.C. (Jersey International Financial Centre) review. The Constable may also recall that certain conditions were set on the J.I.F.C. review which required quite lengthy referral back to the underlying people we are looking at. So, on that basis we have done a lot this year and I refute the allegation of tardiness. In terms of reviews, if the Assembly wishes to go to 6th June, fine. Working from experience, at the moment we are still not clear of the hospital debate and the point about doing a proper review of what is serious constitutional change is to do it properly. I have no great problem with 6th June. I do not see the difference between 6th June and 4th July from what people are saying but, anyway, that is in the hands of the Assembly. I did want to stand up and just absolutely state that I need this like a hole in the head, no question, but the point was made that Scrutiny operates without fear or without favour and this is sufficiently important that we should be looking at it. I also make the point of clarification that the 2 representatives of P.P.C. are not taking part in the review, as far as I am aware, and indeed were not party to the decision to call it in. I hope that clarifies the matter.

11.2.4 The Connétable of St. John:

This is only on the date. I would ask the Constable of St. Clement to retract some of the comments he made. The work done by the Corporate Scrutiny Panel is substantial and the hours we have put in are unacceptable. They are an unacceptably large number of hours. I, this morning, emailed everyone in reply to Senator Ozouf's email, stating that I would play no part and that I had declared an interest and was standing down. So the panel will have to find additional members from this Assembly, if they can, to take the position and that I and Deputy Brée hold, because we have stood down, and that is prior to starting any work. I do not believe it can be properly scrutinised in the timescale that the Constable is proposing and the Chairman of P.P.C. and I would strongly advocate that if the job is to be done it is to be done properly, because we are trying to do too many things in too much of a hurry in this Assembly. If the Chairman of the Corporate Scrutiny Panel needs his proposition of 4th July seconded, I would be proud to do so.

The Bailiff:

It is subject to an amendment at the moment and we are not going to debate it for very much longer.

11.2.5 Deputy M. Tadier:

I need some advice from the Chair. I can make a speech on why I do not think either date is a good time for the panel but as far as I know they have got autonomy to decide when they report back to us. That is not the case? Well, that is fine. We will hold that thought then. I have got a question about Standing Orders. What would happen if we were to lift Standing Order 72, either in its entirety or 72 part 1, for the referral of this to the Scrutiny Panel?

[17:15]

It seems to me that the majority of States Members do not want this to be referred to Scrutiny, presumably. In that case, the Scrutiny Panel is acting in a way which the majority of this Assembly do not agree with. So it seems that it could be a matter that could be resolved today by the lifting of that Standing Order or at the next sitting by a vote of no confidence in the panel, which would, of course, bring in a whole question. It means they would not be able to report back. That is, of course, a nuclear option and it seems that we could deal with that today, possibly, with regard to this lifting of Standing Order 72.

The Bailiff:

Well, Deputy, the difficulty is that proposition has already been referred to the panel so it is too late to lift it. Very well, those Members in favour of the proposition which is ...

Deputy M.R. Higgins:

Sir, I was going to speak.

The Bailiff:

You would like to reply?

Deputy M.R. Higgins:

Yes.

The Bailiff:

Very well, Deputy Higgins. We will arrive at 6th June before we have decided. **[Laughter]**

11.2.6 Deputy M.R. Higgins:

It depends on which side you are on whether it is going to be a success. I just want to make a statement. I have heard the comments that have been made about a vote of no confidence and also some of the other comments which you have just ruled on. I just want to say I feel do not personally agree with the decision that was taken but I believe that Scrutiny has the right. I can remember 6 years ago when members of the Council of Ministers were not happy with a decision I took in calling a piece of legislation in and there was talk about a vote of no confidence. What happened was that all the members of Scrutiny took it as an affront on Scrutiny and a danger to Scrutiny. I believe if we go that route then I think it is highly dangerous. So, as much as I disagree with the decision to go forward to Scrutiny, I do believe it is the right of a Scrutiny Chairman and we should not tamper with anything to do with Scrutiny at our peril because it will come back and bite us on other propositions. **[Approbation]**

Deputy A.D. Lewis:

Do you require me to sum up, because I have already spoken?

The Bailiff:

You are summing up on the date.

11.2.7 Deputy A.D. Lewis:

I have absolutely no issue with this being called in. It is a democratic right. I think it is a bit late in the day so I am disappointed that I only got notice of this on Friday, and other Members too. I would have hoped it would have been raised at the Chairmen's Committee; it was not and that is regrettable. But I am accepting of the ability for C.S.S.P. to call it in. One month or 5 weeks in this case should be more than sufficient so I do hope that Members can support 6th June. I have one slight concern, though. I have not checked the voting yet because it has not come up and I did not hear all of the roll, but from memory I think all the Corporate Services Panel members ... you abstained? Okay. But I am aware there are maybe some conflicts there. The Constable of St. John has already declared his, as has, it would appear, Deputy Brée. There may well be a requirement for other Members to step forward to assist C.S.S.P. here and perhaps it something we can discuss at Chairmen's Committee so it is regarded as impartial by Members. That is important, but with the 5 Articles to scrutinise I would hope that your 5 weeks are more than sufficient to come to the Assembly with the views of that panel. I hope Members can support that 5-week delay. With regards to the Venice Convention, which I know is of concern to some Members, we are not then fully compliant but only by a matter of weeks so I hope we can accept that. This is important to go ahead and get on with it. There is a slight non-compliance issue there. It is not a law, it is a convention. We should always attempt to observe it and we do for the most part. In this instance we will not be fully but I hope Members will accept that a few weeks' delay for the purpose of Scrutiny is acceptable and, like I say, it is not legislation that we are breaking there, it is purely convention. So, Members, I do hope you can support 6th June as an opportunity to come back and continue with this debate and include the amendments.

The Bailiff:

Those Members in favour of listing the debate. The appel is called for and I invite Members to return to their seats. The vote is on whether to list the continuation of the debate on 6th June. I will ask the Greffier to open the voting. All Members have had the opportunity of voting. I ask the Greffier to close the voting.

POUR: 33		CONTRE: 9		ABSTAIN: 0
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf		Connétable of St. Lawrence		
Senator A.J.H. Maclean		Connétable of St. John		
Senator I.J. Gorst		Deputy J.A. Martin (H)		
Senator L.J. Farnham		Deputy J.A.N. Le Fondré (L)		
Senator P.M. Bailhache		Deputy J.M. Maçon (S)		
Senator A.K.F. Green		Deputy R. Labey (H)		
Connétable of St. Helier		Deputy S.M. Bree (C)		
Connétable of St. Clement		Deputy T.A. McDonald (S)		
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				

Deputy of St. Martin				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy M.J. Norton (B)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

12. The Chief Minister made a statement regarding the Innovation Fund

12.1 Senator I.J. Gorst:

Yes, I would, bearing in mind that we are no longer now to be sitting tomorrow. It is quite a lengthy statement, and I have asked the Usher to distribute it, but equally it is a very important statement, Sir, so I hope you will rule that it is allowed. When I last spoke to Members about the Innovation Fund in January this year, I expressed my disappointment at the serious failures highlighted in the Comptroller and Auditor General's report. While the concept of the fund was a good one, there were deficiencies in governance and management. The report found that the States-approved terms of reference were not translated into properly robust operating procedures, clear accountabilities, effective monitoring and timely reporting mechanisms. I can now confirm receipt of the review into ministerial involvement that was conducted by Jessica Simor QC of Matrix Chambers in the United Kingdom and a copy of her report will be presented today. The review focused on the actions of Ministers from conception of the Jersey Innovation Fund through the lodging, scrutiny, re-lodging and debate processes as well as the implementation and the more recent day-to-day management of the fund. Having carefully considered the findings, I would like to update Members on the actions I will take but first here are some of the report's key findings. There was confusion over which Minister had ultimate legal responsibility for loan decisions and confusion over which officers answered to which Ministers. The current political system makes it difficult for the Chief Minister to reallocate ministerial responsibilities. Delay in transferring functions between Ministers complicated the lines of command. There was more than a year of confusion over which Minister was ultimately responsible for the fund and it created uncertainty for reporting lines. While Ministers have ultimate responsibility for the work of their departments, they are obliged to listen to their officers and have the right to expect that the advice that they are given is accurate. Ministers are ultimately responsible for the action of their departments so Ministers or Assistant Ministers with delegated responsibility need to inform themselves of what their departments are doing. Officers could see that the operational terms of reference were not working as well as they should; however, no one pointed out these difficulties to the relevant Ministers. The report finds that the reason for this was the lengthy political process required to amend terms of reference that have originally been agreed by the States Assembly. The report is clear that Senator Ozouf understood, on the basis of what he was told, that the J.I.F. (Jersey Innovation Fund) was functioning effectively and he took action as soon as he discovered otherwise. I am awaiting 2 separate reports concerning the role of officials in relation to the fund and concerning the financial status of the fund. These are expected shortly. I would now like to bring specific issues to the attention of Members and explain what action I will and have taken. (1) The establishment of the fund. The Jersey Innovation Fund was established following a considerable collective effort that culminated in amended proposal P.124/2012 being approved by this Assembly by 41 votes to one. Considerable effort was put in by the Economic Development

Department, Treasury and Resources and Scrutiny to bring the amended proposal to this Assembly. From the point of approval onwards, the operating terms of reference became the responsibility of this Assembly. It is an important distinction for Members to understand, as the report found that any deficiencies in the operating terms of reference were collectively the responsibility of this Assembly rather than any individual Minister or Assistant Minister. That does not, however, excuse subsequent gaps in oversight and implementation. It was my intention after the 2014 election that Senator Ozouf would oversee all matters relating to innovation. As a step in that direction, he was appointed Assistant Minister for Economic Development for an interim period before the J.I.F. was to be transferred to the Chief Minister's Department. At the point of transfer, Senator Ozouf would have responsibility in his capacity as Assistant Chief Minister. Indeed, until mid-2015 it was intended that he would have full ministerial responsibility as head of a new ministry. That transfer was delayed from November 2014 until January 2016. This was because although my intention to rearrange governmental responsibilities was announced in November 2014, the transfer of functions was not agreed by this Assembly until 16th December 2015. This created a significant degree of confusion as to which Minister held ultimate responsibility for the fund. It is clear that the interim solution, with Senator Ozouf as Assembly Minister for Economic Development with responsibility for Digital Competition and Innovation, lasted far longer than had originally been envisaged and caused problems with reporting lines, including the reporting lines of officers. For a range of reasons, legal responsibility for J.I.F. did not pass to Senator Ozouf until April 2016. He then came to this Assembly on 14th June 2016 to make a statement on the fund. In taking this responsibility Senator Ozouf proceeded to ask questions about how the fund was being managed. This led to a change in accounting officer and the commissioning of independent forensic reviews into each borrower. I then commissioned 3 independent reviews in January 2017. We serve as Ministers and Assistant Ministers within a code of conduct and practice that has been laid before this Assembly. The code places a number of expectations and responsibilities on our shoulders. Paragraph 2 of the 2015 Code clearly states: "Whether in person or through their Assistant Ministers, Ministers have a duty to the Assembly to account for matters for which they are responsible, including the policies, decisions and actions of the departments and agencies which discharge their responsibilities." Ministers are generally responsible for policy and officers for implementation. In this instance, implementation has failed to deliver the desired policy outcomes for innovation and good governance. Senators Farnham and Maclean were responsible for the policies, decisions and actions of the Economic Development Department during their time as Ministers for Economic Development. While I remain confident in their abilities, I am writing to each of them to express my disappointment with the shortcomings of oversight and governance in their department in respect of J.I.F. In addition, the 2015 Code makes clear that Ministers and Assistant Ministers should record decisions in compliance with the *Ministerial Decision Guidelines* issued by the Chief Minister, as included in Appendix 3 and updated periodically. This is a change from the 2006 Code, in that there is now a requirement for a proper record to be held.

[17:30]

Much has been said and written about the Jersey Innovation Fund by members of the public, this Assembly and local media. Senator Ozouf bore a considerable brunt of this criticism and I know that this has been a very difficult period for him. During the sitting of this Assembly on 17th January 2017 Senator Ozouf stepped aside from his position as Assistant Chief Minister to ensure that a fair and objective review could take place. This was an honourable course of action and one that I hope is properly recognised by Members. Senator Ozouf has maintained a dignified silence throughout the period of this review and it is a matter for him to determine whether he wishes to make a separate statement in the future. It would be wholly unreasonable to hold Senator Ozouf accountable for all actions that took place before the legal transfer of responsibilities, despite a mistaken view that delegation had already been granted. It was my intention, after the last election

to appoint Senator Ozouf to a ministerial position with clear, unequivocal responsibility for innovation and other policy areas. I remain very firmly of the view that Senator Ozouf has a great deal to offer our Island and this Assembly. I will be discussing with colleagues what future role Senator Ozouf might play. It is clear from this report on the Innovation Fund that our political system needs reform, in the interests of accountability and efficiency. I am absolutely committed to bringing forward changes to ensure that the Assembly and government function for the benefit of Islanders and that we use the talents of all Members who wish to be involved in government. I plan to bring forward proposals to change the machinery of government and remove the divide between Ministers, Assistant Ministers and Scrutiny. I will consider alternatives to the Troy Rule and collective responsibility. I will propose that the Chief Minister should be able to amend ministerial functions and departments by order. This report on the Innovation Fund has revealed a cumbersome system that prevents the government from adapting promptly to changing requirements. I will be proposing changes that enable each new government to decide how to conduct its business that will streamline decision-making and better serve our community. Thank you, Sir.

The Bailiff:

Although we would normally be looking to adjourn at 5.30, there are 15 minutes of questions and we are not coming back tomorrow, so we will continue. The Connétable of St. Mary.

12.1.1 The Connétable of St. Mary:

I cannot help feeling a premonition, this is exactly what I was talking about in the speech I made a few minutes ago. Can the Chief Minister give me any indication of timescale for this machinery of government reform and any idea of how he proposes to succeed now, when we have failed so miserably in the past?

Senator I.J. Gorst:

I propose to bring to this Assembly, prior to the summer recess, these changes. Some changes may need to be fast-tracked in advance of that, dependent on conversations with colleague Ministers and colleagues in this Assembly. But the over-arching detail changes will need to be considered by this Assembly before the summer recess. I sat during the last debate listening to speaker after speaker concerned about our system of government. I believe that when Members have time to read this detailed report they will agree with me and they will agree with those speakers who made those comments during the previous debate that we cannot delay, we must grasp the nettle and made these changes.

12.1.2 Senator S.C. Ferguson:

The Chief Minister has emphasised the shortcomings of the Economic Development Department, but he has made no comment on the fact that proper application of Financial Directions and the supporting controls does not appear to have been put in place before the fund commenced operating. No comment has been about this or the relevant department. Why not?

Senator I.J. Gorst:

The Senator will see from the detailed report that those issues are fully addressed. I think that will answer her question. The reporting is quite clear that Ministers took advice from their officers and they acted in good faith.

12.1.3 Senator S.C. Ferguson:

Supplementary, Sir? There appear to be a number of policy meetings where the actual Ministers were not present. Surely this is not quite the way to conduct these sorts of matters, Chief Minister. I notice that you were present at the meeting.

Senator I.J. Gorst:

The Senator is raising issues with regard to the change in the potential risk rates that might be included in the Financial Directions. The Senator will see from that report that changes were not made, they were continued to be considered draft until they were approved by the Minister.

12.1.4 Deputy G.P. Southern:

I refer to 2, responsibility for the fund, where it says: “The transfer was delayed from November 2014 until January 2016, over a year.” Who was supposed to bring that transfer and when was it brought? Because it was not agreed, note the passive voice, by this Assembly until 16th December 2015. Who was supposed to bring that change and when was it brought?

Senator I.J. Gorst:

It was drafted at the beginning of 2015. It was lodged in early 2015. It was approved by this Assembly, after a Scrutiny process, on 16th December 2015 for the changes to take effect from 1st January 2016.

12.1.5 Deputy A.D. Lewis:

As the Chief Minister is aware, responsibility for the fund now lies with his department, the Chief Minister’s Department. I was wondering if the Chief Minister could advise as to how many meetings he attended and how many discussions did he make in relation to the Jersey Innovation Fund during the periods when Senator Maclean and Senator Farnham were absent from the Island?

Senator I.J. Gorst:

When a Minister is absent from the Island they delegate their responsibility either to the Chief Minister or to fellow Ministers. I am only aware of attending, as the report makes absolutely clear, prior to legal responsibility coming to my department, one meeting with the Chairman and at least 2 members of the board of the fund. Post the legal responsibility coming to my department I did not meet with the board, but I had a number of meetings with Senator Ozouf and officers in the department, with regard to its operation. Members will be aware that it was when the legal responsibility was clarified, when it was finally given to Senator Ozouf, that the changes, which Members of this Assembly rightly would expect and wanted to see, were put into effect.

12.1.6 Deputy A.D. Lewis:

Supplementary, Sir? Does the Chief Minister accept any culpability here at all within his department, with regard to the Jersey Innovation Fund?

Senator I.J. Gorst:

If the Deputy reads the report he will see that once the fund was the responsibility of the Chief Minister’s Department and it was appropriately delegated to Senator Ozouf then the independent reviews, the accountancy firms, were employed, no further loans were issued, other than a continuation loan, which could not be avoided, and the Comptroller and Auditor General started her review, it was when the responsibility was finally clear, belonging to myself and delegated to Senator Ozouf, that the whole sorry state started to be addressed.

12.1.7 Deputy M. Tadier:

Point 15 of the review, on page 7, states: “There was a significant degree of confusion and disagreement as to which Minister held ultimate responsibility for the J.I.F.” Yet, in his statement the Chief Minister chooses to make political capital calling for a blur in the lines of a more “inclusive Government”, which is surely a call for more of a one-party state to stamp out any political dissent. Does the Chief Minister agree that what the report says is not that there should be

more people and more Assembly Members in Government, but that there were too many Members already involved, none of whom really knew what they were doing in the first place?

Senator I.J. Gorst:

Not at all. I think the reverse. What it shows is a current organisation with processes and procedures that do not work in the interest of the public. A Chief Minister coming into office does not currently have the ability to move responsibilities around a department without coming and lodging regulations in this Assembly, despite what a previous ministerial government subpanel suggested should take place. We have to, I believe, face the difficulties that our current system shows, the division in this Assembly, where good people who can well input into government and make positive decisions on behalf of this Island are not currently enabled to do so, because there are a limit on the number of people who can be involved. Accountability has got to be clear, but we have to remove the divide to work together for the benefit of all of our community. We have to face that issue.

12.1.8 Deputy M. Tadier:

Supplementary? If the Chief Minister wants accountability, he should form his own political party before an election and tell people what he and his colleagues think are the right policies for Jersey. Only if he can form a majority then should he presume to lead this Assembly. To get back to the point, point 15, this is not what it says in the report regarding the fact that there needs to be more people in there. It says that there was not political accountability, there was not political oversight. It says nothing about the numbers of non-executive Members moving over to the executive in order to resolve this problem. Will the Chief Minister admit that point?

Senator I.J. Gorst:

It shows that there was confusion. I have been absolutely clear on that. I believe that what it shows, in that confusion, is that our current system needs to reform and needs to change. I know that the Members opposite believe that the only solution to all of our problems is to form a political party and deliver a majority. That is their right to make that assertion. I believe that in a system where we believe there are benefits of being independent, the current divisions in this Assembly means that not everyone and not everyone that wants to can make a positive contribution to government for the benefit of all Islanders. I am not prepared to continue with that process and I am going to bring forward to Members the opportunity and the options to change that system. Member after Member in the previous debate said: "Do not change the electoral system." I do not disagree with that view. "Change the ministerial system." The public are frustrated with the ministerial system.

The Bailiff:

It is question time, Chief Minister. You cannot go on indefinitely.

12.1.9 Deputy R. Labey:

On that note, he must be in a unique position to judge this, given the last 6 years, what is glaringly obvious to the Chief Minister that is wrong with ministerial government and could he give us a steer as to the priority of changes he would like to see?

The Bailiff:

In 90 seconds.

[17:45]

Senator I.J. Gorst:

Sir, you know that is tricky for me. I sit in this Assembly week in week out and I see good people who have got a real contribution to make, in particular areas of government. I am looking directly opposite me to the Chairman of the Jersey Overseas Aid Commission. She has done a fantastic job in reforming the Jersey Overseas Aid Commission. **[Approbation]** She is our Minister for International Development. We should be able to accord her rightly that position. She should have input into Government and be involved in the Executive when we are making those decisions. That is one example. I look across and I see many, many more individuals that should be involved in delivering a stronger, better Government.

12.1.10 The Connétable of St. John:

Reading the statement and listening to the statement the Chief Minister just made, does he agree that I am reading it correctly when I say that there was confusion over responsibilities and that there were not clear lines as to who was responsible for what? Does he not agree, therefore, that he should be responsible for failing to give the correct leadership and decisive leadership and, therefore, accord the necessary guidelines as to who was responsible for what?

Senator I.J. Gorst:

We work under the laws that this Assembly approves. Members like to think that I have a finger in every pie, and sometimes the public think this as well. I have a very narrowly defined legal responsibility but I try to work with Ministers in their corporation soles to work for the benefit of Islanders. What this report shows is that the current structure needs to change, because there is confusion in some Members about who is responsible for what and in the minds of the members of the public about who is responsible for what and who has legal responsibility across departments. It is no good us simply criticising each other and calling for one after the other to resign. Let us roll up our sleeves and get on with the transformation that I think after 2 and a half years of this current Assembly every Member agrees we need to make changes to and we need to improve.

12.1.11 Deputy J.A.N. Le Fondré:

Under Section 4, Other Relevant Matters, third paragraph down, it says: "...be wholly unreasonable to hold Senator Ozouf accountable for all actions that took place before the legal transfer to responsibility, despite the mistaken view that delegation had already been granted." Yet, paragraph 12 caught my eye, in the Executive Summary on page 7, which says: "There can be no doubt that Senator Farnham took a decision to delegate his statutory powers in relation to the J.I.F. and he legally took that decision in December 2014. Nor can there be any doubt, and that it was widely understood (so there cannot be any doubt), that Senator Ozouf had delegated powers in relation to the J.I.F." What exactly was the correct position? Because that part of the report and the statement seem to contradict each other.

Senator I.J. Gorst:

There is no contradiction at all. When the Member has read the report I think he will see that there is no contradiction at all. The responsibility and the report is clear, Ministers are responsible. The responsibility legally transferred to my department on 1st January 2016. The questioner is trying to be critical. Senator Ozouf did the honourable thing in stepping aside.

The Bailiff:

Thank you, Chief Minister. The 15 minutes has now passed. It is time for the Chairman to summarise arrangements for the next meeting.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

Business for future sittings, 23rd May, is as per the Consolidated Order Paper, plus, of course, P.130 and the associated amendments Future Hospital Funding Strategy. 6th June, again, as per the Order Paper, but in addition, P.23, Draft Income Support (Amendment No. 15) in the name of the Minister for Social Security will be moved to 6th June. Of course, we will have the Second Reading of P.18, the Reform of the States. I would suggest that by 23rd May, if we finally do the Future Hospital Funding, we should be looking for a 2-day sitting.

The Bailiff:

I was checking the time. The States now stands adjourned until 10.30 a.m. on Liberation Day. Members are asked to be in their seats by 10.15 a.m.

ADJOURNMENT

[17:50]