

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 13th SEPTEMBER 2017

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[9:30]

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

Deputy J.M. Maçon of St. Saviour:

I wonder if the States would be minded to change Deputy Higgins into défaut excusé as he is obviously deeply involved with the Battle of Britain Air Display today; that is why he is not able to make the States. I wonder if the States would be minded, as in the past they have done, to mark him that way. Thank you.

Senator P.F. Routier:

In the past, I think Members have been appreciative of the work Deputy Higgins has done under the impression that it was all done on a charitable basis. **[Approbation]** I think it has become quite aware recently that it is a paid position which, if I wanted to go off and work in my own business during the day, I would not be allowed to have défaut excusé. I do not think it is appropriate to permit this.

The Greffier of the States (in the Chair):

Well the Deputy has been marked défaut so I am not minded to change that.

PUBLIC BUSINESS - resumption

1. States Members' Remuneration Review Body: implementation of pay recommendations (P.39/2017)

The Greffier of the States (in the Chair):

We now move on to the first item today which is the proposition P.39/2017 States Members' Remuneration Review Body: implementation of pay recommendations lodged by the Privileges and Procedures Committee and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) that the provision in Article 44 of the States of Jersey Law 2005, which prohibits States Members from being paid at different levels, should be removed; (b) that pay differentiation should apply only to the Chief Minister, from the election of the Chief Minister in 2018; (c) that the Chief Minister should receive a supplement of 15 per cent of salary from May 2018; and (d) to refer to their Act dated 12th June 2012, in which they agreed the terms of reference of the States Members' Remuneration Review Body, and to agree that, in the event that Article 44 of the States of Jersey Law 2005 is removed, a new paragraph 10A be inserted into those terms of reference, worded as follows: "Any recommendation by the Review Body for a new scheme for differentiating the level of remuneration and expenses payable to elected Members shall only be implemented if a proposition giving effect to such a recommendation has been adopted by the States."

Senator I.J. Gorst:

Could I ask a point of order? This of course is for the next Chief Minister, not the current one; however, when I have decided whether I am going to be seeking re-election or not, if I decide positively and I am re-elected it will not surprise Members to hear that I would seek to return to this post. Therefore, I feel that there is a potential conflict. I perhaps will reserve the right to speak but I will be abstaining unless you believe the conflict is so strong that I ought to leave the Assembly. I wonder if other Members might consider likewise because I suspect they are also considering their position post May.

The Greffier of the States (in the Chair):

I do not think there is a conflict at all because there are 2 significant steps to take before this proposition kicks in. One is you, Chief Minister, have to stand for election and win, which you may not. [Laughter] Secondly ...

Senator I.J. Gorst:

I thought you might use the word “probably” not.

The Greffier of the States (in the Chair):

So you might not. Secondly, you have to stand in this Assembly and win the support of the Assembly, which you might not. So I think there is no conflict in relation to any sitting Member because this proposition only applies to a Chief Minister elected after the next election. But obviously if you wish to not vote, that is entirely a matter for you. The Constable of St. Clement.

1.1 Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee):

The States Members’ Remuneration Review Body is an independent body, an honorary body which since 2004 has set the level of Members’ remuneration and has made recommendations about other aspects of our pay. They have done an excellent job, I think, of setting Members’ pay fairly without the matter having to be debated in the Assembly. I think it is right that we pay tribute to its members: the current members, Ian Black, Louise Read and Gerald White, and the 2 retiring members, John Mills and Maurice Dubras. These 2 have now stood down after 9 years’ service and we are currently recruiting for their replacement. The body’s recommendation earlier this year was that Members’ pay should be unchanged during the next Assembly. Any Member could have brought a proposition to challenge that but this did not happen. I cannot help but reflect that if that position is maintained, States Members will not have had a pay increase for some 9 years, so austerity bites here hard. But the board also recommended that Article 44 of the States of Jersey Law which prohibits States Members from being paid different amounts should be removed and accordingly the Chief Minister should be paid a different amount to other Members from next year, May 2018, and that the Chief Minister, whoever it might be, elected at that time should receive a 15 per cent supplement to salary which amounts to approximately £7,000. Allowing States Members to be paid different amounts is a longstanding recommendation of the review body. P.P.C. (Privileges and Procedures Committee) have not taken a view for and against the principle, nor has it taken a view on this precise recommendation but it is important that the review body’s recommendations are debated and that the Assembly has the chance to reach its own view and this debate provides that opportunity. P.P.C. have put forward paragraph (d) of this proposition which makes it clear that if the principle of deferential pay is agreed today, a new type differentiation other than for the Chief Minister, in other words, paying Ministers, chairmen of committees, chairmen of panels a differential amount would have to be debated separately by the States. If this proposition is agreed, we will bring forward a draft law to amend the law to remove Article 44 and if and when this is done, paragraphs (b) and (c) of the proposition have been adopted, the Chief Minister’s pay will be increased from next year. I have to say that, in my own personal opinion, I support the differential in pay for the responsibility and extra work that the Chief Minister has to do. I do not think it is going to make one iota of difference to any individual standing for office but what it does do, what it will do, is recognise by this Assembly and by the Island the additional responsibility and indeed workload that the Chief Minister, whoever it might be, has to undertake. I think it is a token but I think a valuable expression of this Island’s recognition of the work that the Chief Minister does. I make the proposition.

The Greffier of the States (in the Chair):

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?

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

Some Members will recall that I have spoken in previous debates on States Members' remuneration. I have made a written statement to the States Members' Remuneration Review Body in the past and there have been occasions when I and others have been prevented from speaking in this Assembly on the subject. On one occasion I tried to make a comment while we were still deciding whether to lift Standing Orders or not before we could discuss remuneration. The President of the day was too clever for that, although it was not an intentional move on my part. I prefer to think I had not been here long enough at that time to realise that we were prevented from speaking about it. Indeed, a decision was made that day at the Assembly that we would not lift Standing Orders and therefore could not debate the issue because it affected us personally but of course we were reminded that we had an independent board to put forward recommendations. We are here today, and I accept that it is something different, we are allowed to speak today obviously because we are changing things, but we are seeking to change the terms of reference that we agreed on a standing vote just 5 years ago, P.44/2012. Paragraph 3(i) of the terms of reference: "The principles that the level of remuneration available to elected Members should be sufficient to ensure that no person is precluded from serving as a Member of the States by reason of insufficient income and that all elected Members should be able to enjoy a reasonable standard of living, so that the broadest spectrum of persons are able to serve as Members of the Assembly."

[9:45]

There is nothing about different responsibilities in this Assembly. I accept that the terms went on to allow Members to debate the review board's recommendation if a proposition was lodged in this Assembly and was subsequently approved by the Assembly to debate. I further accept that the review board at the time made other recommendations that they would not be implemented until agreed by the States, as the Connétable has said, something that we are being asked to approve in the final paragraph (d) today. I am fortunate, I have never seen my role as a Member of this Assembly as a job or career. I have never seen my role as a Connétable as a job or career. It is an honour to sit in this Assembly and it is an honour to be a Connétable. **[Approbation]** It is an honour to be a Member of the States of Jersey to try to serve the public of this Island. Some may not think that they are being served to the best all the time by all of us, but we all have our different styles and we all try to serve the public as best we can. I hope I speak for everyone in this Assembly. We want to serve the public, to serve the community and to serve the Island to the best of our ability. That is the achievement that we will take with us when we go; each of us when we go. Or looking at it the other way: do we want to be employees? Is this just a job? Do we wish to serve or do we wish to be employed? Sadly, I believe many Islanders now see us as employees rather than their representatives trying their best to make this Island even better. I fear that change is happening. I am sure we all have to agree that there is that perception now and I can understand that many would be unable to serve if there was no form of remuneration at all. We would be back to the old system of the retired old men, as it was, who were farmers and lawyers who were able then to sit in this Assembly and not have the workload that we have today, so we have a far broader area of society with us in this Assembly. Several years ago I would have believed, and I said it, supported that the Chief Minister and the Ministers and those with all the additional responsibilities as chairs of panels and committees should be remunerated at a high level. Indeed, I believe they were the comments that I sent to the Remuneration Board when I put the written submission: a newly-elected Member able to receive the same amount - same amount - of remuneration as the Chief Minister, as the Minister for Treasury and Resources and so on. The other option, of course, was for new Members not to take the full amount if they did not need to and they still do not have to. None of us have to at any time. The terms of reference clearly state: "The level of

remuneration available to elected members should be sufficient to ensure that no person is precluded from serving.” It does not read that those in higher positions, Ministers and chairs of panels and the like, should be entitled to higher. It does not say that those who are used to a higher weekly outgoing should receive more than those that do not. Every candidate seeking election knows what is available before they get their nomination paper. If approved today, I have no doubts that recommendations will soon be coming before this Assembly for debate to seek increased remuneration for the Ministers and some will see the Ministers having that deserved extra remuneration. Another argument of course that will follow this debate is the actual remuneration available will never attract suitable candidates. Well, I am sorry, we have some really good candidates, we have some really good Members, hard-working, experienced, more than capable, dedicated Members of this Assembly working to the best interests of the community and who of course could earn far more outside of this Assembly. That is their commitment to this Island that is so often forgotten. Please do not tell me they are there for the remuneration alone. If this proposition is approved today, then it will appear that we have approved a 15 per cent rise, an increase of payment of £7,500 for the Chief Minister annually until May 2022. The salary is about a fifth of the new Chief Executive Officer of this Island. The Chief Minister of this Island getting about a fifth of the Chief Executive Officer, maybe a grade 11 on a civil servant. But of course a reminder, it is just an allowance, it is not a wage, and of course you have got no security and no pension. As I have suggested, I think it will be only a matter of time before other positions will be before this Assembly for a pay increase. It is a pay, is it not, it is not an allowance. Then of course Members start to interfere. So far Members have not interfered because the Remuneration Board do their ... although there has been that provision in the law for it, it has not happened. So I suppose the fundamental question, in conclusion, goes back to the very day when remuneration was first agreed for States Members. We have Article 44(1) of the States of Jersey Law 2005 and it is quite clear: “No scheme, agreement or other arrangement whatsoever for the remuneration of, or the payment of any allowance to, elected Members out of the Consolidated Fund shall provide for different elected Members to be entitled to receive different amounts of remuneration or allowance.” Why that was there, I do not know, but it is there. I really feel I am unable to support the proposition. Thank you.

1.1.2 Deputy M. Tadier of St. Brelade:

I hope it is the case for all of us that we can say honestly that we did not go into this job for the money. We all know that there are much easier ways to make money than by being a States Member. I remember a question that was put to me and all the candidates I think in the 2008 Senatorial hustings at the St. Ouen Parish Hall when there was obviously the ongoing debate. We hear sometimes individuals saying: “Was it not better in the good old days when States Members were not paid and they made much better decisions?” Nowadays of course we have got career politicians and that is not a universal thought but it is still one that persists; it is perhaps with rose-tinted glasses. Maybe good and better decisions were made in the past but there were perhaps a whole raft of reasons for that. There was lots of money swirling around and there are lots of bad things that happened that we did not know about at the time which we do now know about. I said to the person: “Yes, I would go into politics if I was not paid” because that was the question. At the time I was living at home with my parents, I could have probably afforded to do that. I would have had perhaps a part-time job on the side. I would not necessarily have had any rent to pay, I would have simply contributed to my board and lodgings. I suspect I could have done something of a job of a States Member but with a part-time job on the side. It was decided that, not so much to reward States Members or pay them handsomely, but in order to live you need to give people money so that they can at least do their basic job. I am no different to anybody else. I have just made a very short list of some of the casework that I have been doing in the last couple of weeks and it is not exhaustive because I had not managed to finish the list before I got called to speak. There are

mental health issues which I have been called to deal with, there are police complaints issues that are still ongoing for one constituent, there is support for drug and alcohol issues that are ongoing, many different cases, and that is one of the reasons I lodged a written question this week on that issue. Also to do with suicides; Members will know that I have sent an email around. There were constant questions about the Les Quennevais School site. When I go to my surgery every Monday at Communicare there are ongoing bullying issue casework that I am assisting with and overseeing which other Ministers will know about. There is obviously the usual housing casework, income support casework, medical board appeals, all of these kinds of things which are not unique to myself but which I am sure all of us in this Assembly do. The reason I say that is because we do not often stand up. There is no job description. Some members of the public know what a States Member does or should do but of course there are others out there who constantly say: "Well States Members, they do not do anything, they get paid however much it is a year [it is usually exaggerated] and they get 8 weeks off in the summer. What other jobs are there where you get 8 weeks off in the summer?" Well did anybody in here get 8 weeks off? I think I may have got a couple of days off but then you take your phone and your iPad with you, do you not? I am sure that is exactly the same for the Chief Minister and Ministers who are very busy. But I am not making the case for a pay increase, I am not making the case for a differential pay either for the Chief Minister. But what I am saying is that we seem to have got our priorities wrong here because what the Remuneration Board should be doing, they should be looking after the welfare, not just of States Members, but in doing so if they did that they would be looking after the public generally. Because if States Members cannot be afforded the basic norm to operate in their job with the relevant support and some of the normal things you would expect that we give to our employees, like a pension, for example, like administrative support, then how on earth are we supposed to serve the public efficiently? We end up chasing our tails and that is the real issue. So if you look at the fine detail of what is being proposed, it is not in the proposition but it is in the recommendations of the Remuneration Board. They are saying effectively: freeze States Members' pay for another 4 years and then by doing that we can afford to give the Chief Minister a bit more pay. So incrementally by eroding everyone else's pay, that gap does not seem so bad, it would be more acceptable to the public. That is essentially what is being proposed. So in order to give the Chief Minister, whoever that is, he or she, in the future, a bit more money and to make that first political step to do that, they are penalising whoever the future States Members are. It is not populist of course to stand up and say these things but I think there comes a point in the hair shirt wearing of politics that somebody needs to stand up. Workers outside, if they want to, have a trade union. Who speaks for States Members on these issues? It is not self-interest because none of us knows whether we will be here after the next election but it is for those who will be here. Can we genuinely say we are going to freeze people's pay? I know we all come from different backgrounds in here. Some of us might be independently wealthy, some of us might own our own homes, some of us might still be buying our own homes, others might be renting either off a private landlord or renting in social housing. That is great, that is what we should be. We are a representative Assembly and it is expected that we get different situations. But a States Member in the future, we are trying to attract ... we want a diverse Assembly apparently and that means not just people who can afford to stand for election but people who see it as a vocation and want to do it irrespective of what their current situation is. Some people are put off from that, we know. We know that potential candidates are difficult to get for whoever might be looking to support people. When you have got young families, for example, and you are getting good money in the private sector, why would you change your job? You might change to a job if you knew what you were letting yourself into, if you knew that you had the administrative support. But States Members get no pension, they get no personal office space, they get no personal secretarial support, we get no research workers, we do not even get an I.T. (Information Technology) allowance anymore. For some strange reason - and this is how *ad hoc* things were - there was a decision at some point for a

short window of time to say: “We will give States Members [I think] £400 to buy a laptop” and then those of us who are lucky enough could use it to buy an iPad which is invaluable of course. You take this wherever you go with you. You take it to meetings, you take it when you travel and you are constantly on this and you are constantly getting casework and doing what you can to the best of your ability and then that was stopped. So the new intake, they do not get that anymore. I mean, who organises this kind of thing? To stand up and praise the remuneration body and say: “Are they not doing a great job?” when they have just come up with a completely half-cocked and half-baked idea here. It is not entirely their fault. The argument is of course: well why do you not make recommendations as States Members to them? I am sure we would but I think we are all busy running around doing the casework. Incidentally, and I think again this applies ... most of these issues are not for Les Quennevais residents but for La Moye residents, not even for St. Brelade residents because when we get known for certain issues people say: “Have you tried this States Member?” We do not respect the boundaries of where people live. You do not say to somebody in Jersey: “I am sorry, I cannot deal with that because you are over the border.” That is not the way things work. So it would be great if the Remuneration Board could sit and look at us in how we do our work, maybe shadow us for a day or a week and ask States Members: “What is it that you do and what is it that would help you discharge your duties more?” Not just this some kind of ideologically-driven idea which is being pushed through by key proponents who want to try and professionalise and get more business people or whatever into the States. Because I do not care about the money but I do care about being able to do my job right for my constituents. I would quite happily, in fact, take a pay cut if you gave me everything which is even a fraction of what is the norm in other jurisdictions, even small ones. So what I would encourage Members today is to ask themselves the question: is this really the right time, first of all, to be doing this in the current climate the way it is perceived? We talked yesterday about the Jersey way. It is not just about the reality. Of course, we could all make arguments, and no doubt some will, as to why the Chief Minister, the future Chief Minister, should be paid more.

[10:00]

But is it the right message we are sending out to the public? Does it reinforce the concept of the Jersey way, the old boys’ club, or does it not? I would say it is the former. I would also suggest it is the thin end of the wedge because what it will mean is that it is not going to be long before other Ministers will get a pay increase. Of course they should. If the Chief Minister has an extra burden of responsibility, then the other Ministers should also be remunerated for that accordingly. That is a dangerous precedent, it is the thin end of the wedge. I will just finish by quoting some of the ideas that they talk about in the remuneration body. They make comparison to other jobs and it is very difficult. I do not know what kind of job you would compare the job of a States Member. Whether that is a Constable; of course, Constables have got a dual role which they are balancing, Ministers have got dual roles, the scrutineers have also got dual roles. We are all doing multiple roles in this Assembly. They say something like: “Well, States Members already get about 28 per cent more than the average wage” but it is not an average job, is it? Show me another job where you are in the public eye 24/7, where you get messages nowadays by text message, by phone, you still get the occasional letter, you get the emails, you get the Facebook messages, you get the Twitter messages. Some of us, we do not even know we have got these messages because we did not even know it is possible to send personal messages on Twitter, et cetera. We know what I am talking about, I think. Show me a job where that is the norm, where your reputation ... and clearly there are those of us who know about reputational damage in the Assembly where you are scrutinised 24/7; everything you say, do or write can be held up to public scrutiny. We talk about us having a voice but in fact nobody has to censor themselves more; self-censorship. It does not occur more than for parliamentarians. We know that, so in a paradoxical way you give up your freedom of speech when you become a parliamentarian in order to have freedom of speech for your

constituents. So show me a job like that where the pay differential is only 28 per cent where you are on call 24/7. The great work that our firemen do, the lifeboat, for example. I know they do that voluntarily but they have corresponding safeguards. You would not give a road sweeper a job and then say: "Go out and sweep the road but I am not going to give you a broom." So all I am saying is, if the Remuneration Board want to do this in the right order, do not put the cart before the horse. Let us get our House in order literally; let us get our Assembly in order. Let us ditch this proposition today, give it the short shrift that it deserves and let us do things properly. It does not really resolve anything and it does not restore any confidence that the public might have in us, it simply does the opposite.

1.1.3 Senator S.C. Ferguson:

I find myself in a curious position today; I agreed with pretty well all that Deputy Tadier said. Now, as one of the sort of old lags, apart from my slight bit of gardening leave, I remember the original amendment that brought the same level of pay in for all Members. It was brought in as an amendment to the States of Jersey Law by former Senator Stuart Syvret. The rationale given was that differential pay for Members with ministerial power, et cetera, was that it would give the Chief Minister the power of patronage and it would take away independence from Members. They would be following the party line in order to get the position that gave them more pay. As Deputy Tadier has said, this proposition is the thin end of the wedge. Many Members and many of the public want to return to the committee system. Now, before we indulge in differential payments, perhaps we should work out how the revised committee system would work. If we are differential all over the place, how are we going to work with the committees? Now I agree with the Constable of St. Martin. This is not a job, it is not a career, it is an occupation. It is a repayment to the Island. We do it because we value and love our Island. Some are here by birth, some are here by choice. I am here by choice and I will fight to the death to preserve the good parts of the Island, the things that matter. I disagree with this proposition and I will not be supporting it and I ask other Members not to.

1.1.4 Deputy J.M. Maçon:

Being a former chairman of the Privileges and Procedures Committee, I know what an unenviable position that can be at times. With regard to this particular proposition, I agree with what the speakers have already said: thin end of the wedge, the patronage side of it but I really do want to stress the point about the reason why the universal pay is there. It is being paid so that regardless of who you are, anyone is able to stand to this Assembly regardless of where they are from. If you look at the previous reports from the Remuneration Board, they identify that there is a problem in attracting "middle-aged" people coming forward to stand in this Assembly due to the pay but of course what has the Remuneration Committee done about that? But that is their own work which they have identified. A further question of course is if this were to go through, where exactly is the money going to come from? Are States Members going to vote to make the pots larger when it comes to States Members' pay? Or, as we know in the past, which has been suggested, is there going to be a reduction of other States Members' pay? Because, as I say, I believe this to be the thin end of the wedge. I appreciate this is an in-principle decision but when it comes back ... it has been mooted before and I think this is just "we will go with this one because this is the easy one we can get away with and therefore when we do everything else, that will come forward". Sometimes I feel that the Remuneration Board do not necessarily appreciate all the work that has been done. I have seen 3 reports from the Remuneration Board and not once did they mention the constituency work that States Members have to do. Not once do they talk about the amount of time that States Members have to dedicate to all of that very important work which the public really appreciates. Also when you look at "how do you compare this position to others?" Sometimes I feel I am a counsellor, sometimes I feel I am a social worker, sometimes I feel I am a best friend, sometimes I

feel we are researchers, we are analysts, we are policy-makers, we analyse strategies and of course the other question is: what training do necessarily we get for all of these? These are the types of issues that the Remuneration Board should be looking at because, again, I think also flowing from the Care Inquiry Report, looking at training for States Members is going to be an issue as well but the Remuneration Body should be on top of this. I have written to them before and I have asked for them, for example, to do focus groups with States Members to talk through the issues. Because, again, we are busy and sometimes to pen a letter to start talking about how much you should get paid is not the most comfortable thing that we like to do because there are more important things which we stood for election to do and get on with. There is something of course which has not been spoken about. I appreciate that the role of the Chief Minister is incredibly busy but of course what is not mentioned is ministerial allowances, what the Ministers are able to take back from their departments, quite rightly so, in order to carry out the work that they need to carry out. But of course what that means is Back-Bench Members do not have those same type of facilities, or not to such a great extent. So therefore the ability that the Chief Minister and other Ministers have in order to have more resources to facilitate the work that they want to do is there compared to other Back-Benchers. I think other Members will talk about the flawed SurveyMonkey process which led to this particular recommendation. There is a lot there that anyone with their research methodology abilities can tear through, so I will let someone else go through that one. We need to ask ourselves: do we really want someone to stand for the position of Chief Minister just because they get an extra pay packet? Is that really what it should be about? I do not think so. Never mind, of course, we are moving to a system whereby ministerial responsibilities are chopping and changing and flowing about. How exactly are we going to keep track about who gets paid what when all this keeps shifting around? Because there is a bureaucracy side to it as well and, again, this is the thin end of the wedge. I mean, compare ourselves to Guernsey and they have a staggered system of pay. Is it necessarily better? I will leave Members to consider that one. I will not be supporting this recommendation. I think it is more divisive than where we need to be. We want States Members to come together and I really feel that this should be rejected. We should not debate this long and get on to the important work that we need to be here for Islanders. Thank you.

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

It is never easy when you are going to stand up and speak against your chairman on P.P.C. but I have made my position known around the committee and I will just take a few moments to explain why. Now, people have said the States remuneration body are there to review our pay but they are also there to listen to us. I, and I know at least another Member, have written to them many times on the position which Deputy Maçon has just touched on about the ministerial support that Ministers get and to be costed. It was not long ago that I found through a written question £193,000 paid to some support for the Chief Minister and the Minister for Treasury and Resources. I got that taken away and I got it put to T.V. (television) licences for over-75s when that was being threatened to go. Now how did I find that out? Because I asked questions. When this 2005 law was passed, it was passed before then, before we went to ministerial, because it was mooted that different Ministers would be paid different remuneration. For exactly the reason that Senator Ferguson said, there was a worry. There were some very tough debates in here to say it would not happen and it has stayed the same now for over 12, 13 years and I think it is working. Now the Chief Minister, he is our Chief Minister. He is like the Prime Minister. To the rest of the world he goes out there representing the Government which are only 10 people. Not us. I am not the Government. I absolutely respect the person who takes this job on, should have the respect, but what the remuneration body have not done ... and I sat down and I did 2 weeks of what I did every day and I sent it off to them: what I did, what I did. But I then again asked them: "Please find out what goes on in the Planning Department, in the Education Department, in Cyril Le Marquand House. Who are these officers in Social Security? Who are the policy-makers? Who are now

serving the Ministers that were not there in 2004, 2005 when we passed this law not to make differential pay?" I am not saying it is an easy job but the Minister, the Chief Minister, has never written a proposition in the Chief Minister's name because he does not have to. Why would he? He is there, he has consulted on it, he knows. He has got policy-makers and report writers behind him doing the work. Of course that is right but what I have asked - and I know another Member has at least, maybe more - has asked this body do is to cost that out for me. How has it grown in the last 13 years, the support the Ministers get? So do not come to this Assembly and say: "I recognise the Chief Minister's job is not an easy job." I recognise he represents the Island and so do the Ministers but it will be the thin end of the edge. You are going to remove Article 44, nobody will do the job for another £7,500 a year. Would you? No. But try costing the support they get and then try putting that across other Members of this Assembly. The money is not there. I accept the job that I do with no support; that is fine. But do not come to me and say the Ministers need more pay because they do more work. If you have taken the time, which I have done, to write to the Remuneration Board, email, by phone call, by every minute of a States week and a non-States week ... they thanked me for my work but that was all I got. Then, as I say, the other part, I think it said it is not in their terms of reference to look at. When you ask somebody to look at something and then come back with a sensible ... I mean, they came back and told me this, that and the other.

[10:15]

Maybe the Chief Minister should be getting double what we are doing. They have not made the case for me and I do think today it should not be passed because I want to know more. I want to know about the ministerial support, I want to know this is not the beginning of: "The next Minister will have; the Deputy Chief Minister will have ..." sorry, that is not the way this Assembly is worked. Since we went to ministerial we do not know how big the bill has grown to support the important work of the Ministers. Until I know that, I cannot put another penny in that direction.

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

It is my view that this matter has been sufficiently aired this morning and I would like to propose that we move on to the next item of business.

The Greffier of the States (in the Chair):

OK, that was a surprise. **[Laughter]** We have had 7 speakers which is slightly fewer than usual for this sort of proposition. I do not know whether any other Members wish to speak or ... yes, I think it would be better to hear more views. We have only heard views against the proposition and maybe they are the only views that are in the Assembly.

The Connétable of St. Helier:

In that case, could I finish my speech? **[Members: Oh!]**

The Greffier of the States (in the Chair):

Yes, Constable, you may finish your speech.

The Connétable of St. Helier:

My concern is that this morning we are going to hear a succession of speeches probably mostly against this proposition and we could be here until lunchtime. It is quite clear that Members, for different reasons, are not happy to be debating their pay this morning of all days. I am certainly not and I do not think that this particular solution is the right one. Personally, picking up Deputy Maçon's point, I think Guernsey, as in many other things, have got it right and I would be much more interested in a pay review that affected all Members, and it included Scrutiny Chairs and other people who take responsibility, as well as the Chief Minister. So I will not be supporting this proposition and hope that we can get to the vote fairly quickly. Thank you.

The Greffier of the States (in the Chair):

I have 2 more Members who wish to speak at the moment and I am minded to hear those before I would take a proposal to move to the next item. I do wonder if the Member wanted to have a vote on the proposition because obviously a move to the next item means that this gets deferred, this debate. So I do not know whether what the Assembly wants to do is to vote on the substantive proposition but I will leave that with Members to think about and I call ...

Deputy M. Tadier:

Can I just make an observation? Obviously, the move to the next item would be a *quasi-vote* on the proposition without having to go through all potentially 49 votes. So it is just a pragmatic way potentially of expediting it and saying we do not want to make this decision, certainly not today.

The Greffier of the States (in the Chair):

Yes, I understand what it means. Constable of St. Mary.

1.1.7 Connétable J. Gallichan of St. Mary:

Maybe I am going to be a bit controversial for once but I just would like to say I am astounded at how good this Assembly is at debating what is not in the proposition. Because all I have heard so far are reasons why we should not have differential pay for Ministers, reasons why we should have a pension, reasons why we should have support, and I am not saying that I do not agree with some of that. But really this is not that debate and I am astounded that we cannot simply look at the simple fact of what we are being asked of here. First of all, Deputy Tadier made a very wide-ranging speech about there is no support, there is no I.T. I completely agree with him about the way that was done. It was a ridiculous way to deal with such an important thing. But then he said about pensions. Well of course ideally we should have a pension but that was recommended, it was discussed. It was decided by this Assembly that this was not politically the right time to be discussing increasing remuneration by having a matched pension scheme which is I think what was suggested at the time. Deputy Tadier's words were in his speech something like: "This is not politically the time to be discussing this" and then he went on to criticise something else that had not been done because it was decided then that that was not politically the time to be discussing it. At some stage we just have to be mature and have the discussion, vote one way or another, and decide. This is not the thin end of the wedge. The proposition is specific that any further differentiation would have to be the result of a States debate. We are in control. This Assembly is in control. What this is, is simply an acknowledgement perhaps that the role of Chief Minister is something a little out of the ordinary. Now we are not talking - as was said originally by the Chief Minister when he spoke about potential conflict - about this Chief Minister. We are not talking about any kind of patronage because it is only one position, a position that ultimately, unless something else changes in the meantime, this Assembly will decide the next Chief Minister. So simply, this is not a wide-ranging and earth-shattering proposition, this is a very simple proposition. Does this Assembly consider that the role of Chief Minister is of sufficient importance that it should be treated differently in view of all the connotations that are attached to it of being the effective head of our government, of representing this Island far and wide, of being the person with whom - I do not know if this is a parliamentary expression but I will give it a go; it is not rude - the person with whom the buck stops because there is no one above him in this Assembly? Or her. Maybe the allowance will pave the way for more people to think that they could fulfil that role. I do not know. It is a very small allowance in total in the scheme of things. But the person who is Chief Minister has to show a good face for Jersey. It is a very important thing. I have been astounded personally. I am sure lots of Members here have travelled away to other jurisdictions and seen how their Chief Minister, or whatever they call the head of their government, is accorded a certain respect. I think that is matched in some way by this small change, and it is a very small

change. It does not erode other Members' pay by increasing the future Chief Minister's; it is a percentage. Therefore, it would be counter-productive to do that even if somebody was particularly mercenary. It does not reduce the envelope because it specifically says in the proposition - and I say this to Deputy Maçon - how it will be funded. It will be funded from the States Assembly budget. From the Greffe budget. So, debate, please, Members, what is in the proposition. We would get through a lot more business if you just read the proposition, understand what it is and say: "Yes, I like that" or: "No, I do not." There is absolutely no need to bring in such far-ranging things. This is not about ministerial support because ministerial support is something that will need to be considered if we ever discuss ministerial pay differentiation. I do not know. At the moment, in my heart of hearts, I am completely against differential pay because the system that we have here does not allow the people who do the most work to necessarily achieve the positions that would receive that remuneration. But I am telling Members now, that system is changing. That system has to change. It has to change as part of everything we have all agreed with the way we must present ourselves to the public and the way this Island must change going forward. The system that we operate in this Chamber, the machinery of government is broken. I have said that for a long time. **[Approbation]** It is definitely broken and the Chief Minister knows that he is running out of time to come up with a solution because there are others of us in this Assembly who want to see that change made. That is the time we might discuss that but I will not support anything that reduces the envelope because the remuneration body were charged right at the outset to simply provide Members with a remuneration package that would allow the average man on the street to be in this Chamber if they felt that was their vocation. So you cannot suddenly then say: "Yes, X is the level but because we want to pay the Ministers more, it is going to have to be X minus Y." That is not how it works. We must maintain our baseline as far as I am concerned. If that ever happens and we have changed machinery of government and if I was still in the Assembly, maybe I would support some differentiation. At this time, categorically I do not, but that is not what we are debating today. So Members really need to think exactly: do they believe the role of Chief Minister is sufficiently important and sufficiently different to warrant a 15 per cent increment? If they do not believe that, then I think the system of government that Members are looking at today must be even more broken than I imagine. Because I see our Chief Minister, whoever he or she may be, as having a fundamentally different role from the moment they are elected. I think I have said all I need to say. I controversially may be ... not every speaker has been against this proposition now. Thank you.

1.1.8 Senator P.F. Routier:

The proposer of this proposition, the chairman of P.P.C., and myself were elected at a time when there was no pay and we had an allowance for some expenses. I was able to do that at a time when I was in business and able to manage on the expense allowance. Obviously, I was able to mix my work: be able to do business work and also to be able to do States work because the workload was nothing like it is at the present time and that was as a committee member. As time has gone by, I became a president of a committee and the workload increased. The remark that Deputy Martin made about the support that is given to Ministers, well the support was given to committee presidents as well. The committees were supported by policy-makers so there has not been this great jump in policy officers since we have had ministerial governments. We certainly know that because of the way we do things now with Ministerial Decisions and that sort of thing. There is more process involved and it does create a lot more work and there has been an increase in support; there is no doubt about it. But that is the system that has evolved through, I think, ministerial government. I then became a Minister and certainly the workload increased at that stage and gradually things have increased. To be able to do something outside of the Chamber, to have another interest, has become impossible because of the workload and I think that applies to every Member not in a ministerial position doing their constituency work. There is no doubt about it, it

has become a very time-consuming position. But more recently, as Members would be aware, I have been Assistant Chief Minister now for 9 years with the previous Chief Minister and with this Chief Minister. I have to say the role of the Chief Minister is extraordinary. The amount of responsibility and people come knocking on the door, it is continual. It is absolutely mind-blowing the amount of work that a Chief Minister has to do. I am not talking about this particular ... we are talking about the future but I am saying currently the experience I have had of being an Assistant Chief Minister, it is continual. It is just non-stop. I am pleased to follow the Connétable of St. Mary about the aspect of being outside the Island and the way Chief Ministers are dealt with in other jurisdictions. They have a lot of support. They do have a lot of support. Well we know in Guernsey, for instance, they pay their Chief Minister more and so do other people as well. Even with what is being proposed here, it will not match what Guernsey's Chief Minister gets. The way I look at this is this amount of 15 per cent is a recognition of the importance of the role of Chief Minister. I hope Members will recognise that and accept that we need to have the position of Chief Minister put in a place that it is special. The Chief Minister represents us all outside the Island and that is the role. It is more than what we all do here. It is more than what Ministers do, it is more than what Back-Benchers do, it is more than what Scrutiny chairmen do. It is wider than that; it is an all-encompassing workload and has to be done exceptionally well.

[10:30]

We need people to be able to do that and it needs to be recognised that that role is rather special. I believe we should support this proposition.

Deputy M. Tadier:

A point of clarification? Would the previous speaker just clarify and perhaps correct that the Chief Minister does not represent us all outside the Island; he represents the Government of Jersey outside the Island as Deputy Martin I think already alluded to?

The Greffier of the States (in the Chair):

I think that is a debating point, rather than a point of clarification. I think the Senator's speech was pretty clear. Deputy Southern.

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

Yes, the Senator's speech was very clear and very childish. Nobody is denying that the Chief Minister does a lot of work, absolutely, and probably does even more work than me, except he does not write his own propositions or amendments because he has got somebody to do that for him. I rise to speak because I am sure that the right thing to do is to reject this proposition today. I want to speak so that we do not pass it on to the next session or we have got to come back to this vote and kick it out then, because I am sure that is what you want to do. The chair of P.P.C. presented this as a very pragmatic almost routine matter, when in fact it is a fundamental principle that is at issue here. Nobody denies that the Chief Minister does an enormous amount of work, except possibly the Assistant Chief Minister, who spends his time buzzing around all over the place and he has got his finger in every pie, it seems to me, who probably deserves an extra payment more than the Chief Minister because he is so busy, or was. But the principle is there in paragraph (a). This is the core of what we are voting for here, that the provision in Article 44, the bit that says you should not pay some people more than others of the States of Jersey Law 2005, which prohibits the Members from being paid at different levels, should be removed. That is the key. That is the key we are voting on. This is a back door; it is slightly ajar. We will change that rule, fundamentally changing our structure and our pay and conditions in order not to pay all Ministers ... because that is directly what we are looking to happen eventually, what is being advised, but not now: "Let us open that door by doing it for the Chief Minister." Does that mean that the Chief Minister has less of a workload? No, it does not. Does that mean the Chief Minister is likely to attract better candidates

to be Chief Minister? No, it does not, because if you are standing out there for Senator or Deputy or whatever, you cannot guarantee that you are going to be Chief Minister, so the calibre of candidates is not going to go up, because if you wanted to do that, you would do another move altogether. That is the reality and that is not just a matter of pragmatics, it is a fundamental principle that we voted on and we are being asked to change it. I do not think that is right. The fact is that the remuneration body is charged with making recommendations on our pay and conditions. It is always pay and conditions. Now, they keep coming back with pay, as my colleague, Deputy Tadier, has said when what we could do with is some help with conditions. That might be useful and enable us better to do our job than otherwise. It has also been mentioned by a couple of speakers that this is the wrong time to do this, so we are paying the Chief Minister more - not that that will improve his workload - at a time when we still have wage restraint on all our public sector workers. How will that sit with them? If for no other reason, and the pragmatics, if we had scrapped our pay restraint and pay freeze and we were somewhere further on into recovery, which is an awful long time coming, then perhaps we might start to consider this and open this Pandora's Box, but at the moment, absolutely not. This is the wrong thing to do, whether it is now or otherwise in principle. We should not be voting on this today, we should be voting against it.

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

I am just going to briefly talk to an area that I do not believe has been mentioned yet, but the roles that we take up within this Assembly are extremely important, whether that be Minister, a Scrutiny role or even just as a Back-Bencher doing that constituency work. These are all important roles. I will speak to the slippery road that we may go down by removing this particular Article. The reason why I say that is because the ultimate issue for me is the accountability side of things. This is not a business we run, this is a public sector. This is a public sector that we are elected to be in charge of to ensure that things run smoothly and properly for the public. In a business, when you have different titles, you have different job descriptions. There is no job description for the Chief Minister. Everyone in this room here expects something different of the role of the Chief Minister, and depending on that person that sits in that role of Chief Minister, they may or may not be capable of doing that role, and ultimately the accountability side of things means that we only are able to bring in that vote of no confidence. How many times has a vote of no confidence ever gone through during ministerial government, because it is always seen as a personal attack? We do not have party politics. There is no disciplinary within parties. It was stated that there is nobody more powerful than a Chief Minister. Yes, there is. It is this States Assembly is the one that gives the Chief Minister the power, it is this States Assembly that elects the Chief Minister to carry out the role on behalf of this Assembly. I have to say a thank you to the current Chief Minister, because I think he does an extremely tough job, [**Approbation**] he does a lot of work and sometimes I think he takes on more than what he should. I do not think he has the right support, and when I say "right", I do not mean lots of people underneath him, I mean quality of support. That does not mean that I should turn around and therefore just give the title £7,500 more, because that is what we are being asked to do. We are being asked to give a title more money, not the person, not the performance, not the way that they have enacted on their manifesto, which they put to the public when they stood out there and got elected in the first place. There are huge bigger issues that need to be resolved before we start separating different people's pays in this Assembly. If we are going to go down that road and we are going to keep the machinery of government, then political parties need to be the way forward. I am sorry, but that is the ultimate solution that I have come to, because I have done 2 machinery of government reviews and no matter how many times we have tried to change this Assembly or even tried to improve it, in my own opinion, it seems to just get worse. I feel extremely uncomfortable at this point to turn around and say: "I would be more than willing to give another Minister or a Chief Minister in the future more money" because there are Ministers that do a lot more work than other Ministers. Let us look at Assistant Ministers, for

example. There are some Assistant Ministers that are taking on the roles of Ministers and doing a lot of work. Now, I may not agree politically with some of the decisions that are made, but I respect the hard work that goes into those roles, because it is not an easy job. Anything you do is criticised. No matter what we do, whether we are in the States Assembly or whether you are a Minister, you cannot do it right. I would suggest that we reject this proposition and I would ask that every single Member who has experienced being a Minister, being an Assistant Minister, being a Scrutiny chair or just doing the role of a States Member that we all write to the remuneration review body about our experiences, what we have done, how we have done it, why we have done it in the way that we have, what is expected of us and what we expect of other roles and then give them an idea of exactly what it is like to be a States Member, because there is this assumption that we do not do a lot of work. There are plenty of us that will go along and offer assistance to the Chief Minister, offer assistance to other Ministers to try to get a policy moving, to try to get legislation moving. We will do all that we can, whether we have got the resources or not, to try to make it a better place for the public. I am reluctant to turn around and say: "Let us just give more money to a title" because I want the performance to be the best, not the title to be the best.

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

It is always a pleasure to follow the Constable of St. Mary. If I can just start by saying that I have the best job in the world, I am the Constable of St. John. I have said this before and I no doubt will say it again. But moving on from that, I had an interesting experience the other day. I changed my car insurance and I filled in: "Profession, Connétable" and my broker phoned me up and said: "Oh, Chris, you cannot put down Connétable because it does not recognise it from the dropdown list of what you can choose." So I said: "What should I be then?" and he said: "Well, it is a choice between a civil servant and a charity worker." [Laughter] I took the cheaper option. We all have varying amounts of work in this Assembly, we all have varying responsibilities within this Assembly. Not being controversial, but the Constable of St. Mary sits on the same number of committees as 4 other Members in this Assembly. You could argue she does 4 times as much work. She also is a Constable on top of all that, so there is an example of somebody who is, on paper, an exceedingly hardworking individual. I am sure there are others in this Assembly who are equally, if not more, hardworking. If I was to work on that principle and look at the Chief Minister and how many committees he chairs and how many committees he sits on, other than the simple title of Chief Minister, I think you would need more than one sheet of A4 to list them all. I am a very firm believer that if we employ or take on the services of somebody or a committee to advise this Assembly, then we are, as it were, wise to accept their advice. Their advice has come back that there should be some recognition for the one post of Chief Minister. Now, I accept the arguments that many have put forward, that this is the slippery slope, this is the thin end of the wedge, but we as an Assembly have control of how slippery that slope is and how thick that wedge is, because when it comes back to this Assembly in future years saying: "Ministers, committee chairs, et cetera" we have the option then to say no. It is because we have that control. It is the recommendation of the Remuneration Committee and it is just the one post. It recognises, quite rightly, the responsibility of that one post and I shall support this motion.

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

A quick question to the chairman of P.P.C. I would like to know where the independent committee here is at with a whole review, as the Constable of St. Helier suggested, on pay. I understand there was a lot more work being done on differential pay and other ideas, so perhaps he could advise as to where they are with that. I have spoken to members of that committee in the past and I understand much debate has occurred about this and there is something which may well be published sometime in the future. I think the Constable of St. Helier is quite right, it seems strange

we are just doing this one at the moment. That said, I can see this Chamber likes to do things in little steps, so maybe that is why it is here before us as it is today.

[10:45]

But the role of Chief Minister is extraordinary. It is very different. We have been fortunate in the previous 2 Chief Ministers were retired. They had come to the end of their careers. They did not require any extra remuneration, I suspect. They did it in a very vocational way and I am sure the current Chief Minister does the same, but perhaps we have been lucky so far. It is a huge amount of work and it is very different to any other role in this Chamber. I do not quite understand why, in this Chamber, in this Parliament, we have to be so different to everywhere else. I respect and admire some of our difference, like having a Bailiff, for example. I know some will disagree with me, but things like differential pay are commonplace across the whole world and there are pros and cons to that. But I will give one example: in Gibraltar, Ministers are paid significantly more than other Members, but they are not allowed to take any other interests at all while they are serving at Parliament. I know that the majority of Ministers today and in the past have had other interests that are a distraction. As the role of Minister gets greater and greater, and the Chief Minister in particular, I cannot see how those people can do those other things and do the job of Chief Minister to the fullest capacity that they should. There will always be that possibility. Currently they are allowed to do other things. That is why I think differential pay in this particular post is justified, it is a good idea and I have absolutely no issue with it being explored further in the future. All Members can choose to be very, very busy or not so busy. The Chief Minister cannot. He has so many other obligations and committees that he sits on, oversight groups, visits he has to do, travel he has to do. Most of us do not do that. That is not to say we are not busy. We are a little bit more controlled as to how busy that busy is and we all know that some Members are a lot less busy than others, but I will not get into personality politics, as perhaps we did yesterday. Payment of politicians is globally a sensitive issue. People do not like to discuss it, they do not like to do it, and parliaments in particular do not like to discuss, which is why they have independent remuneration bodies. The reason why in the U.K. perhaps they got in such a mess with their expenses scandal is because they refused to have a grown-up debate about pay and instead introduced a complicated expenses system that was eventually abused, sometimes unwittingly and sometimes knowingly. I would hate that to happen here, but that is what happened, because there was not a grown-up debate about pay for politicians. In other countries such as Italy, where they have the highest-paid politicians in Europe, unfortunately that promotes levels of, dare I say it, corruption, a desire to stay in post because of the money. We are nowhere near that, but that does not say we should not recognise the need to differentiate for those that have not more work to do, although they do, but more responsibility as well. Like I say, we can all be busy and some of us are busier than others, but some of us clearly have far more responsibility than others, so we cannot walk away from that busy part of our roles in this Assembly. The principle of being paid more for responsibility is commonplace across all other sectors, across all other groups, whether it be commerce, the public sector or indeed assemblies of this kind. Why should this be any different? Some will say this is not a business, because it is not, but the business of politics is definitely a business and we have to adopt similar principles for many, many other things that we do. I do not see that differential pay should be one of those principles that should be ignored by this Assembly, but it should be done independently and presented to this Assembly as a proposition in the way it has been done today by P.P.C. Those members of that independent panel have given up their time, worked diligently on this, come up with proposals and here is one of them before us and now some are suggesting we should reject it. I am sorry, we have asked them to do the work, they have come up with a proposal, they have thought about this very, very carefully and hard. I know a number of members on this committee. They are professional, they are diligent and they have come up with a proposal that is sensible. I am sure in the fullness of time they will come up with proposals that

will cover all other Members as well, so I think we should listen to them and accept what they are saying. I think this is a step forward to enhance the position of Chief Minister, which is a very important one, a small extra bit of remuneration to respect those extra responsibilities, not just the extra work. Many of us do lots of extra work; some choose not to. The Chief Minister cannot choose not to. I think as a result of that, it is a very sensible proposition. Yes, it should engender a bigger debate about differential pay and I have no issue with that, but that is for tomorrow, that is for another day. This is a good first step. This Assembly likes to do things in little steps. This is a little step. I think it should be supported.

1.1.13 Deputy R. Labey of St. Helier:

I wonder if we could halt the recruitment process for 2 new members of the remuneration review body, because I do not think this system is working. There has to be a better way. Once again we have got the Groundhog Day debate over their proposals and it does not look like it is going to go through. I mean no disrespect to the people who give of their time to sit on this committee. It must be a thankless task and it must be depressing for them to hear this debate, but the debate is also sincere. I think we have to look again at this. It seems ridiculous to me. Where suddenly has this idea come from? I think they say, the body, that it was suggested to them. Who made this suggestion at this time that the most pressing thing to do as regards Members' pay is to pay the Chief Minister an extra £7,500 a year? Where did that come from? Did it come from P.P.C.? Did it come from the Council of Ministers? I am pretty sure no Back-Bencher - and I stand to be corrected - wrote to the remuneration review body and said: "I think you really need to look at differentials and we will start paying the Chief Minister more", et cetera. Do I begrudge the Chief Minister an extra payment for the work he does? Of course I do not, but neither would I begrudge it to Deputy Southern or anyone else in this House. After 3 years of deliberation, this is now the important thing to do, this overrides everything? What happened to the pension idea for States Members? I do not necessary speak as ... the States voted against it. If I was on the remuneration review body, if I was on the pay body, I would say: "Right, that is more important. That is clearly more fair, that Members of the States be offered a pension plan, if they want it. That overrides going forward on any other thing." If I was on the pay body, I would say: "Right, until you sort out where you are with pensions and accept that recommendation, we are going to wait until you catch up with us, do that, then we will move forward and you can fire us, if you like, but that is our stance." Because I do think the pension thing happened at absolutely the wrong time and so I think it was unanimously thrown out, but I do think it should have come back. At the end of a term is the wrong time to be doing that, but I think people like young professionals or middle-aged professionals, or what have you, are thinking ... we are very lucky that, for instance, Deputy Doublet, a successful career in teaching and she left that to come into the States. That is great and that is what we need, but how many people are attracted to give up their pension plans, et cetera, to do this? I think that is a deterrent for professional people to come into this Assembly, whereas putting an extra £7,500 on the Chief Minister's wage, people outside the Assembly are not going to suddenly think: "Oh Marjorie, I am going to stand for the States because they are paying one more of them £7,500, so I think I am going to go for it and go for that and I will be happy with that." It is not going to happen. I do hope the members of the remuneration review body are not thinking I am disrespecting them, I have ultimate respect for the thankless task that they have done and gratitude for it. But I think their terms of reference are typically Jersey States, trying to cover all bases and making it really difficult for the body to make progress, because they have to consider the finances as well as attracting new people and what is fair, et cetera. It is very difficult. Maybe each time we set up the review body, if it is going to continue, we should re-examine the terms of reference and give them a steer as to what the Assembly thinks should take priority in their considerations, I do not know. But I wrote to the pay body after I read their document that they published because I thought there was an awful lot wrong with it. I was not asking for more pay for

me or anything, I steered clear of that subject, but I feel that their consultation with the public is deeply flawed because what they have done in the name of market research is to send out a leaflet with a P.R. (public relations) company who regularly sends these questionnaires out and people fill out the questionnaire and return it to the pay body and then they assemble that into statistics. But what they have not done is adjusted the returns demographically so that their statistics represent a representative sample of the population of Jersey. When you do not make that adjustment, it is unscientific, and I have pointed this out to the pay body, and the chairman of it was gracious enough to say on the radio fairly recently when he was talking about this that he had to admit that their process, their market research could not be called scientific, because it is unadjusted. There was a comments section on the survey. The trouble with that is you are really engaged then in an exercise of listening to those who shout the loudest. Members can read a selection of their comments - some of them are very entertaining - and you get the same old. What crops up an awful lot, besides the fact that we are all corrupt, we are all in it for ourselves, to line our own pockets, we are all idiots, we are useless: "You should all be fired", apart from all that, these are recorded, so these are the people we are listening to set the remuneration, we are taking them all seriously. That is fine. They are of course entitled to their point of view and their opinion. What crops up again and again is things were better when States Members were not paid. The population of this Island continues to live under the rosy misapprehension that post-war politicians were doing it all altruistically and were not getting paid and forgetting that election to this Assembly qualified people for certain company directorships. There was nothing illegal or wrong with this. At the time, Members were entitled to take directorship of States companies as well as lots of companies outside in the private sector. I know one very fine Senator, who I have huge respect for, and he had 14 such company directorships, so that probably equated to 2 or 3 times the salary we are getting today. Then of course we have the issue of the rosy glow about which post-war politicians are considered.

[11:00]

I am not going to take any more lectures, I am afraid, on how brilliant the politicians of the 1960s, 1970s, 1980s and 1990s were anymore. I am not going to take those lectures, because we have just had to pay a £23 million bill for failings, for terrible, terrible failings, decade after decade after decade. People need to wake up. My bugbear with the remuneration review body is that they have engaged in an exercise of listening to those who shout the loudest and sometimes, although they are entitled to their opinion, they are clearly wrong. The whole system is somewhat skewed, to me. While Deputy Southern says that we are in a time of wage restraints on all our public sector workers and the Constable of St. Clement says: "Austerity exists within the House" it does not exist everywhere, austerity, because there are executives in the incorporated bodies who have recently received £40,000 a year per annum salary increases, £30,000 a year per annum. I am sure they are worth it, I do not want to take it off them, but let us just acknowledge where austerity is and where it is not.

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

In June last year, I was asked to become an Assistant Minister to the Chief Minister and I was very proud that he asked me to do that and take on the responsibility. I work up on the same floor as the Chief Minister and I think I know better than a lot of people how busy the role of Chief Minister is, how fast his diary fills up, how many issues he has to deal with. It is very excessive, it is late-night working, it is starting early, having to go away. Yes, I would say who would want to be Chief Minister when you look at the scale and scope of the job that is required by the Chief Minister? Then you say: "Why would you want to be Chief Minister?" People do. Our current Chief Minister, nobody walked him in here with a gun to his back and said: "You will be our Chief Minister. You are going to stand." You stand because you want the job, because you want to do it.

You do not stand because you want more money. I really do have a problem with differential pay. I have a problem with the idea that in future, if we start going down a differential pay route that people will be going for the money, not because they are going to be the best person for the job. There is the talk of maybe chairmen of Scrutiny Panels and Ministers having a differential pay in the future. That works in some places, but they are not necessarily the ones that have all the work. I will go down the list of things for the Deputy of St. Helier District 1: I am a Member of this body, the States of Jersey Assembly; I am on the Privileges and Procedures Committee; I am on the Planning Committee; I am on the Jersey Police Authority; I am chairman of the Ecology Trust; I have delegated responsibility for Digital Jersey, public sector reform, e-Government. I asked for all of those roles and I do not want any extra money. This is very much the same. You ask to be put on what you want to be done and hopefully you get the responsibility and you get to do it. Should I get paid any more than Members that are on no committees, because there is, I think one or 2 that are not doing the extra work? I think removing Article 44 of the States of Jersey Law, which prohibits States Members from being paid at different levels, is a slippery slope. I do think the buzzword of the thin edge of the wedge is appropriate for what this proposition is asking and therefore I cannot support. As much as I know how busy the Chief Minister's role and way in excess of what even I do and other Members do, I think that you put yourself forward for the position and you do not do it for the money, you do it because you want to do a good job and serve your Island. I will not be supporting this proposition.

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

This debate has ranged wide and far across many different areas: dissatisfaction with the Remuneration Board; a scaremongering that this is the thin end of the wedge; patronage will be introduced. I think it is important we go back to what is in the proposition.

The Greffier of the States (in the Chair):

I am afraid I have to interrupt you at this point, because I think we have lost our quorum, but he has arrived. [Laughter] Deputy Brée, if you can continue.

Deputy S.M. Brée:

It is not the thin end of the wedge. The proposition itself, by inserting Article (b), makes it very clear this only refers to the position of Chief Minister. Should further propositions be brought forward to introduce differential pay for Ministers, Assistant Ministers, et cetera, I will fight that to my last breath, because that will introduce patronage into this Assembly and that is something I will refuse to accept. But this does not. All this is saying is we need to recognise that under the current system of government we have - once again, whether you agree with ministerial government or not is not at argument today - it is merely saying with our current system of government are we willing to recognise that the responsibilities and requirements placed on the body of the Chief Minister warrant a certain amount of recognition? That recognition can be made by providing, let us face it, very small when compared to salaries outside of this Assembly, a very small amount of money, purely that we as an Assembly recognised that there are additional calls on that person's time. There are additional responsibilities that the body of the Chief Minister has. By the fact that the P.P.C. has inserted Article (b), it effectively negates all the arguments that have been put forward by people that this is the thin end of the wedge, this is the beginning of the end, this is going to destroy this Assembly. It will not, because we retain and maintain the right to debate any further changes. While I am not a great fan of the current system of government, I do recognise that the Chief Minister is a different body to all the rest of us, that in a sense he - or she - looking forward is going to be going out and representing this Island on the world stage. That is part of the job description, should there ever be one. I would hate to see job descriptions brought in, because it would restrict rather than enhance what people do. Now, it may be surprising to some, but I am in

favour of this proposition, because I do believe there does need to be a recognition, but this is not going to introduce patronage, this is not going to suddenly introduce loads of different pay scales, because we maintain the right to debate any further changes. It all boils down to do you, as a Member of this Assembly, accept, appreciate and see a difference in the role that the Chief Minister plays to Ministers, to chairs of Scrutiny Panels, to very hardworking Back-Benchers? Yes, there is a difference and I think we need to recognise that. I am sorry, but the amount of money that we are talking about is not huge. What I would resist completely is an attempt to increase the allowance. It is not a salary, let us forget that. This is not a job, this is a vocation that we have all gone into. We all have the best interests of this Island at heart. We may differ in our political views, we may differ in how we think we should get there, but it is not a salary. This is an allowance and I think personally that we should be recognising the distinction and accepting that there is a difference in the roles. Therefore, I would urge Members to think seriously about how they are going to vote here and not to listen to the scaremongers, not to listen to people who are saying: "This is going to destroy our current system." It is not. We retain the right to debate any further changes and if other Members are like me, who disagree entirely with Ministers, Assistant Ministers, chairs of Scrutiny Panels being provided with a higher allowance than other Members, I am sure they will join with me in going: "We will fight that tooth and nail" but this I do think is a reasonable and respectful step to take.

Deputy M. Tadier:

I am calling it iniquorate, Sir.

The Greffier of the States (in the Chair):

We will have to stop briefly while Members come in from the coffee room so we come back to a quorum. Senator Maclean.

1.1.16 Senator A.J.H. Maclean:

I will not speak for long, but I would firstly helpfully try to correct a point that Deputy Brée made, inadvertently, I believe, because I think he described the role of Members within this Assembly as a vacation as opposed to vocation, which I think is what he probably meant.

Deputy S.M. Brée:

I apologise.

Senator A.J.H. Maclean:

No need to apologise, slip of the tongue, I am sure. I just wanted to pick up on a couple of other points. Deputy Labey made a number of comments. He did indeed, I think, question who might have put forward a submission to the review body suggesting the content of this particular proposition. I believe that in fact it was somebody who spoke at the beginning of the debate today. I may be wrong and I am sure I will be corrected if I am, but I believe it was the Constable of St. Martin who said to us this morning that he had in fact written to the review body and made the suggestion. He also made it clear he did not support what was being proposed, but I think it was in recognition of the considerable time and work and responsibility of the Chief Minister. The current Chief Minister works extraordinary hours. I have witnessed it myself. Other Members have said it is hard to imagine that many people would want the role, but of course he is very much minded to do the role, not for the remuneration, but for the honour that it bestows, but also to give something back to the community. He works extraordinarily long hours. In fact, I suspect if one tallied up the hours of our Chief Minister, we would probably find, based on the pay he gets, he is very close to minimum wage, if you want to look at it in that way, but it is not for the money that he undertakes the role. I know that for a fact. There were also some comments. I see that Deputy Maçon and Martin have both returned. I think they both made similar comments and it was around ministerial

allowance, I think it was, that Deputy Maçon referred to, and that is in fact support. I did just want to pick up on this, because it was Deputy Martin who pointed out earlier today that she was responsible for first of all identifying that both the Chief Minister's office and my own Treasury Department have administrative support and she got some of those funds redirected to another very worthy cause, which I would not argue with. But I would just point out that there is a consequence. There is always a consequence to such things. Ministers do not receive the - if I can use the term of Deputy Maçon - allowance as a supplementation to the salary they receive. It is support to carry out the function that they have been tasked to do. Ministers do serve, and it is important to remember this, Members will be very aware, at the behest of this Assembly. They are both elected by this Assembly and they serve for this Assembly and the public of this Island. They provide and get provided with support in order to carry out their functions.

[11:15]

I would say that over the summer period, I can point out that I know my very own Scrutiny Panel had been a little upset at the slow response from Treasury on a couple of queries they made. We have got pressures with regard to support, simply and in part because of Deputy Martin's earlier proposition, which stripped out what she must have thought was some unnecessary fat in the system. There perhaps was fat in the system and I think Members will be well aware that 500 or 600 jobs have come out of the public sector in recent years, and many millions of pounds of costs have been taken out through what Deputy Southern and his party members describe as "austerity." In fact, austerity is what happens, in truth, in other jurisdictions. What Jersey has seen has been significantly lighter. I would describe it as "austerity light" in many respects. I know the colleagues on the Back Bench there are shaking their heads, not surprisingly. I would like to, though, get back to just the key point around this particular proposition from P.P.C. and I can see where Members are getting concerned about splitting out the role of Chief Minister and additional remuneration for that role. How has that been arrived at? Well, the independent review body has looked at other examples. Guernsey, we know the Chief Minister gets paid more, and there are many other examples where the head of the government gets significantly more, recognising the importance of the role and the accountability, and so on and so forth. I think that is a reasonable argument and a reasonable position to have taken, but it is clearly a matter that concerns Members. What I would say, and I think this is really important, that we do have this independent review body. It has a task, and it has its hands tied, in many respects, behind its back in order to allow it to carry it out. What I would suggest, and I think the Deputy of St. John was making this point in part earlier on, where she was talking about the need for all Members to engage with the process to assist the review body by giving them more information about the roles that all Members undertake as Deputy constituents' work as opposed to government work or committee work, and so on and so forth. That is important. But I think that if we are going to do anything today we perhaps need to consider this proposition in the parts that it has been paid out in, (a), (b), (c) and (d). I think it is (b) and (c), which is the enhanced remuneration for the Chief Minister, as one decision, and (a) and (d), which is effectively saying to the independent board, panel, that it should go away and look at other options, or all options, and bring it back to this Assembly for a decision. Members have had the opportunity to interact with the body and give their views, and it will come back in due course, but it will be able to do so with the ability to come forward with a suggestion, perhaps for differential pay, if that is justified, in any levels, whether that is Scrutiny chairs, whether that be Ministers, whether that be some other functions that are undertaken. What I would suggest, and I would ask the P.P.C. chair to consider taking this proposition in parts, I would suggest (a) and (d) and (b) and (c). That splits out those that are particularly aggrieved at voting on giving the Chief Minister role, because it is for the future, a differential pay, but I would hope that in the future the independent review body can consider properly engaging with consultation and all Members in this Assembly to fully understand all the roles, and come back to this Assembly for this Assembly to make the

decision in the future as to whether differential pay is the right route forward or not. I think that is the correct and orderly way in which this matter should be handled, and I would urge Members to consider the principle and allow the independent body to be able to undertake its role in that way.

Deputy G.P. Southern:

Sir, can we have a ruling from the Chair whether that is possible? It seems to me that, unless (a) is passed, it is not possible to take the other parts, because (a) is the fundamental principle about differential pay.

The Greffier of the States (in the Chair):

Well, the Senator can correct me if I am wrong, but I think what he was suggesting was 2 or possibly 3 votes: one on paragraphs (a) and (d) together, because they do go together. Then, if that agreed to, paragraphs either (b) and (c) together or (b) and (c) separately. That, I think, is what the Senator was suggesting. So the first vote would be the principle of taking out Article 44 and including the new terms of reference to clarify that matter, followed by the specific case of the pay of the Chief Minister. Obviously it is a matter for the chairman of the committee to decide. Constable of St. Martin?

The Connétable of St. Martin:

Just a point of clarification. Would the last speaker be able to say when the written submission was? It was not in this round that I submitted, I think it was 2012.

Senator A.J.H. Maclean:

I think the Connétable has probably clarified; he would have greater knowledge of when he made his submission than when I would and, if I have made an error, I accept the correction.

The Greffier of the States (in the Chair):

Deputy Mézec, are you seeking to speak, or...

Deputy S.Y. Mézec of St. Helier:

Sir, this is to ask if I can raise, under Article 84, to give the States 30 minutes' notice that in 30 minutes I will be proposing without notice that we go straight to the vote.

The Greffier of the States (in the Chair):

Thank you very much. That is noted. I will write the time down. Does any other Member wish to speak in the debate?

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

I am happy to speak after the Minister for Treasury and Resources. The decision does seem to be coming down to: is this about a responsibility or is it about the amount of work that is done? Because although some people are saying it is about responsibility, the Minister for Treasury and Resources did seem to focus on the extraordinary number of hours that the incumbent undertakes, which I am sure we all recognise. The point has been made, if it is that part of the argument, then there are an awful lot of other Members who do very long hours as well, so therefore I am not too sure how strong that argument runs. I think I would like to reiterate the point that the Connétable of St. Helier made, which is basically: I have got no problem with a proper debate about pay and in time for the next Assembly, so in other words, we are not debating ourselves, it is something we are setting up for the future. However, going through the proposition as it stands, it does seem to me that this is about differential pay: part (a) particularly is the provision being removed on differential pay, so therefore I am afraid I disagree with the Connétable of St. Mary; that is a relevant discussion. It is on that basis, particularly tied in with part (d), that I think the argument of the thin

end of the wedge and the slippery slope is relevant. The reason I say that is that, OK, part (a), as we say, takes away the differentiation issue. Part (d) is then saying: "Yes, there is an argument that says: 'Oh, but it is only within then the control of this Assembly'." But we have moved from something being a prohibition under the law to then being subject to a States debate, to just a States debate. Even under just a States debate, it depends whether you have faith in the Assembly or not, and all the rest of it; we can touch on that in a second. It is not in the same scenario as constitutional reform, which requires an absolute majority of this Assembly. So at the extreme, particularly given the fact that we are just on quorate at the moment, it could be a majority of 13 to 12, as I understand it, to vote on pay rises for future States Members. I may be corrected, but what they are saying in the Article is: "Any recommendation by a review body for a new scheme, the differential in the level of remuneration expense should only be implemented if a proposition giving effect to such a recommendation has been adopted by the States." It does not say: "By an absolute majority of the States." We are going from a prohibition under the law ... so, effectively, if you like, the principle of differential pay is locked away in a steel vault at the moment and it is very difficult to get the keys to it, to a polystyrene door which is unlocked and is very capable of being broken. Having been reading the proposition, my electronic device has then just decided to lock me out from being able to continue reading the proposition. I think Members who have said: "I do not agree with differential pay, there is an exception for the Chief Minister, I will resist this to the end of my days" type of thing, which is a very honourable stance, but the number of times I have heard that, and unfortunately the thought goes through my mind, and it applies to me all the time as well, I may not be in the next Assembly to deal with that. It is about: "So what are the controls in place if we do not like the principle of differential pay?" We have very strong controls in place at the moment; this proposition weakens them incredibly. So, for me, I am very much of the view, I think, which has been expressed elsewhere, that if you are going to deal with this, let us see what the package looks like. That is probably quite unusual for me, but I think this is a sensitive thing. I have no problem with that being a debate for discussion, or an in-committee debate, or whatever you want to do, before the next Assembly, so that parameters can be established and laid down for this Assembly for future Members, and hopefully with a view to attracting a more diverse range. I think the issue of patronage, and it does not matter who the present incumbents are, is a valid concern. I can certainly think of debates before collective responsibility when individual Ministers stood up, broke ranks and significantly changed the outcome of a debate. I do not know, and I have yet to see that, I think, in this Assembly under collective responsibility. I know Ministers have had strong views but, if they are on a differential pay, and so therefore I am saying we are weakening the defences against differential pay in terms of responsibility, shall we say, I think the next step will be Ministers. I think there will be a chairman of Scrutiny as well, and whatever else. But then will a Minister be prepared to risk ... and I am going to say a £5,000 or a £10,000 differential, in other words, they would have to have a very strong opinion to move away from the views of the Council of Ministers and put at risk that pay differential. That will have an influence, I think, on some people; not all, but I think one can see it as time progresses. The reason I pick that number, yes, it is 7,500 now, but if differential pay comes in for Ministers, once that process has started, it will start that going forward and it will start increasing. It is probably no surprise there: I have no problem with looking at and having a sensible discussion in some shape or form on a package of pay. I think Deputy Labey of St. Helier made the point about pensions. I think at that point it was the wrong time. There may be a more open discussion now, I do not know. The concerns of patronage do concern me. I have no problem with a sensible discussion on a package. I do have a problem with this proposition as it is written and I will not be supporting any part of it.

The Greffier of the States (in the Chair):

I just wanted to clarify one thing myself: I may have misheard, but the Standing Order which relates to if things have not passed by a majority of the elected Members rather than a straightforward majority, it does not apply to anything to do with Members' remuneration. Standing Order 89A talks about: "A proposition to alter the membership of the States ... lengthen or shorten terms of office ... add to, alter, extinguish constituencies." It does not relate to anything to do with Members' remuneration. Maybe I misheard what you were saying.

Deputy J.A.N. Le Fondré:

That was the point I was making, Sir. The point was that, in the way that this is written, it could be a minority of Members that vote on differential pay in the future.

The Greffier of the States (in the Chair):

That as well, yes.

Deputy J.A.N. Le Fondré:

Yes.

1.1.18 Senator I.J. Gorst:

I just want to reiterate that I will be abstaining on this vote, but I do think that we have had a very good debate. I have come to the conclusion that some of our institutions are creaking.

[11:30]

I think yesterday we saw that acted out in this Assembly very clearly, and I congratulate P.P.C., and your own office, Sir, for the work that you have done and they have done in bringing forward a Commissioner for Standards. I hope that we will never find ourselves in the position that we found ourselves in yesterday whereby we were having to make such judgments. We may, because a Commissioner for Standards may believe that is the right approach to take, but it will have been undertaken independently and appropriately. I think that there are another number of our institutions which are creaking. Some of it can be laid at the door of this Assembly, and I make no personal comment about the individuals that sit on the remuneration body, because they are doing an excellent job under extreme pressure. If we look at the history of proposals that they have presented to P.P.C., who in turn have presented them to this Assembly, they have been more or less roundly booted out, and yet they are still doing that work, they are still trying to come forward with constructive proposals. Yes, of course, as Deputy Russell Labey says, some of their consultation respondents are difficult to understand and do look with rose-tinted spectacles at the past, but they still try to come forward with sensible proposals. Does this Assembly, and does our parliamentary institution, support Members of this Assembly to do their best to represent their constituents and provide appropriate support? It does not. It is about time we were honest about that. It is about time we were honest with the public. It does not. Member after Member stands up in this Assembly and says: "We need to stick to 49." We need to stick to 49 because there is not appropriate support for Members to do the job that needs to be done to appropriately act as a legislature and give proper parliamentary scrutiny to what the Executive is doing. That means secretarial, research, office, equipment support. It is about time we acknowledge that and we are not afraid to make the right decision, because those decisions will be in the best interests of the public that we serve. We also are going to have to grasp the thorny, or the difficult nettle, which is Members' pay. I do not know what the answer is, but I am absolutely certain that the current everybody-gets-the-same is no longer fit for purpose. There are many reasons why good members of the public, or more good members of the public, are not standing for election to this Assembly, just like there are many reasons why electoral voter turnout is so low. Some Members have made some very good points, particularly in regard to those matters, during the course of this debate. We are going to have to grasp these nettles. We are letting our Island down. Our institutions, while

broadly good and functioning, are creaking, so we are going to have to make some decisions to shore them up, to enhance them and to make sure that they are fit for the future, because the challenges that we face, the uncertainties that we face, have never been greater. It will be for Members to decide whether they want to make this small incremental change today. I will not relay to Members what my wife said about this particular proposition; I do not think it would be parliamentary, but we will have to grasp the nettle going forward. Whatever the outcome of this debate is I will be asking my officials, or probably the Minister for Home Affairs officials, so a broad range of policy there, to work with P.P.C. and with the Greffe's office, and with the Remuneration Board, to think about some of these issues that Deputy Labey rightfully spoke about, the terms of reference. These are people doing good work under virtually impossible circumstances. The terms of reference in the future: grasping some of these difficult and tricky nettles. But it has to be done at the right time. We often stand in this Assembly and say: "Today is the wrong time to make these decisions." Well, as we know, the old proverb about planting a tree: of course it would have been better done 20, 30, 40 years ago; the next best time is today. Whatever the outcome of this vote, it is right that we do listen to what Members have said and move forward together to grasp some of these difficult, challenging issues. But, by not doing that, we really are letting down parliamentary democracy and therefore letting down Islanders, and our future, by not grasping them.

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

I have many concerns, and they have been brought out by the many and varied speeches that we have heard this morning. My main concern is for all Members, and I believe the proposer, chairman of P.P.C., said that it will be 9 years that States Members will not get a pay rise. I think that is 9 years at the moment; by the next election, of course, add another 4 years on to that, would that be 13, am I right in that? Or it would be 9 including that. If you ask anybody, even standing at 9 years, you are going to be in a job, you could be in a job for the 9 years, and some are, and during those 9 years you are on a pay freeze; not for one year, 2 years, 3 years, for 9 years. Then say: "Please, come forward for this job, but you will not get a pay rise for 9 years, and the temperature might be that you will be the last ones to get any pay rise going forward." We would not say it to anybody else, but we do say it here. Because, of course, it is politically acceptable for us to wear that hair shirt that Deputy Tadier was talking about earlier on. I am not embarrassed by the support that I get as an Assistant Minister, not in the slightest; I think it is absolutely appropriate. What I am embarrassed about is the lack of support that other Members do not get, and I take the point of the Deputy of St. John, because there is such a difference, and it is unfair. The administrative support that all Members deserve, and should get, should mean that we get a much more balanced, a much fairer, a much more honest representation of this Assembly. It is not right that a proposition can be written for me, or another Minister or an Assistant Minister, and that my answers, should I be questioned on something, can be supported by someone outside. Yet, on the other side of it, there is nothing. Were I, and I am, I suppose in some ways, enviable or not, depending on your opinion, to be in the assistant ministership that I am under, I wonder how I would be coping, and I do put myself in other people's positions, and understand how much shoe leather and work that they have to do. I am not saying that Ministers or Assistant Ministers do not have to do that, so I am not embarrassed by my support, but I am embarrassed that, in a modern forward-thinking Assembly that we have here, we have that lack of support for other Members. I think that is something that needs to be looked at and needs to be addressed. Indeed, it follows on from the comments of the Chief Minister. I have heard many Members at one time or another, and I have even said it myself: "Why bother? Why not just sit here quietly, say little, choose a couple of committees possibly, but maybe not, do your time, and do not stick your head above the parapet too much because you are never going to be right, you are always going to be criticised." Why would you bother doing it at all? Certainly not for the money. But I am concerned, as the

Connétable of St. Mary was concerned, that we are worrying about the next debate before we have got to it. Having said all that I have said, we are already concerned about: “Oh, what about Ministers? What about the chairman of Scrutiny? What about ...” whoever else that we might give a differential of pay? That is not this debate. It does come into it, and I take that point, with point (a) of this proposition, but what we are debating about here is a pay increase for the Chief Minister, whoever he or she may be, in the future. Other decisions are not in this proposition for today, so focusing on the work of that Chief Minister in the future, it is going to be, as it is now and as it will always be, an extraordinarily tough job, a difficult job, a time-consuming job. Yes, we all have time-consuming jobs, but it is not the time so much, it is the responsibility and the weight of that responsibility that you are giving. They are not forced, whoever they may be, to put themselves forward for Chief Minister, but some will do it. One will be chosen by the Members of that Assembly, and that job is, without doubt, the toughest job in this Assembly. If you are having the toughest job in this Assembly, and there will be varying degrees of who has a more difficult job than any other, which Minister, which chairman of Scrutiny, which panel members, those that do their work for parishioners, but there is no doubt at all that the role of Chief Minister is the toughest job in this Assembly. Just on that single point, I have no qualms whatsoever in supporting that part of the proposition. We get to the other debate when we get to the other debate and, when we do, it will be robust and there will be arguments of the differences in pay, and some tough decisions will be made then. This one for me is an easy decision now, but I would urge all Members, as the Deputy of St. John did, although we may be voting differently on this, that we need, need, need, to look at the support, the backup for all Members of this Assembly, because it is appropriate to do so.

The Greffier of the States (in the Chair):

Does any other Member wish to speak in the debate? If not, I call on the chairman of the Committee to conclude.

1.1.20 The Connétable of St. Clement:

Deputy Le Fondré was absolutely right: any change requires a simple majority. It does not matter whether we are changing a law or introducing a law, changing a Standing Order or introducing a Standing Order, bringing an ordinary proposition or doing the budget, we need a simple majority of one. That has been the case since for ever, and it was only a few years ago that we introduced an absolute majority for constitutional matters. The other thing Deputy Le Fondré seemed to be worried about is what will happen when he is no longer here. Well, I can tell him that before I was here and before he was here the States managed very well, if you can remember back that far. I can assure him that future States, when he has moved on and I have moved on, will manage very well. There is no one in this Assembly who is indispensable. I am sorry to tell Deputy Le Fondré that, but that is the case. I am pleased in a way that Members did not follow the advice of the Constable of St. Mary and stuck to debating the proposition. I say that because this is the first time in many, many years that this Assembly has debated our pay, or any aspects of our pay. It is good in a way that Members did go beyond the proposition because obviously there are some thoughts, some ideas, some feelings which have been festering for a long time, but have never been aired. I welcome, indeed, most of the comments, all of the comments that have been made. Following up on what the Chief Minister said, what I intend to do is to ensure, through the Greffe, that a transcript of this debate is passed to the remuneration body for their consideration, because it is probably the first time they have heard many of the thoughts that we have expressed today, and to ask them to consider what has been said and to respond. I think that is important, and that can be done with the assistance of the Chief Minister’s Department and the Greffe. But I think it is important that is done.

[11:45]

The remuneration body's work continues, and I will say to Deputy Andrew Lewis that in their report they made it quite clear that, during the period between 2018 and 2022, they intend to do more work on differentials for Ministers and other Members of the Assembly who have more responsibility, for the consideration of the States. If this proposition is adopted today, it is only the Chief Minister's salary that will change. There is no point in talking about allowances, whatever, we are effectively salaried. Let us not pretend or be precious about it; that is what has happened for the last 20 years or so. It was interesting that some Members, and I think particularly Deputy Tadier, spoke about the remuneration received by Members rather than the Chief Ministers. This recommendation was made in February by the remuneration body, and any Member had the option of bringing forward a proposition to change it. Nobody did, hence the freeze for 9 years. I am not sure if it was 2 or 3 years ago when we debated the Medium Term Financial Plan, there was a proposition there to introduce a modest contribution towards Members' pensions and it received one vote. One vote. So that was the enthusiasm from Members at that time. Yes, it was me, I voted for it, on behalf of other Members of course. **[Laughter]** As Deputy Southern said, this is the wrong time to bring this differential in. There never is a right time. We have spoken about wage restraint; well let us not hide our light under a bushel, we are the leaders in wage restraint, 9 years with no change in pay whatsoever. That is the position, it has been 5 years already and it will be another 4 years for the new Assembly. This is not about increasing Members' pay. All this is about, very, very simply, is recognising the additional responsibility and workload of the Chief Minister. I think others have said, and it was in the remuneration body's report, they could not find any reasonable jurisdiction which did not have a differential for the Chief Minister. I cannot think of any business or organisation - be it a charitable organisation with paid staff or a business - that does not have a differential pay for more responsibility. This is all the Remuneration Board are saying; a modest differential to recognise - just to recognise - it is not going to make one iota of difference as to who is going to stand for Chief Minister or not. Any individual will stand for Chief Minister because that is a job they want to do, it is just recognition of particularly the responsibility of that individual. I do not think there is very much I can add but simply to maintain the proposition and ask for the appel.

The Greffier of the States (in the Chair):

Are you intending to put it forward as one proposition or to allow it to be split up?

The Connétable of St. Clement:

I do not really see the point of that but if it helps Members I am quite happy to do that, but I do not really think it makes much difference.

The Greffier of the States (in the Chair):

Does it help Members or not?

The Connétable of St. Clement:

In that case I repeat: I maintain the proposition and ask for the appel.

The Greffier of the States (in the Chair):

The appel has been called for. Members are invited to return to their seats and the vote will be on the entire proposition. I ask the Greffier to open the voting.

POUR: 20

Senator P.F. Routier
Senator A.J.H. Maclean
Senator L.J. Farnham
Connétable of St. Clement
Connétable of St. Mary

CONTRE: 20

Senator S.C. Ferguson
Connétable of St. Martin
Connétable of St. Saviour
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

ABSTAIN: 2

Senator I.J. Gorst
Connétable of St. Helier

Connétable of St. Ouen	Deputy of Grouville
Connétable of St. Brelade	Deputy J.A.N. Le Fondré (L)
Connétable of Grouville	Deputy K.C. Lewis (S)
Connétable of St. John	Deputy M. Tadier (B)
Connétable of Trinity	Deputy of St. John
Deputy J.A. Hilton (H)	Deputy J.M. Maçon (S)
Deputy of Trinity	Deputy of St. Peter
Deputy E.J. Noel (L)	Deputy R.J. Rondel (H)
Deputy S.J. Pinel (C)	Deputy S.Y. Mézec (H)
Deputy of St. Martin	Deputy of St. Ouen
Deputy R.G. Bryans (H)	Deputy L.M.C. Doublet (S)
Deputy A.D. Lewis (H)	Deputy R. Labey (H)
Deputy S.M. Bree (C)	Deputy S.M. Wickenden (H)
Deputy M.J. Norton (B)	Deputy T.A. McDonald (S)
Deputy of St. Mary	Deputy G.J. Truscott (B)

2. Draft Education (Amendment No. 3) (Jersey) Law 201- (P.56/2017)

The Greffier of the States (in the Chair):

If we can now move on. The next item is the Draft Education (Amendment No. 3) (Jersey) Law, P.56/2017, lodged by the Minister for Education. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Education (Amendment No. 3) (Jersey) Law 201-. A law to amend further the Education (Jersey) Law 1999. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

I am proposing this change to the law in order to make it absolutely clear when physical intervention can and cannot be used in Jersey schools. If approved today it will give teachers, parents and students extra reassurance, backed up by the law, about the kind of behaviour that is acceptable in education. This will ultimately be better for children and the staff who look after them. It is important to stress at the outset that physical intervention in education is always, always a last resort. It will only be used if all else fails. We already have a strong policy in place to ensure this. We have a strong culture of de-escalation and avoiding conflict in our schools wherever possible. We use a nationally recognised training scheme to help staff achieve this, and everyone who works with potentially vulnerable children is prioritised for this programme which is called Maybo Training; Maybo is the name of the company, it is not an acronym. It teaches specialist de-escalation techniques and safe handling. The first question we ask is no longer how can we intervene; the first question now is how can we avoid intervening. How best can we cater for the needs of children so that they are never put in a situation where physical intervention might be needed? Maybo Training is the tool we use to answer that question. It is a rigorous training system that is accredited by the British Institute of Learning Disabilities, a highly regarded national organisation. Maybo is research and evidence based and is effective. In the past academic year there were only 27 incidents of physical intervention recorded in all our state schools, including primary, secondary and special units. There are 2 levels of Maybo Training, the first is conflict management, the second is positive, safer handling. Maybo was introduced in Jersey about 3 years ago and we currently have 407 staff trained in level 1, and a further 67 across our schools trained to level 2. The level 1 certification is valid for 2 years and level 2 has to be renewed every 12 months. This means the staff involved regularly receive refresher training. There is an impressive rolling programme of training being led by specialist staff at the Education Department. I should also add

that Maybo Training is also being used by the Jersey Youth Service and in the Health and Social Services Department. This ensures that there is a continuative approach, which is particularly important when dealing with vulnerable young people in the Island. Our policy and practice on physical intervention is strong and reflects current best practice across the U.K. (United Kingdom). Teachers coming here from the mainland should see no difference in the way we treat our students. However, there is a gap. While we have updated what we do in schools we have not updated Jersey Law on the issue and that needs to be done, hence this piece of legislation. It is important to note that the amendment to the law on this issue has come straight from the frontline. A teacher and union representative in one of our secondary schools highlighted the issue during one of the regular meetings between myself, unions, and officers from the Education Department. We immediately took steps to bring our law into line with our policy and the result is this proposition before you today. In real terms nothing in our schools will change in the day-to-day practice, however, the amendment will be necessary if there is a dispute or incident in future. It will provide complete clarity to all parties. That is important, especially as incidents of physical intervention by their nature are usually distressing for everyone involved. Now to the detail; if the amendment is approved the law will specify that staff in Jersey schools can use reasonable physical intervention to prevent a child from committing an offence, hurting themselves or others, or causing damage. These are exactly the same circumstances set out in our current policy. They are also the circumstances already covered by customary law, but as schools are unique environments it is also important that the boundaries are spelled out specifically in Jersey's Education Law. Our amendment also includes a provision to use physical intervention in circumstances where a student might be seriously disrupting lessons. In rare cases such as these the children involved are invariably highly vulnerable with specific needs; educational, physical, social and behavioural. Any actions used - and once again they are always a last resort - are in the best interest of everyone being affected in the situation. The amendment has the full support of all local teachers' unions, the N.A.S.U.W.T (National Association of Schoolmasters Union of Women Teachers), the Jersey Association of Head Teachers, and the Jersey branch of the National Education Union, a new organisation formed following a merger of the N.U.T (National Union of Teachers) and A.T.L. (Association of Teachers and Lecturers) unions nationally. When this amendment was lodged the unions issued a statement which said: "This amendment provides additional clarity in law for professionals working in the classroom and this is especially relevant to those who were trained or recruited in the U.K. It confirms the existing policy, removes potential ambiguity, and will mean Jersey law is aligned with the U.K. We welcome this legislation and fully support the ongoing training for all relevant staff." In conclusion the policy is strong, the law will now echo it, and our community will have greater clarity in this area in future. In light of the Independent Care Inquiry this is not only a good thing, it is an essential change and I urge Members to support it.

The Greffier of the States (in the Chair):

Are the principles seconded? [**Seconded**]

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

Just to briefly thank the Minister for keeping the panel informed of this work, and we believe that it is necessary legislation that we need to put into place. I have become aware of the increased incidents in schools that make these measures necessary, so I do think it is important that there is a framework in place so that teachers know exactly what measures they can take and that they are being fair and appropriate with the pupils, in the pupils' best interests. I am really pleased to hear the Minister talking about a constructive approach with the teaching unions, I think that is best for the pupils, so I want to thank the Minister for endeavouring to build those relationships as well and I hope that can continue. I do want to ask the Minister how is he addressing the problems that lie beneath what causes a pupil to display these behaviours that they need restraint or physical

management in that way. I know that the Minister has some initiatives that are underway in schools so perhaps he can provide some detail when he sums up. I have a question: there is a part of the law that enables Heads to extend provision to other members of staff volunteering in the school, I think. I just wanted to check with the Minister what checks and balances there will be. For example, if a parent is volunteering in the school is that parent then given the same training? How is that going to be managed? Who exactly will be able to use these methods with children?

[12:00]

I note that the schools will be asked to keep records on the use of force and restraint. Is this something that the Minister will be monitoring himself; will he be viewing those records regularly to keep an overview of how this is playing out in the schools, and if so could he please report to the scrutiny panel? I also believe that the Deputy of St. John raised some questions about the policy behind this legislation and exactly what that policy was based upon. I think the question that the Deputy had was is it as up to date as it could possibly be; so could the Minister address that please in his summing up, thank you.

2.1.2 Deputy M. Tadier:

On the face of it this new legislation seems reasonable but I have got some questions for the Minister. He has effectively said that this does not change anything in practice because the current mechanisms for restraining pupils and children where necessary are already done anyway, and so the question to ask is on what legal basis has this kind of intervention been taken up until now? There has presumably been a lack of any legal framework or legal basis for which these kinds of interventions have taken place. The question then in the context of the general assumption that any new legislation should be necessary and proportionate; I think it is quite obvious reading through it that it is proportionate but the question then becomes whether it is necessary. In order to justify that to the Assembly can he give us some examples - without being so specific necessarily - in which teachers have needed to restrain children and where they might have left themselves open to prosecution or complaint because of that? Have there been specific examples which have triggered this or is it merely a piece of housekeeping?

2.1.3 The Deputy of St. John:

I speak purely because Deputy Doublet mentioned the issue that I raised and I have stated to the Minister. I think this is where the element of trust between us, whether it is a Scrutiny Panel or as a Back-Bencher, puts that element of trust within the department and the Minister when we are asked to change legislation such as this. I do not think we should fool ourselves that this is something that is insignificant; this is an extremely important role that we play here and it is particularly with regards to safeguarding not only pupils but the teachers themselves in terms of the possible consequences of actions. I raise the issue in regards to the policy because it is fine for us in the States Assembly to agree a change to legislation; but always the devil is in the detail and how the action is carried out and how people are held to account is particularly important. The reason why I speak on this piece of legislation is because of the Complaints Board findings about not following the rules that were already in legislation before, or staff not being aware of particular parts of legislation. The response I received back from the department with regards to this policy and using best practice and guidelines, it was updated in the U.K. in 2015 and I was advised that the policy that is being put forward here was agreed just before that, but the date on this policy is May 2017. The update to the guidelines in the U.K. happened following the change in the Children's Act 2004 which we do not follow under our Children's Law, and I would like some reassurance from the Minister in terms of how he challenges and how he accounts for the actions of his officers to ensure that the legislation - as we are being told today - will be carried out in the best practice and how we

can recognise that as Members in terms of ensuring that we are not allowing something to go possibly too far. So I would just like to ask the Minister to explain.

The Greffier of the States (in the Chair):

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

2.1.4 Deputy R.G. Bryans:

Thank you to all those who spoke. Let me see if I can answer everything. What else are we doing? As I said at the beginning of this, this particular aspect is in relation to restrictive physical intervention which - as I iterated several times - is the last resort. We have a fantastic psychological psychiatrist group within the Education Department who go out to all schools and who are actively training teachers in the de-escalation techniques that happen well before you get to the point when anybody has to be restricted. I am sure that Deputy Doublet and myself, previously as teachers - possibly Deputy Southern is out of the Assembly at the moment - will have experienced or seen how things can escalate quite quickly. But the training techniques that relate to teachers now are excellent and a lot of it can be discovered on the web and through YouTube on one thing or another. So this is a last resort, so I say to Deputy Doublet and the question she has asked, we have got a rolling programme that relates to training for teachers that goes in well before that situation. As I said, it is about making sure that early problems are dealt with by early intervention. I was speaking to the psych head just the other day and he said a lot of the work is now being done talking to teachers about how they construct their environment so that the children themselves do not particularly feel threatened or are suffering any kind of concerns when they walk into it. So there are all kinds of layers of things that we are beginning to address and deal with before we ever get to the point of dealing with physical intervention. With regard to the volunteering, that is an aspect that is being looked at, at the moment. This really relates to teachers, hence the reason for inclusion of the unions, and we work very closely with the unions. Just to iterate again, it was a union member at a meeting that I was chairing that raised this issue and I want to say thank you to them because it was just a small element - and this goes back somewhat to what Deputy Vallois was saying - that we need to get it right and we need to get it correct. She had come across this, she was standing in for somebody and representing a union member that could not turn up and had found that this was slightly out of kilter with what the U.K. were doing. So we wanted to make sure that that was identified and that if there is a transition - and we have had a considerable number of N.Q.T.s (Newly Qualified Teachers) this year, 47 new ones coming from the U.K. - we wanted to make sure that there was a continuity in the training that they had and it was rectified and it was recognised here. With regard to the law and what we are dealing with, this really does deal strictly with the teachers at this moment in time. The records and monitoring, yes, I will have access to that monitoring and my department are very good at reporting to me if there is any kind of discovery of anything or is there any differentials that we need to pay attention to. That will part of what I do on a fortnightly basis when I have the ministerial meetings. Deputy Tadier was saying if nothing is changed why are we kind of doing this and I say really this is down to ... to some degree I did not want to start a speech like this by saying this is just a bit of housekeeping; I think Deputy Vallois is quite right, this is really material and very important, particularly for both the teachers and the children, that we get that exactly right. With regards to examples, there have been various examples. I think there was one that was in the Royal Court some time ago that was dealt with that was quite public, and that was not necessarily the catalyst for this situation. As I say, it strictly was down to an interpretation from that union representative, and we went back and said: "Yes, we are slightly out of kilter with what the U.K. does here, we were covered by customary law." So we were covered and, as I would defer to my colleague on my right, it is down to interpretation but we had the law in place and we had the training in place to some degree. We have increased that now and I am quite confident that we can move forward with a guarantee of

quality both in the training and in the way in which the situations will be dealt with in the future. People being held to account; that is always a priority within Education, that is really important to us no matter what the situation is. But what this law really does is make sure that in the event of any kind of altercation there is a whole methodology that relates to this Maybo Training, and I have a document here - and it is nice that we are being televised - and I can hold up to show this is quite a graphic document, and it starts very easily in the way in which you discuss and de-escalate the kind of conflict you might find yourself in. It then moves on to other various things that teachers are being trained on. We were congratulated by the unions when we first put the policy out there that the policy - which can be read, it is on the website - does relate in the way that it can be easily read, it is not legalese, it looks like a narrative and it gives strength to the way the teachers think and understand how this policy can be attributed. I think that is all that I need to say really and I ask for the appel.

Deputy L.M.C. Doublet:

Could I ask a point of clarification? A question I asked of the Minister about other staff members, that the head teacher is able to give these powers to other persons working in the school, and specifically it is page 9 of the proposition, 36A(2)(a), it says: "The member of staff in relation to a school means any teacher or other person whose principal place of employment is at the school at which education is being provided in respect of a child." But then part (ii) says: "Any other person who, with the authority of the head teacher, has lawful control or charge of the child for whom education is being provided at the school." I asked the Minister to give details and I had assumed that detail would be easy to give. Can I just clarify, the Minister said at the moment it is just teachers that this would apply to and the rest of the detail is being worked out; where it is stating in the law here that we are going to be passing or not passing today that the head teacher can give authority to any other person. I would like to know who those people are going to be if I am going to approve this today so can the Minister please clarify that?

Deputy R.G. Bryans:

Sorry, I meant to clarify this particular thing. Yes, the situation is there are various people that operate within our schools that the head teacher in particular - and we have spoken about this before - has the autonomy to delegate authority to. Nobody would be given any kind of a delegation without any formal training in this particular area, and the kind of people that we would be talking about is we deal a lot with members of Social Security as an example who come into our schools. That is one of the reasons for making sure that we had a context of looking across the board and making sure that the training that we are providing was equal to the training they were receiving, or members of the Youth Service. So they are various people that fall under our educational remit who are within the confines of our schools that the heads have direct authority over and would have that training in place.

Deputy L.M.C. Doublet:

Sorry, further clarification, so will that include parent volunteers who are coming to the school?

Deputy R.G. Bryans:

I do not believe it does, that is why I was saying it mostly relates to teachers, but I can clarify that for the ... I am not too sure on that so I do not want to state it right here. I would like to clarify that before I ...

The Greffier of the States (in the Chair):

Deputy Southern, is there a point of clarification there?

Deputy G.P. Southern:

On what the Minister said earlier that this move was supported by the unions, could he say whether that was all 3 unions: Head Teachers, N.A.S.U.W.T. and N.U.T.?

Deputy R.G. Bryans:

Yes, it was supported by all the unions.

The Greffier of the States (in the Chair):

There will be an opportunity to look again at the point Deputy Doublet has raised in the Articles, but did I hear you call for the appel, Minister?

Deputy R.G. Bryans:

Yes.

The Greffier of the States (in the Chair):

The appel has been called for on the principles. Members are invited to return to their seats and I ask the Greffier to open the voting.

POUR: 43

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
Senator A.J.H. Maclean
Senator I.J. Gorst
Senator L.J. Farnham
Senator S.C. Ferguson
Connétable of St. Helier
Connétable of St. Clement
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 J.M. Maçon (S)
Deputy S.J. Pinel (C)
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter
Deputy R.J. Rondel (H)
Deputy S.Y. Mézec (H)
Deputy 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)

The Greffier of the States (in the Chair):

Deputy Doublet, does your panel wish to scrutinise this matter?

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

Am I able to ask for an indication from the Assembly if other Members are concerned about the point I have raised?

The Greffier of the States (in the Chair):

Not officially, but you have just done so.

Deputy L.M.C. Doublet:

Because I do not feel I have had sufficient reassurance on that point.

The Greffier of the States (in the Chair):

It is not a debatable point at this stage, it is really a yes/no.

Deputy R.G. Bryans:

I can answer the point if it helps.

The Greffier of the States (in the Chair):

If the Minister wants to make a helpful intervention then that will be just about OK.

[12:15]

Deputy R.G. Bryans:

No, it does not include parents. That is why I was a little bit confused because there was a mention of family support workers in there but of course these are professionals so it only relates to professionals and not parents.

Deputy L.M.C. Doublet:

I think I would like to call it in and we would hope to report back very quickly on this specific point if we could get a more precise list from the Minister exactly who would be able to use these powers.

The Greffier of the States (in the Chair):

OK. We need to set a date at which it will return to the Assembly, which is no more than 4 meetings' time. I have not got a list in front of me of meeting dates.

Deputy L.M.C. Doublet:

If the Minister would provide the list by the middle of next week we could probably report back by the next sitting.

Deputy R.G. Bryans:

Yes, Sir, that is easily done.

The Greffier of the States (in the Chair):

If you are happy to come back at the next sitting, Deputy, that is possible. That is agreed. In that case we do not move on through this draft law.

3. Draft Amendment (No. 33) to the Standing Orders of the States of Jersey (P.59/2017) - as amended

The Greffier of the States (in the Chair):

We move to the next item of business, which is Draft Amendment (No. 33), the Standing Orders of the States of Jersey, P.59/2017, lodged by the Privileges and Procedures Committee. Chairman, there is an amendment lodged by the Committee. I assume you want to propose that as amended?

The Connétable of St. Clement

Yes, please, Sir.

The Greffier of the States (in the Chair):

Are Members content to take the proposition as amended? I think so. In that case can I ask the Greffier to read the citation as amended, please?

The Deputy Greffier of the States:

Draft Amendment (No. 33) of the Standing Orders of the States of Jersey. The States, in pursuance of Article 48 of the States of Jersey Law 2005, have made the following amendments to the Standing Orders of the States of Jersey.

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

I hope, and I feel very confident, that Members will be as delighted as I am that we have been able to recruit a very high calibre and experienced candidate for the role of Commissioner for Standards. This amendment to the Standing Orders is the last piece in the jigsaw to give him that role and enable him to carry out his work. These amendments to the Standing Orders reflect the process agreed in the law, therefore I will make the proposition and will attempt to answer any questions.

The Greffier of the States (in the Chair):

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

3.1.1 Deputy J.M. Maçon:

Very briefly. Simply to say as the Member that brought the in-principle proposition to this Assembly it is wonderful to see it come to a form of completion and I would be happy to support this.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the proposition? If not then I call on the Chairman to reply.

3.1.2 The Connétable of St. Clement:

I am grateful for my predecessor's comments and congratulate him on starting the process and I am delighted we have been able to finish it.

The Greffier of the States (in the Chair):

Those Members who are in favour of adopting the proposition as amended kindly show. Those against? The proposition is adopted.

4. Draft Customs and Excise (Amendment No. 8) (Jersey) Law 201-. A law to further amend the Customs and Excise (Jersey) Law 1999.

The Greffier of the States (in the Chair):

I move to the Draft Customs and Excise (Amendment No. 8) (Jersey) Law, P.65, lodged by the Minister for Home Affairs and ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Customs and Excise (Amendment No. 8) (Jersey) Law 201-. A law to further amend the Customs and Excise (Jersey) Law 1999. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

Articles 24 and 34 of the Customs and Excise (Jersey) Law 1999 provide for statutory directions to be made by the Agent of the Impôts in respect of the inward and outward entry and reporting of ships and aircraft including goods, crew, passenger and voyage details. Information is currently provided by carriers under these Articles so that Customs Officers can *inter alia* monitor the movements of known and suspected criminals or persons of interest in and out of the Island, thereby leading to the identification of those who may be involved in the smuggling of prohibited, restricted or dutiable goods. The Jersey Customs and Immigration Service are seeking to standardise and automate the way that the service conducts this work and one aspect of this objective is to make it a legislative requirement for carriers to submit passenger and journey information electronically and in advance of arrival and departure. At present they do have access to such information, although it is not submitted to their databases. They have to go in and sift through the manifests. Information is available in advance of arrival and departure, although this is due only to the good working relationship between J.C.I.S. (Jersey Customs and Immigration Service) and the current carriers. However, there is no legislative basis for the arrangement. This amendment addresses these 2 relatively minor, although important, issues. Similar legislative provisions are in place in the United Kingdom and it is therefore appropriate that as a member of the Common Travel Area the Jersey authorities also make these minor legislative amendments so as to be able to require inward and outward submission of passenger and journey information electronically and in advance of a ship or aircraft's arrival or departure. Receiving this information to their own databases will enable J.C.I.S. to better focus its resources in good time on suspicious movements into and out of Jersey, thereby minimising inconvenience to innocent travellers. Detailed requirements of the operation of these updated arrangements will be contained within new directions to be made by the Agent of the Impôts in due course and the service has offered to provide these directions to Scrutiny before they become public, should Scrutiny so wish. I propose the principles.

The Greffier of the States (in the Chair):

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

4.1.1 The Connétable of St. Martin:

I congratulate the excellent work of our law enforcement agencies, in this case the Jersey Customs and Immigration Service who have a proven track record particularly on illegal drugs detection. I just wondered if the Assistant Minister could explain 2 areas that may assist Members further, 2 questions that I had. It seems that the department have been providing the information of what may have happened or who travelled when and where and the amendment could appear to some to be a fishing trip before an event has taken place and so I therefore wondered if the Assistant Minister could tell us if there has been an issue, maybe an occasion where the current law has been breached

by the Jersey Customs and Immigration Service and information obtained, or one of the service providers themselves have read the law and are now holding back information until the travel has taken place. Maybe there has been a query in the Royal Court, maybe the Jurats or a defence lawyer has raised it. Could the Assistant Minister confirm that this is not being brought merely as a budget-cutting measure that she and her department have had to make budget cuts and therefore only send officers to the ports of entry and exit and are not bothering to cover those ports otherwise? The other point I would like to raise, a question I would like to raise and the Assistant Minister did mention that towards the end of her opening, is we assume that the director has considerable powers and I do not know whether he or she would make the given time to provide the information both before and at the ports, at the harbour and at the airport, and if there was any consultation with the Minister or if the director has sole control on those limits that he is going to provide. The Assistant Minister has said that information will go to Scrutiny on those decisions, but I do not know if you can answer those 2 questions?

The Greffier of the States (in the Chair):

Does any other Member wish to speak? If not then I call on the Constable of St. Lawrence to reply.

4.1.2 The Connétable of St. Lawrence:

Thank you to the Connétable for his questions. I am not aware that there has been a breach, however I can find out and get back to the Connétable and Members, but of course that would be after we have made our decision today. I need the Constable to repeat his second question, please. I can also confirm it is not part of budget cuts. It obviously makes sense that J.C.I.S. are able to have the information in the format that suits them for the work that they undertake, and clearly this requirement is just to ensure that the Agent of the Impôts is able to make that direction. Due to background noise I could not quite hear the Constable's second question.

The Connétable of St. Martin:

It just related to the power that the director will have to impose the limit that he or she thinks fit and whether that will be in consultation with the Minister and Assistant Minister or will the director have sole control on that limit?

The Connétable of St. Lawrence:

I am afraid I am unable to answer that question on whether or not the directions have to be issued in conjunction with or in consultation with the Ministers. I wonder if the Solicitor General would be able to give guidance on that, please.

Mr. M.H. Temple Q.C., H.M. Solicitor General:

It is really a question of practice as to what currently is provided in reports. I have just quickly pulled up Article 24 of the existing law and Article 24(2) provides that: "The Agent of the Impôts may issue directions specifying the forms and procedure for making report under this Article" and at paragraph (3): "The person making **the** report shall at or after the time of making it answer all such questions relating to (a) the ship or aircraft; (b) the goods carried in that ship or aircraft; (c) the crew and passengers; and (d) the voyage or flight, as may be put to the person by the Agent of the Impôts and shall produce on demand all freight notes, way bills, bills of lading, crew and passenger lists and any other documents relating to the carriage of goods or persons by the ship or aircraft." So that is as far as I can assist.

The Connétable of St. Lawrence:

I thank the Solicitor General. I think it is clear that under the legislation the Agent of the Impôts is able to make directions, which is what I said at the start of my speech. However, the Minister and myself are in constant communication with the Jersey Customs and Immigration Service and I have

no doubt that as the offer has been made that these directions be put to Scrutiny should they wish to see them they would firstly come to the Minister and myself before that took place. Thank you. I propose the principles.

The Greffier of the States (in the Chair):

Those Members who are in favour of the principles kindly show. Those against? The principles are adopted. Deputy Doublet, does your panel wish to call this in for Scrutiny?

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

No, Sir.

The Greffier of the States (in the Chair):

Constable, how do you wish to propose the Articles?

The Connétable of St. Lawrence:

En bloc, please, Sir.

The Greffier of the States (in the Chair):

En bloc? Do you wish to speak to them?

The Connétable of St. Lawrence:

No, Sir. I believe they are self-explanatory.

The Greffier of the States (in the Chair):

Are the Articles seconded? [**Seconded**]. Does any Member wish to speak on the Articles? Those Members who are in favour of adopting the Articles please show. Those against? The Articles are adopted. Do you wish to propose the matter in Third Reading?

The Connétable of St. Lawrence:

Yes, please, Sir.

The Greffier of the States (in the Chair):

Does any Member wish to speak in Third Reading? If not, those Members who are in favour of adopting? The appel has been called for in Third Reading and Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 39

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
Senator A.J.H. Maclean
Senator I.J. Gorst
Senator L.J. Farnham
Senator S.C. Ferguson
Connétable of St. Helier
Connétable of St. Clement
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 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 J.M. Maçon (S)
Deputy R.G. Bryans (H)
Deputy of St. Peter
Deputy R.J. Rondel (H)
Deputy S.Y. Mézec (H)
Deputy A.D. Lewis (H)
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)

The Connétable of St. Lawrence:

May I thank Members for their support which recognises the important work that the Jersey Customs and Immigration Service does towards protecting our borders? [**Approbation**].

The Greffier of the States (in the Chair):

I wonder if the Minister for Infrastructure could help. Are the Draft Road Traffic (No. 63) Regulations still with us or have they been moved?

Deputy E.J. Noel of St. Lawrence:

My department contacted your department at the beginning of the week and we moved it to 10th October, I believe.

The Greffier of the States (in the Chair):

So many things have happened, Deputy, that I missed that. We now come to the arrangement, Constable?

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

Sorry to interrupt you. Could I just apologise to the Assembly on possibly misleading them on 19th June? Hansard has recorded that when we did the waste statement that I said I was going to be charged.

[12:30]

Now, if you are wondering what happened, when we had the Scrutiny meeting on the 15th I am an organic dairy farmer and I am on mains water and I am also on the Scrutiny Panel and I did say at the time that whatever is washed down on the farm and the equipment goes into my slurry pit, so I did not see why I had to be charged for it, because I was not using it, so to speak. The Deputy did say at the time that I was not going to be charged but on the 19th I omitted to say that I was not going to be charged, so the Deputy has been very kind and understanding and asked me if I could

just rectify the matter, so I would like to rectify the matter. I do apologise for leading you astray. I did not mean to say what I did. It was in the heat of the moment and I do apologise. Thank you. [Approbation].

The Greffier of the States (in the Chair):

Thank you very much. That concludes public business for this meeting so I would like the Chairman of the P.P.C. to propose the arrangement for our future meetings.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

I think we are headed for some difficulty. Unfortunately 4 or maybe 5 propositions were deferred from today's sitting to the sitting in a fortnight's time, which means that we are now adjourning at lunchtime after a day and a half, so we have lost a day and a half's debating time. If one looks at the agenda for the next sitting, 26th September, it will be absolutely impossible to get through that in 3 days. So I have been asked to move the in-committee debate for the Brexit Information Report from the 26th to 31st October when I am sure we all hope that the Minister for External Relations will be back with us to lead that debate. Nevertheless, even without that, I think there is more than enough business for 3 days, so I would ask Members who have got items down for that date to really consider if they need to be taken on that date or whether they could be put back a little bit, but I will leave that to individual Members, otherwise we shall have to be looking for a fourth or perhaps fifth day in the following week to finish the debate. Otherwise, the items are as per the Supplementary Order Paper, plus the Education Law amendment which was just deferred also to 26th September and the other items for 10th and 31st October and 14th November are as per the Consolidated Order Paper plus on 31st October there is the Brexit Information in-committee debate. I make that proposition.

5.1 Deputy M. Tadier:

I just had a question about other business of 26th September. Is it likely that there is going to be an election to fill the 2 vacancies on P.A.C. (Public Accounts Committee) and if so it is important I think that Members know so that they can consider who may wish to put their names forward for that.

5.2 Senator S.C. Ferguson:

I may have missed it. I did ask that my taxi driver's annulment be put off until the 26th. I did not hear the chairman of P.P.C. mention it.

The Connétable of St. Clement:

It is on the Supplementary Order Paper.

Senator S.C. Ferguson:

Oh, thank you. Sorry.

5.3 Deputy J.A.N. Le Fondré:

Can I just ask, perhaps address it to Deputy Tadier, I am not sure. P.62 is obviously first out on business at the next sitting. I know it is not the Deputy's problem but obviously we are all aware that Senator Bailhache (a) has an amendment and (b) is ill at present. I did not know whether it was likely that P.62 would be delayed and also for the reasons that it was previously delayed, because that might assist in our timing.

Senator I.J. Gorst:

Sorry, Sir. The first item is obviously Deputy Tadier but the second item you mentioned?

Deputy J.A.N. Le Fondré:

I said that Senator Bailhache has an amendment to P.62 and is presumably still going to be ill on that day, so is there any mileage in exploring whether P.62 should be deferred to assist on the timing?

The Greffier of the States (in the Chair):

Obviously it is a matter for Members but if I can assist, there has been a recent Standing Order change which allows propositions to be moved by other Members if the Greffe receives notice in time, which would cater for these sorts of circumstances but clearly the timing of the debate is a matter for Deputy Tadier and ultimately for the Assembly. If no other Member wishes to add a contribution at this point I will ask the Connétable to respond if he can to anything.

5.3.1 Deputy M. Tadier:

Maybe if I could just add before the Constable responds he may not be in a position of course to speak for P.A.C. I do not know who the acting chair of P.A.C. is in the Assembly and perhaps the acting chair, who I think has resigned or has tendered his resignation, so I am not sure what situation we find ourselves in and who is going to show leadership on filling the vacancies but it seems that those are important functions of the Assembly and we cannot go another sitting without having those vacancies filled, so I think somebody who is in charge of P.A.C. needs to give us direction on that.

The Greffier of the States (in the Chair):

No lights have gone on. The Constable of St. Helier?

5.3.2 The Connétable of St. Helier:

As acting chairman I do not know whether my resignation has taken effect. It has? So if I could just say as a Member of the Assembly in that case that it clearly is highly desirable given the workload of the P.A.C. that a new committee is formed as soon as possible and I would hope that if it cannot be done today if Members could have notification of those vacancies as soon as possible.

Deputy M. Tadier:

Sorry to ask again, but who is the Acting Chair of P.A.C. now?

The Greffier of the States (in the Chair):

My understanding is that Deputy Andrew Lewis ... if I can just deal with that question, maybe ... Constable, you are on P.A.C. so if you want to contribute at this point?

5.3.3 The Connétable of St. John:

I believe I am the only person on P.A.C. at the present time, political person on P.A.C. at the present time and I have spoken to the chairman, Deputy Lewis of St. Helier, who has stood aside for the time being pending yesterday's debate. There is a letter that is currently being written to the Bailiff which will clarify the position in due course.

The Greffier of the States (in the Chair):

I think that is as far as this matter can be taken at the moment. I am sure there will be more to discuss on this point at the next sitting. If I can call the chairman of the P.P.C. If there is anything further to say?

The Connétable of St. Clement:

No, I do not think so, but just if Members who have items down for the 26th will seriously consider if they need to be taken on that day or if they can be deferred to later, but not all the items, please, otherwise we will end up like we had today and wasting one and a half days.

The Greffier of the States (in the Chair):

So on that note future business is adopted and the Assembly will next sit on the 26th at 9.30 a.m.

ADJOURNMENT

[12:37]