

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 26th MARCH 2019

COMMUNICATIONS BY THE PRESIDING OFFICER.....	9
1.1 Welcome to His Excellency the Lieutenant Governor	9
1.2 Attacks on Masjid Al Noor and Linwood Masjid Mosques, Christchurch, New Zealand	9
QUESTIONS.....	9
2. Written Questions.....	9
2.1 DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE ALLOCATION OF FUNDS APPROVED BY THE INVESTMENT APPRAISAL BOARD: (WQ. 153/2019)	9
2.2 THE DEPUTY OF ST. PETER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE HOSPITAL CATERING PROJECT AT ST. PETER'S TECHNICAL PARK: (WQ.154/2019).....	12
2.3 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE CHARGES APPLIED AT HIGHLANDS COLLEGE: (WQ.155/2019)	13
2.4 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING WAITING LISTS FOR FOSTERING AND ADOPTION: (WQ.156/2019).....	13
2.5 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING ROAD TRAFFIC ACCIDENTS IN THE LAST 5 YEARS: (WQ.157/2019)	14
2.6 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE STATES OF JERSEY PROPERTY PORTFOLIO: (WQ.158/2019)	15
2.7 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING PROSECUTIONS AND CONVICTIONS FOR DANGEROUS DRIVING: (WQ.159/2019)	16
2.8 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING EXPENDITURE ON COMMUNICATIONS: (WQ.160/2019).....	17
2.9 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION WITHIN MATERNITY FACILITIES IN THE NEW GENERAL HOSPITAL FOR THE OTHER PARENT TO STAY OVERNIGHT WITH MOTHER AND BABY: (WQ.161/2019)	18
2.10 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE DIVERSITY OF STATES BOARDS: (WQ.162/2019).....	19

2.11	DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING CLOSURE OF THE GENDER PAY GAP: (WQ.163/2019).....	19
2.12	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE RESPONSE OF THE STATES EMPLOYMENT BOARD'S NEGOTIATOR TO 'CONSOLIDATED FUND: INCREASE IN STATES EXPENDITURE IN 2019' (P.20/2019): (WQ.164/2019).....	20
2.13	DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE SUPPORT PROVIDED TO TEAM JETS: (WQ.165/2019).....	20
2.14	DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RAPID RESPONSE SERVICE: (WQ.166/2019).....	21
2.15	DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE USE OF COMPROMISE AGREEMENTS AND REDUNDANCIES IN THE PUBLIC SECTOR: (WQ.167/2019)	22
2.16	DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE IMPLEMENTATION OF THE ASSEMBLY'S ADOPTION OF 'ENTITLED STATUS ON SOCIAL AND ECONOMIC GROUNDS: CHANGES TO LEGISLATION' (P.99/2018): (WQ.168/2019)	22
2.17	DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE EXPENDITURE ON UNIVERSITY GRANTS: (WQ.169/2019)	24
2.18	DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING REVENUE FROM THE GOODS AND SERVICES TAX: (WQ.170/2019).....	24
2.19	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SERVICES AVAILABLE FOR PARENTS AND CARERS OF CHILDREN WITH AUTISM: (WQ.171/2019).....	26
2.21	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX ALLOWANCES AVAILABLE TO BUY-TO-LET INVESTORS: (WQ.173/2019).....	28
2.22	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING BUY-TO-LET PROPERTIES WITHIN STATES OF JERSEY DEVELOPMENT COMPANY DEVELOPMENTS: (WQ.174/2019)	31
2.23	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE INSTANCES OF POLLUTANTS IN JERSEY'S RESERVOIRS AND WATERCOURSES: (WQ.175/2019).....	32
2.24	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE DECLINE IN THE NUMBER OF HOTEL BEDS IN THE ISLAND: (WQ.176/2019)	32
2.25	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE JERSEY INNOVATION FUND: (WQ.177/2019).....	33
3.	Oral Questions	36
3.1	Deputy J.H. Perchard of the Minister for Children and Housing regarding the actions he had taken to reduce homelessness in the Island: [OQ.76/2019]	36
	Senator S.Y. Mézec (The Minister for Children and Housing):	36
3.1.1	Deputy J.H. Perchard:	36

3.1.2 Deputy K.G. Pamplin of St. Saviour:	37
3.1.3 Deputy R.J. Ward of St. Helier:	37
3.1.4 Deputy M. Tadier of St. Brelade:.....	37
3.1.5 Senator S.C. Ferguson:	38
3.1.6 Senator S.C. Ferguson:	38
3.1.7 Deputy S.M. Wickenden of St. Helier:	38
3.1.8 Deputy S.M. Wickenden:.....	38
3.1.9 Deputy J.H. Perchard:	38
3.2 Deputy M.R. Le Hegarat of St. Helier of the Minister for Health and Social Services regarding the jurisdiction of his Department in respect of private patients in circumstances where a Hospital Consultant had been suspended: [OQ.87/2019].....	39
Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):.....	39
3.2.1 Deputy M.R. Le Hegarat:.....	39
3.2.2 Deputy R. Labey of St. Helier:	40
3.2.3 Deputy M.R. Le Hegarat:.....	40
3.3 Deputy K.G. Pamplin of the Minister for Infrastructure regarding the lack of progress in demolishing the former Fort Regent swimming pool: [OQ.84/2019]	40
Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):.....	40
3.3.1 Deputy K.G. Pamplin:.....	41
3.4 Senator S.C. Ferguson of the Minister for Infrastructure regarding the appointment of a training company for the purposes of the Road Works and Events (Jersey) Law 2016: [OQ.78/2019].....	41
Deputy K.C. Lewis (The Minister for Infrastructure):	41
3.4.1 Senator S.C. Ferguson:	41
3.4.2 Deputy M.R. Higgins of St. Helier:	41
3.4.3 Senator S.C. Ferguson:	42
3.5 Deputy M.R. Higgins of the Chief Minister regarding decisions in respect of the level of taxes and charges levied by the Government of Jersey: [OQ.90/2019]	42
Senator J.A.N. Le Fondré (The Chief Minister):	42
3.5.1 Deputy M.R. Higgins:.....	43
3.5.2 Deputy M. Tadier:.....	43
3.5.3 Deputy M. Tadier:.....	43
3.5.4 Deputy K.F. Morel of St. Lawrence:	44
3.5.5 Deputy G.P. Southern of St. Helier:	44
3.5.6 Deputy G.P. Southern:	44
3.5.7 Deputy M.R. Higgins:.....	45
3.6 Deputy G.P. Southern of the Chief Minister regarding the consideration given by the Council of Ministers to the response of the States Employment Board’s chief negotiator to ‘Consolidated Fund: increase in States expenditure’ (P.20/2019): [OQ.88/2019]	45
Senator J.A.N. Le Fondré (The Chief Minister):	45
3.7 Deputy M. Tadier of the Minister for Health and Social Services regarding the length of time patients had to wait for procedures performed by his Department: [OQ.92/2019]	45
The Deputy of St. Ouen (The Minister for Health and Social Services):	45
3.7.1 Deputy M. Tadier:.....	46

3.8 Deputy R.J. Ward of the Minister for Treasury and Resources regarding the allowance for depreciation within the accounts of the States of Jersey: [OQ.81/2019]	46
Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):	46
3.8.1 Deputy R.J. Ward:	46
3.8.2 Deputy M. Tadier:	47
3.8.3 Deputy R.J. Ward:	47
3.9 Deputy K.F. Morel of the Minister for Treasury and Resources regarding the parking charges at Jersey Airport: [OQ.82/2019]	47
Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - rapporteur):	48
3.9.1 Deputy K.F. Morel:	48
3.9.2 Deputy M.R. Higgins:	48
3.9.3 Deputy R.J. Ward:	48
3.9.4 Deputy M. Tadier:	48
3.9.5 Deputy M. Tadier:	49
3.9.6 Deputy K.F. Morel:	49
3.10 Deputy I. Gardiner of St. Helier of the Minister for Treasury and Resources regarding the prospect of connecting those properties which use boreholes to mains water: [OQ.86/2019]	49
Deputy L.B.E. Ash (Assistant Minister for Treasury and Resources - rapporteur):	49
3.10.1 Deputy I. Gardiner:	50
3.10.2 Deputy M. Tadier:	50
3.10.3 Deputy M. Tadier:	50
3.10.4 Senator K.L. Moore:	50
3.11 The Deputy of St. John of the Minister for Infrastructure regarding the prospect of an Island-wide ‘park and ride’ bus service: [OQ.79/2019]	51
Deputy K.C. Lewis (The Minister for Infrastructure):	51
3.11.1 The Deputy of St. John:	51
3.11.2 Deputy M.R. Higgins:	51
3.11.3 Deputy M.R. Higgins:	52
3.11.4 Deputy R.J. Ward:	52
3.11.5 Deputy R.J. Ward:	52
3.11.6 Senator K.L. Moore:	53
3.11.7 Deputy D. Johnson of St. Mary:	53
3.11.8 Deputy S.M. Wickenden:	53
3.11.9 The Deputy of St. John:	54
3.12 Deputy M.R. Higgins of the Chief Minister regarding the practices of the Communications Directorate: [OQ.91/2019]	54
Connétable R.A. Buchanan of St. Ouen (Assistant Chief Minister - rapporteur):	54
3.12.1 Deputy M.R. Higgins:	54
3.12.2 Deputy K.F. Morel:	55
3.12.3 Deputy M.R. Higgins:	55
3.13 The Deputy of St. John of the Minister for Infrastructure regarding the prospect of temporarily linking Liberation Square and Weighbridge Place for the purposes of ‘Liberation 75’: [OQ.80/2019]	56
Deputy K.C. Lewis (The Minister for Infrastructure):	56

3.13.1	The Deputy of St. John:.....	56
3.13.2	Deputy M. Tadier:	56
3.13.3	Deputy M. Tadier:	56
3.13.4	Deputy R. Labey:	57
3.13.5	Deputy R. Labey:	57
3.13.6	Connétable M.K. Jackson of St. Brelade:	57
3.14	Deputy J.H. Perchard of the Chief Minister regarding the recruitment of Jersey-based women to boards: [OQ.77/2019].....	57
	Senator J.A.N. Le Fondré (The Chief Minister):	58
3.14.1	Deputy J.H. Perchard:	58
3.14.2	Deputy L.M.C. Doublet of St. Saviour:	58
3.14.3	Deputy L.M.C. Doublet:	58
3.14.4	Deputy K.F. Morel:	58
3.14.5	Senator K.L. Moore:.....	59
3.14.6	Deputy J.H. Perchard:	59
3.15	Deputy K.F. Morel of the Minister for Infrastructure regarding the impact of joining Liberation Square and Weighbridge Place on traffic in the area: [OQ.83/2019].....	59
	Deputy K.C. Lewis (The Minister for Infrastructure):.....	59
3.15.1	Deputy K.F. Morel:	60
3.15.2	The Connétable of St. Brelade:	60
3.15.3	Deputy K.F. Morel:	60
3.16	Deputy G.P. Southern of the Chairman of the States Employment Board regarding the methodology underling statistics produced by the Board in relation to public sector pay: [OQ.89/2019]	60
	Senator J.A.N. Le Fondré (Chairman, States Employment Board):	60
3.16.1	Deputy G.P. Southern:	61
3.16.2	Deputy G.P. Southern:	61
3.17	Deputy M. Tadier of the Chief Minister regarding the steps to be taken by the Government of Jersey to make medicinal cannabis accessible by Jersey patients: [OQ.93/2019]	62
	Senator J.A.N. Le Fondré (The Chief Minister):	62
3.17.1	Deputy M. Tadier:	62
3.17.2	Senator K.L. Moore:.....	62
3.17.3	Senator K.L. Moore:.....	63
3.17.4	Deputy M. Tadier:	63
3.18	Deputy K.G. Pamplin for the Minister for Home Affairs regarding the use of tasers in 2018 by the States of Jersey Police: [OQ.85/2019].....	63
	The Connétable of St. Clement (The Minister for Home Affairs):.....	63
3.18.1	Deputy K.G. Pamplin:	63
4.	Questions to Ministers without notice - The Minister for International Development	64
4.1	Deputy S.M. Ahier of St. Helier:	64
	Deputy C.F. Labey of Grouville (The Minister for International Development):	64
4.2	Deputy M.R. Le Hegarat:.....	64
5.	Questions to Ministers without notice - The Chief Minister	64
5.1	Deputy G.J. Truscott of St. Brelade:.....	65

Senator J.A.N. Le Fondré (The Chief Minister):	65
5.2 Deputy M.R. Le Hegarat:.....	65
5.3 Deputy G.P. Southern:	65
5.3.1 Deputy G.P. Southern:	66
5.4 Deputy M. Tadier:.....	66
5.4.1 Deputy M. Tadier:.....	66
5.5 Senator K.L. Moore:	66
5.5.1 Senator K.L. Moore:	67
5.6 Deputy S.M. Ahier:.....	67
5.7 Deputy M.R. Higgins:.....	67
5.7.1 Deputy M.R. Higgins:.....	67
5.8 The Connétable of St. Brelade:.....	68
5.9 Connétable S.A. Le Sueur-Rennard of St. Saviour:.....	68
5.9.1 The Connétable of St. Saviour:	68
5.10 Deputy S.G. Luce of St. Martin:	69
5.11 Deputy K.G. Pamplin:.....	69
5.11.1 Deputy K.G. Pamplin:	69
5.12 Deputy R.J. Ward:.....	70
5.13 Deputy G.P. Southern:	70
5.14 Deputy G.J. Truscott:.....	70
5.15 Deputy M. Tadier:.....	71
5.16 Deputy K.G. Pamplin:.....	71
5.16.1 Deputy K.G. Pamplin:	71
6. Urgent Oral Question	71
6.1 Deputy R. Labey of the Minister for the Environment regarding possible water pollution breaches emanating from the Horizon construction site: [UOQ.1/2019].....	71
Deputy J.H. Young of St. Brelade (The Minister for the Environment):.....	72
6.1.1 Deputy R. Labey:	72
6.1.2 Deputy M. Tadier:.....	73
6.1.3 Deputy K.F. Morel:.....	74
6.1.4 Deputy M.R. Higgins:.....	74
6.1.5 The Deputy of St. Martin:	75
6.1.6 The Connétable of St. Brelade:.....	75
6.1.7 Senator S.C. Ferguson:	75
6.1.8 Deputy R. Labey:	76
STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY	76
7. Statement by the Chairman of the Brexit Review Panel regarding its Brexit Readiness Report	76
7.1 Deputy K.F. Morel (Chairman, Brexit Review Panel):	76
7.1.1 Senator J.A.N. Le Fondré:	77
7.1.2 Deputy G.J. Truscott:.....	78
7.1.3 Deputy H.C. Raymond of Trinity:	78
7.1.4 Deputy J.H. Young:	78
7.1.5 Deputy J.A. Martin of St. Helier:.....	79
8. Statement by the Minister for Home Affairs regarding the Justice and Home Affairs Target Operating Model	79

8.1	The Connétable of St. Clement (The Minister for Home Affairs):.....	79
8.1.1	Deputy S.M. Wickenden:.....	80
8.1.2	The Connétable of St. Lawrence:.....	81
8.1.3	The Deputy of St. Martin:.....	81
8.1.4	The Deputy of St. John:.....	82
8.1.5	Deputy R.J. Ward:.....	82
8.1.6	Deputy M.R. Le Hegarat:.....	83
8.1.7	Deputy R. Labey:.....	83
8.1.8	Deputy K.F. Morel:.....	83
8.1.9	The Connétable of St. Lawrence:.....	83
8.1.10	The Connétable of St. Lawrence:.....	84
8.1.11	The Deputy of St. John:.....	84
LUNCHEON ADJOURNMENT PROPOSED.....		84
LUNCHEON ADJOURNMENT.....		84
PUBLIC BUSINESS.....		85
9.	Draft European Union (Wines, Spirits, Milk and Dairies - Savings) (Jersey) Regulations 201- (P.14/2019)	85
9.1	Senator I.J. Gorst (The Minister for External Relations):.....	85
9.2	Senator I.J. Gorst:.....	86
10.	Draft European Union (United Kingdom Exit - Alternative Investment Funds) (Jersey) Regulations 201- (P.15/2019)	87
10.1	The Connétable of St. Ouen (Assistant Minister for External Relations - rapporteur): ..	87
10.2	The Connétable of St. Ouen:.....	89
11.	Draft Restriction on Smoking (Warning Notices) (Amendment for U.K. Exit from E.U.) (Jersey) Regulations 201- (P.16/2019)	89
11.1	The Deputy of St. Ouen (The Minister for Health and Social Services):.....	90
11.1.1	Deputy M. Tadier:.....	90
11.1.2	Senator I.J. Gorst:.....	91
11.1.3	The Deputy of St. Ouen:.....	91
11.2	The Deputy of St. Ouen:.....	92
11.3	The Deputy of St. Ouen:.....	92
11.3.1	Deputy M. Tadier:.....	92
11.3.2	The Deputy of St. Ouen:.....	93
12.	Jersey Law Revision Board: appointment of member (P.19/2019).....	94
12.1	Senator J.A.N. Le Fondré (The Chief Minister):.....	94
13.	Consolidated Fund: increase in States expenditure in 2019 (P.20/2019).....	95
13.1	Deputy G.P. Southern:.....	95
13.1.1	The Connétable of St. Saviour:.....	98
13.1.2	The Connétable of St. Martin:.....	98
13.1.3	Senator J.A.N. Le Fondré:.....	99
13.1.4	Deputy M.R. Le Hegarat:.....	102
13.1.5	Deputy R.J. Ward:.....	102
13.1.6	Connétable C.H. Taylor of St. John:.....	104
13.1.7	Deputy J.H. Perchard:.....	104
13.1.8	Deputy J.A. Martin:.....	106
13.1.9	Deputy S.J. Pinel:.....	107

13.1.10	Deputy M. Tadier:.....	109
13.1.11	Deputy I. Gardiner:	112
13.1.12	Deputy C.S. Alves of St. Helier:.....	113
13.1.13	Connétable A.S. Crowcroft of St. Helier:	114
13.1.14	Senator S.Y. Mézec:.....	115
13.1.15	Connétable J. Le Bailly of St. Mary:	117
13.1.16	Deputy M.R. Higgins:	117
13.1.17	The Connétable of St. Brelade:	119
13.1.18	The Connétable of St. Ouen:.....	120
13.1.19	Deputy J.H. Young:	122

ADJOURNMENT	124
--------------------------	------------

[9:31]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

Firstly, on behalf of Members, I would like to welcome His Excellency to the Chamber this morning.
[**Approbation**]

1.2 Attacks on Masjid Al Noor and Linwood Masjid Mosques, Christchurch, New Zealand

Secondly, on 20th March, the Bailiff wrote to the New Zealand High Commissioner in the following terms: “Dear High Commissioner. I am writing to you on behalf of the States and people of Jersey following the 2 terrorist attacks at Masjid Al Noor and Linwood Masjid mosques in Christchurch last week. It was, as your Prime Minister said, one of New Zealand’s darkest hours. It is hard to imagine how any human being can get to the point of committing acts of such an evil and deliberate nature. From our very small Island, we send to New Zealand and her people and, in particular, the families and friends of those who have died, or been injured, in these attacks our heartfelt sympathy and commiseration. We know also that your emergency services, and in particular your doctors, nurses and paramedics have been under enormous pressure and no doubt that will continue in the days to come and we salute them for their commitment. We can only hope that these inadequate expressions of regret and commiseration may be of some comfort to those who have been so directly affected. Though geographically far away, we stand side by side with New Zealand in condemning terrorist atrocities.” Signed by the Bailiff. [**Approbation**] I would like also to express the thanks of the Assembly to those who organised the vigil last week and would remind Members of a book of condolence that is open on the ground floor of this building, which can be signed to show commiseration with the people of New Zealand.

QUESTIONS

2. Written Questions

2.1 DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE ALLOCATION OF FUNDS APPROVED BY THE INVESTMENT APPRAISAL BOARD: (WQ. 153/2019)

Question

Will the Minister inform the Assembly whether any of the funds approved by the Investment Appraisal Board will require ongoing revenue funding in 2020 and beyond and, if so, how much and in respect of which projects?

Answer

To reiterate previous answers on this subject, the Investment Appraisal Board does not approve funding. It considers business cases put forward by departments and makes recommendations to the Minister for Treasury and Resources, who can agree or not.

All funding for 2020 is a matter for the States Assembly to consider in the Government Plan.

This aspect of the process is unchanged following the decision by the Minister for Treasury and Resources to use the Investment Appraisal Board to consider business cases. Previously requests came through a number of routes and officer and Member boards, and they were not considered “in the round” and against the total amount of Contingency available to allocate.

The following table shows approvals made by the Minister for Treasury and Resources – following consideration of business cases by the Investment Appraisal Board – where the business case has indicated that additional funding may need to be requested for 2020 and beyond in the Government Plan, and whether that funding need is potentially recurring. The 2020 and beyond funding is not approved at this stage; it will need to be considered by CoM in putting forward the Government Plan, and the Assembly once lodged.

<u>Department</u>	<u>Subject</u>	<u>Total Approved 2018/2019</u>	<u>Potential 2020 funding required as part of the Govt Plan</u>	<u>Potential recurring funding</u>
Non Ministerial States Founded Bodies	Extended Greffe activities and Assembly support – enhanced scrutiny, e petitions, website development, Commonwealth Parliamentary Association, Commissioner for Standards and Referendum Commission	£ 175,000.00	£ 150,000.00	Yes
GHE/SPPP	Update Island Plan 2020 (10 yrs Review)	£ 350,000.00	£ 225,000.00	No
GHE	Sport Travel Grant Funding	£ 200,000.00	£ 200,000.00	Yes
GHE	The Jersey Arts Trust – funding to support commercial sustainability and expansion	£ 160,000.00	£ 160,000.00	Yes
Office of the Chief Executive	Digital Jersey – expanded hub facility and Skills Academy	£ 1,700,000.00	£ 750,000.00	No
STE	Expanded International Tax Team in advance of OECD assessment	£ 400,000.00	£ 400,000.00	Yes
COO	SY Jersey maintenance & licencing	£ 100,000.00	£ 100,000.00	Yes
COO	Flu vaccines for staff	£ 126,000.00	£ 63,000.00	Yes
COO	Supporting One Gov – Team Jersey (HR/OD strategic partner)	£ 1,745,000.00	£ 1,870,000.00	No
Office of the Chief Executive	International Growth Activities (external relations and Brexit)	£ 400,000.00	£ 315,180.00	Yes
Office of the Chief Executive	Jersey Finance – Business Development North America Office Pilot	£ 250,000.00	£ 356,000.00	No
SPPP	Primary School Meals Feasibility Pilot	£ 200,000.00	£ 147,800.00	No
SPPP	Income and spending survey 2019–2020	£ 100,000.00	£ 100,000.00	No
Non Ministerial	New Bail Law – additional staffing requirements	£ 80,000.00	£ 80,000.00	Yes
Non Ministerial	Additional legal drafters	£ 250,000.00	£ 240,410.00	Yes

2.2 THE DEPUTY OF ST. PETER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE HOSPITAL CATERING PROJECT AT ST. PETER'S TECHNICAL PARK: (WQ.154/2019)

Question

Will the Minister advise, in respect of the hospital catering project at St. Peter's Technical Park –

- (a) when it is planned that the project will be finished;
- (b) whether the project is over-schedule and has over-spent and, if so, what the current and forecasted budgetary over-spend is;
- (c) what further measures, if any, he proposes to take to mitigate any impact of excessive noise, light pollution or weekend working arising from the project or to ensure that the views of residents in consideration of such matters is taken into the consideration by the contractors;
- (d) what measures, if any, he proposes to take to enhance communications about the project with local residents; and
- (e) what measures, if any, he will put in place to ensure that (once the project is completed and catering operations have commenced) the residents can live as quiet and peaceful a life as before the construction started?

Answer

- (a) The relocation of catering for the Hospital and other sites comprises the refitting of a facility at St Peter's Technical Park and works to the existing Hospital kitchen area. The construction works at St Peter are scheduled to be completed by mid-May 2019. Following this there will be a testing and migration period before the new Catering Unit is fully operational in June 2019. The works to the main Hospital will commence shortly and are due to complete in the Autumn.
- (b) The project is 15 weeks behind the original schedule and is within the allocated budget.
- (c) The Minister is not aware of any excessive noise. Works undertaken are within limits set by environmental health legislation, as has been demonstrated through frequent monitoring undertaken by Environmental Health officers. Complaints received about lights being left on by the contractor have been addressed. Weekend working is limited to exceptional activities and is permitted under the planning permit. The method of working is a matter for the contractor to determine, within the constraints of the planning permit and other statutory requirements.
- (d) Local residents received an unprecedented level of communication from the Hospital team and the contractor since the commencement of the works. However, face to face meetings ceased in November 2018 when the attitude and actions of certain neighbours became aggressive. Subsequently, threatening comments from certain neighbours to the contractor have been referred to the police. As the project is nearing completion there is no benefit in enhancing communication beyond that required to provide necessary information. It is hoped that rational and positive communications between Health and Community Services operating team and the neighbours can commence when the facility becomes operational.
- (e) The building will be used for food preparation within an acoustically baffled environment and is likely to be quieter than most, if not all, other activities on the site. Notwithstanding that the permitted hours of operation for the Technical Park are 6am to 10pm, the catering facility will normally operate on Monday to Friday between the hours of 8am and 5pm. It should be noted that the management of the Technical Park as a whole is undertaken by a management agent and the operators of the facility will abide by all regulations pertaining to the site.

2.3 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE CHARGES APPLIED AT HIGHLANDS COLLEGE: (WQ.155/2019)

Question

Will the Minister advise whether students on courses at Highlands Colleges (other than any full-time students where charges are included in the course) are charged for additional help for formal exams (e.g. for a reader, if diagnosed with a learning need or for an amanuensis); and, if so, will the Minister provide a breakdown of any such charges and explain the rationale for them?

Answer

Students who have exams as a part of their course are currently assessed by the College free of charge. This is the same for full and part-time students. Students are not charged for the invigilation costs or support during the exam, if this is a part of their course with the College.

The public may choose to enter for exams as a private candidate, via the Highlands College Exams Centre. There is, currently, a set rate of £81 for all GCE and GCSE exams regardless of how long these take. Exams for other awarding bodies are charged between £81 for 1 hr exams, up to £114 if an exam lasts for three hours, to cover administration and invigilation. There is no additional charge should candidates need a reader, scribe etc.

Private candidates are not enrolled at the college for tuition and therefore not publicly funded – each year the College has approx. 6500 exam candidates, most of which are private, external users. If private candidates request to be assessed for access arrangements the college can assess for these, if evidence of need is available. These candidates are made aware that access arrangements are chargeable and that external rules and deadlines apply when they enter for their exam, as this information is on the application form. The college currently charges £75 an hour for these assessments. This is calculated to cover the specialist teacher's time, application to the awarding body, administration, resources and on-costs (social security etc).

There are occasions when students of the College choose to enter themselves privately for additional qualifications, alongside their course. For example, a part-time student may use the college exam centre to sit an A Level, which the college does not run as a course. In this case, the candidate is a customer of the exams centre, rather than an A level student of the College. If private entry in additional qualifications means that they now require assessments that are not required for their course with the college, these would be chargeable as above.

2.4 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING WAITING LISTS FOR FOSTERING AND ADOPTION: (WQ.156/2019)

Question

Will the Minister state how many local children are waiting for adoption or fostering as well as how many Islanders have applied either to foster or to adopt in the past 18 months?

Answer

Being able to recruit foster carers and adopters is part of how we keep Jersey children on island able to maintain their relationships with family members and with their local communities. We need more foster carers.

The Children's Service has regular frequent recruitment events in order to try and recruit appropriate individuals and couples to care for children in the care of the Minister. The recruitment process includes training and assessment over a period of six months. The assessment process offers an

opportunity for applicants to understand the role as fully as possible so that they understand the task, challenge and role.

Applications received in the last 18 were:

- 21 fostering applications
- 14 adoption applications

Not all applicants become carers.

There are currently no children waiting for an adoptive placement in Jersey.

Currently there are no children waiting for fostering placements.

It is planned to develop and implement an Intensive Fostering Service which will provide specialist placements for children with a high level of need. This will form an element of the strategy to keep Jersey children on island rather than having to place off island in specialist residential placements. As we are developing an on-island intensive fostering service some children/young people may meet the criteria for such a placement, which will be reviewed at the time.

2.5 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING ROAD TRAFFIC ACCIDENTS IN THE LAST 5 YEARS: (WQ.157/2019)

Question

Will the Minister provide a breakdown from the past 5 years of road traffic accidents / incidents (including indications of where injuries were incurred by anyone) which occurred because of –

- (a) speeding;
- (b) carelessness;
- (c) drink-driving;
- (d) use of a mobile phone or similar device; and
- (e) other forms of dangerous driving?

Answer

The following table shows the number of road traffic collisions broken down by year and seriousness of casualty.

For reference, the Road Traffic (Jersey) Law 1956 defines “serious injury” as an injury that:

- results in a fracture of any bone (except simple fractures of fingers, toes or nose);
- involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
- involves injury to any internal organ; or
- involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface.

Contributory factor	Year	No. of RTCs			Total
		Slight casualty	Serious casualty	Fatal casualty	
Excessive speed	2014	3			3
	2015	2			2
	2016		1		1
	2017	2	2		4
	2018	2	1	1	4
Total Excessive speed		9	4	1	14
Alcohol or drugs	2014	7	4		11
	2015	9	7		16
	2016	5	1		6
	2017	4	1		5
	2018	6	1		7
Total Alcohol or drugs		31	14		45
Carelessness	2014	161	22	1	184
	2015	150	32	0	182
	2016	145	32	1	178
	2017	95	30	0	125
	2018	135	29	1	165
Total Carelessness		686	145	3	834
Mobile phone	2014				
	2015				
	2016				
	2017				
	2018				
Total Mobile phone		0	0	0	0
Dangerous driving	2014	3	2		5
	2015	4	2		6
	2016	4	7		11
	2017	13	1		14
	2018	15	1		16
Total Dangerous driving		39	13	0	52

2.6 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE STATES OF JERSEY PROPERTY PORTFOLIO: (WQ.158/2019)

Question

From the portfolio of States of Jersey-owned properties maintained by Jersey Property Holdings, will the Minister list –

- those properties which are in a condition ready to be sold;
- how many of such properties could be used in less than 3 months for services transferred from other areas of the public sector; and
- those properties which are either not fit for purpose or in need of maintenance?

Answer

JPH does not keep a for sale list. Disposal of premises is currently predicated on wider needs ie the provision of social housing, office modernisation, States development etc. There may be some empty premises, like Piquet House, however this is currently the subject of a bid for funds to convert it into a family court.

- (a) JPH prioritises its building maintenance firstly in respect of statutory and Health and Safety compliance, followed by serviceability maintenance, followed asset-preservation maintenance, followed by decorative maintenance. Inevitably certain lower priority maintenance falls behind planned programmes due to budgetary constraints. The criteria of whether a particular property is “*in a condition ready to be sold*” is not currently benchmarked by JPH. The condition of a property at the point of sale will depend on a number of factors, including the likely future use options and redevelopment options.
- (b) Adapting a redundant Public property for a new Public service use generally takes longer than three months. In nearly every case, the ingoing department will require adaptations, which will require funding. Planning permission and other consents for the new use may be required. But generally, where there is an alternative Public service use for a reductant property, and there is adequate funding readily available, the new use can be arranged with say six-months. Generally the funding needed to make the premises suitable for the new use is the delaying factor.
- (c) Set-out above under (a) are the maintenance priorities for JPH. The target is to have full statutory and Health and Safety compliance, and therefore a ‘fit for purpose’ estate – ignoring serviceability issues arising from changing operational practices of the user departments. Also as mentioned under (a), inevitably certain lower priority maintenance falls behind planned programmes due to budgetary constraints. That position affects a significant part of the estate.

2.7 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING PROSECUTIONS AND CONVICTIONS FOR DANGEROUS DRIVING: (WQ.159/2019)

Question

Will H.M. Attorney General state, for the past 5 years, how many people have been –

- (a) charged;
- (b) prosecuted; and
- (c) convicted

for causing serious injury by dangerous driving, with the figures further broken down into the following areas:

- (i) speeding;
- (ii) carelessness;
- (iii) drink-driving;
- (iv) use of a mobile type device; and
- (v) other forms of dangerous driving?

Answer

The offence of “causing serious injury by dangerous driving” contrary to Article 23A of the Road Traffic (Jersey) Law 1956 (“the Law”) was created by the Road Traffic (No.62) (Jersey) Regulations 2015 and came into force on 24 November 2015. This answer, therefore, provides the information requested in the question from that date.

At the same time the Road Traffic (No.62) (Jersey) Regulations 2015 also inserted the following Articles into the Law which came into force on the same day:

- i. Article 26A “causing serious injury by careless driving” and,
- ii. Article 26B “causing serious injury by careless driving when under the influence of drink or drugs”

Since 24 November 2015 for the offence of serious injury by dangerous driving:

- a. Eleven persons have been charged with the offence;
- b. Ten persons were prosecuted (by the Law Officers’ Department)¹
 - i. Three cases where the dangerousness related to speed.
 - ii. Five cases related to the standard of driving falling far below that which would be expected of a competent and careful driver
 - iii. Two offences related to the consumption of alcohol.
- c. Five persons were convicted of the offence of serious injury by dangerous driving:
 - i. Two convictions where the dangerousness related to speed;
 - ii. One case where the standard of driving fell far below that would be expected of a competent and careful driver; and
 - iii. Two offences related to the consumption of alcohol.

In the remaining five cases, in one case a guilty plea was accepted to the offence of dangerous driving; and in the other four cases a guilty plea was accepted to causing serious injury by careless driving.

2.8 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING EXPENDITURE ON COMMUNICATIONS: (WQ.160/2019)

Question

Will the Chief Minister provide the Government’s budget for, and expenditure on, communications for each of the last three years; and will he also provide the anticipated budget going forward for the next three years, broken down by department and ministerial portfolio?

Answer

There is no central record of expenditure on communications over the past three years, since costs were fragmented across different government departments, and not separately recorded.

Communications directorate costs

Following an audit and review of communications in the States of Jersey in 2017 <https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/171121%20SoJ%20comms%20audit%20and%20review%20report%20FINAL.pdf> a business case was established in 2018 for a new Communications directorate. It consolidated a full-year budget of £2.74 million a year in steady state, to cover payroll for 36 FTE (a mix of existing posts across government and new posts) and a small number of non-payroll expenditures. This is a central team and budget, serving the whole of the Government of Jersey, and is not therefore accounted for by departmental or Ministerial portfolio.

¹ Not all offences charged by Centenier will be referred to the Law Officers’ Department. The Law Officers’ Department only holds outcome information on the cases which it has prosecuted.

A central record of Communications directorate expenditure was only possible from July 2018, when the new Communications directorate began to be populated. Between 1 July and 31 December 2018, expenditure on the new Communications directorate was £608,233.

The first full-year budget and expenditure will be accounted for in 2019. The forecast expenditure for the Communications directorate is £1.9 million for 2019. A full-year budget for a fully-staffed Communications directorate will therefore be approximately £2 million – which is £740,000 lower than the 2018 business case budget of £2.74 million, due to:

- a) the rescoping of the directorate to reduce the maximum number of roles from 36 to 32
- b) a reduction in the seniority of some roles
- c) the appointment of part-time staff to some roles (further reducing the team size to 28.5 FTE)
- d) a reduction in non-payroll expenditure
- e) the phased approach to filling team roles.

Communications external expenditure

Communications expenditure on external suppliers was also not previously centrally collated. However, an audit of Supply Jersey payment records carried out by the new Communications directorate shows that there was a substantial increase in expenditure on communications activities from 2015 (see table 1).

Table 1: Expenditure on external communications suppliers – 2015-2018

	2015	2016	2017	2018
Total	£622,905	£595,177	£921,187	£877,349

The new Communications directorate has begun to record external expenditure from January 2019 and compare it with the year to date in the previous year (see Table 2 report for February 2019). It shows that the cost of external graphic design has almost halved so far this year, and the cost of paid-for advertising has more than halved, although this latter reduction will be partly as a result of some campaigns not running and partly as a result of our using more cost-effective advertising channels (eg digital).

Table 2: Expenditure on external communications suppliers – Jan-Feb 2019 v 2018

	Jan-Feb 2018	Jan-Feb 2019	£ change
Graphic design	£83,026	£44,617	-£38,409
Video production	£0	£2,058	+£2,058
Outdoor signage	£10,842	£9,438	-£1,404
Paid-for advertising	£54,704	£23,023	-£31,681
Media buying	£0	£0	£0
PR/communication support	£7,050	£10,546	+£3,496
Printing	£54,985	£53,272	-£1,713
Total	£210,607	£142,953	-£67,653

As the year progresses, actual savings on external communications expenditure will be captured.

2.9 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION WITHIN MATERNITY

FACILITIES IN THE NEW GENERAL HOSPITAL FOR THE OTHER PARENT TO STAY OVERNIGHT WITH MOTHER AND BABY: (WQ.161/2019)

Question

Further to the response to Written Question 129/2019, will the Minister undertake to consult on making provision within the maternity facilities of the new General Hospital for the other parent to stay overnight with the mother and baby?

Answer

The Minister can confirm that consultation will take place on making provision within the maternity facilities of the new General Hospital for the other parent to stay overnight.

Work has already begun to develop a 'Maternity Voices Partnership'. This partnership will be a working group that includes women and their families, midwives and doctors working together to review and contribute to the development of maternity care on the island. This group will be fundamental to the development of the maternity unit within the new General Hospital. It will pay particular attention to the environment that promotes and recognises the importance of parent-child bonding and how this is best achieved whilst maintaining both safeguarding principles and the privacy of all service users.

2.10 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE DIVERSITY OF STATES BOARDS: (WQ.162/2019)

Question

Further to the response to Written Question 231/2018, will the Chief Minister –

- (a) provide a list all States boards (including arms-length bodies such as school boards, States-owned entities and majority-owned entities);
- (b) show for all such boards where the information is collected on the percentage of male, female and other board members and, for those boards where such information is not collected, provide an indication to that effect;

and if the information cannot be provided in time for the meeting on 26th March 2019, will the Chief Minister undertake to publish this information by the beginning of May 2019?

Answer

The Chief Minister has instructed that the piece of work asked for by the Deputy be commenced. He understands however, given the length of time needed to collect and collate the information requested, that whilst he will endeavour for this information to be provided by the beginning of May, it may take longer. In this eventuality, the Chief Minister will provide a written update to all Members.

2.11 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING CLOSURE OF THE GENDER PAY GAP: (WQ.163/2019)

Question

Further to the recent publication of a report by PwC which states that "closing the gender pay gap would bring a further £212 million boost" to Jersey's economy, will the Minister make closing the gender pay gap a priority in his work; and, to that end, will he also commit to introduce mandatory pay-gap reporting by all employers, consisting of both statistics and narratives around those figures?

Answer

The Government of Jersey, and the States Assembly, must seek to promote diversity in our workforce, at all levels, aiding performance, and making us more like the society we serve. In addition, we have wider responsibilities to promote gender equality and diversity.

As to reporting, over the past few months Statistics Jersey have been exploring reporting on gender pay in our economy, as part of improvements in how they collect earnings information and produce official earnings statistics. This work has been discussed with the Deputy, but it is challenging and complex work, as it involves moving from official earnings statistics based on survey returns from employers, to using instead administrative sources such as income tax or social security returns.

I believe this is, however, is the best approach, as it reduces administrative burdens on employers, and seems far preferable to imposing new statutory requirements. At the same time, reporting and explaining is good practice, and I understand the States' Employment Board and the Treasury and Resources Minister in terms of the annual accounts, are both considering this.

In recent months I have worked with Deputy Perchard and others to become better informed on these issues. The recent report by PwC presents a compelling case that there may be significant economic and productivity gains by improved gender equality. I believe that a commitment should be made, by the States Assembly and the island's government, to place this on the agenda with other strategic priorities.

I will continue to work with colleagues in this area and urge other States Members, who may wish to gain a fuller understanding of the issue, to engage with Deputies Perchard and Doublet in the first instance.

2.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE RESPONSE OF THE STATES EMPLOYMENT BOARD'S NEGOTIATOR TO 'CONSOLIDATED FUND: INCREASE IN STATES EXPENDITURE IN 2019' (P.20/2019): (WQ.164/2019)

Question

Will the Chief Minister advise whether, in respect of 'Consolidated Fund: increase in States expenditure in 2019' (P.20/2019), the States Employment Board's negotiator has stated that 'it is likely politicians will reference that S.E.B. continue to make decisions on what is allocated to pay regardless of the result in any States Assembly vote'; and, if so, will the Chief Minister state whether this is reflective of the Government's policy with regard to public sector pay negotiations?

Answer

The States Employment Board bases pay offers on a range of factors, of which affordability is only one. The Board must also take account of equal pay issues, comparability with equivalent roles in Jersey and in the United Kingdom, and the impact of public sector pay on the local labour market.

The Chief Minister understands that the senior official quoted was stating the fact that while funding levels are clearly a matter for the States Assembly, the Board, as the legal employer, is the body responsible for negotiating and making pay offers.

2.13 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE SUPPORT PROVIDED TO TEAM JETS: (WQ.165/2019)

Question

What action, if any, is being taken by his department to support the Jersey netball team, Team Jets; and what plans, if any, are in place to enable this organisation to find a training base that would allow it to maintain participation levels in this sport?

Answer

We aware that the Jersey Netball Association (JNA) will no longer have the use of the netball courts at Les Ormes from March 2020. The Department, together with Jersey Sport, has been in discussion with the JNA since the option for a private development for courts by the JNA ceased to be an option last year.

Without a dedicated facility, it is highly likely that the extensive and inclusive netball programme delivered at present would be substantially reduced because the depth of competition would no longer be available. As a result, all parties recognise that there is a need to address the requirement for netball facilities as a matter of urgency if the largest participation sport for women in Jersey is not to be negatively impacted.

We have concluded that there are two main options for resolving this issue, both of which are potentially impacted by the long-term solution for developing an Island Sports Hub, but are central to the second phase of the Sports Facility Strategy, a detailed review for the long term provision of sports facilities in Jersey.

- (i) Provide a temporary sports hall which provides the required netball courts. Netball would then be integrated into the design and build of an Island Sports Hub in the longer term.
- (ii) Design and construct a standalone permanent 'Netball Centre' utilising a Sports Air Dome product. This would ensure netball is catered for in any necessary timeframe and would reduce the sports hall space that might be required in an Island Sports Hub. If this was built at an existing secondary school, it would have the added benefit of becoming a valuable resource for the school.

As part of the second phase of the Sports Facilities Strategy we will explore in detail both these options. This review is already underway and establishing a worked through solution for netball will be a priority of this work. We continue to communicate with the JNA on a regular basis and will consider any option that could provide netball with a dedicated home.

2.14 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RAPID RESPONSE SERVICE: (WQ.166/2019)

Question

Will the Minister advise –

- (a) how many rapid response requests were made outside of usual operating hours in the last 6 months; and
- (b) how much it would cost the Department to extend the current rapid response service to a 24-hour service and what extra resources (staff or otherwise) would be needed to achieve this?

Answer

a) Family Nursing and Homecare (FNHC) is commissioned to provide Rapid Response and Reablement services from 7.30am to 8.30pm every day. It is not possible to accept any new referrals or assessment after 6pm. The hours of operation are akin to such services provided in the NHS. Referrals to the services – which are intended to help avoid admission to hospital or to facilitate discharge from hospital – can only be made by clinicians and it is unlikely that they would make any requests outside these hours. For example, they would not be wanting to send someone home late in

the evening or early in the morning. FNHC, in partnership with Health and Community Services and key partners, has delivered Rapid Response and Reablement services to 503 individuals in the period 1 July – 31 December 2018.

b) It would not be appropriate to extend the current intermediate care service to cover a 24-hour period. This would effectively amount to an ‘out of hours service’ and would require a different model of provision involving, for example, general nursing care services. It would not be as simple as replicating what currently happens during the day to overnight as the needs would be different. Any such model would require additional resources, especially skilled health professionals, and would require a whole systems approach to developing that model of care, linking with primary care, residential units, hospice, and other care providers. It would have to be developed to understand fully the resource implications.

2.15 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE USE OF COMPROMISE AGREEMENTS AND REDUNDANCIES IN THE PUBLIC SECTOR: (WQ.167/2019)

Question

Will the Chairman –

- (a) advise how many staff have been given the following since 1st October 2018 –
 - (i) A compromise agreement;
 - (ii) Voluntary redundancy;
 - (iii) Compulsory redundancy; or
 - (iv) any other form of financial or remuneration package on leaving their employment with the States of Jersey;
- (b) state how many staff have been given ‘gardening leave’ during the same period and how many of any such staff are still employed by the States; and
- (c) state how much any such agreements and arrangements referred to in parts (a) and (b) have cost the States to date?

Answer

A total of 13 employees left the Government of Jersey in relation to parts (a) and (b) between the period 1st October 2018 and 28th February 2019. The total cost of these agreements and arrangements was £536,274.03, inclusive of:

- (i) 7 employees received a compromise agreement to a total value £185,257.13 in settlement of contractual obligations. One of these employees has an existing zero hour contract which has been retained.
- (ii) and (iii) 5 employees received Redundancy to a total cost: £351,016.90 (5 Voluntary and 1 Compulsory)

2.16 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE IMPLEMENTATION OF THE ASSEMBLY’S ADOPTION OF

‘ENTITLED STATUS ON SOCIAL AND ECONOMIC GROUNDS: CHANGES TO LEGISLATION’ (P.99/2018): (WQ.168/2019)²

Question

Further to the Assembly’s adoption of paragraphs (c) and (e) of ‘Entitled status on social and economic grounds: changes to legislation’ (P.99/2019), which required the Chief Minister to implement policy changes to the guidance issued under the Control of Housing and Work (Jersey) Law 2012 by 31st March 2019, will the Chief Minister advise –

- (a) what consultation in respect of such changes has been undertaken to date;
- (b) which statistical methods, if any, are being used to measure a person’s economic benefit;
and
- (c) which statistical methods, if any, are being used to measure their social benefit?

Answer

- (a) There has been no consultation to make the existing discretionary criteria measurable and defined, or to introduce new criteria.**

P99/2019 asked that the guidance be amended to include defined and measurable criteria, and this is already the case.

Since the 1st January, 2018, it has not been possible to gain 2(1)(e) status without a fixed, minimum contribution of £145,000 per year being paid by the individual to the treasury.

This is a defined and clearly measurable criteria, and the guidance is being updated to reflect this position more clearly.

Further, as outlined in the Comment issued in response to P99/2019, this issue of more defined and measurable criteria is being considered as part of the overall review into how we improve our migration policies.

As alluded to by the Chief Minister on 26th March, 2019, Statistics Jersey have also been engaged to assist in an initial assessment of the financial contribution made by new migrants. This will be provided to States Members next month.

- (b) Other than the minimum fiscal requirement outlined in part (a), there are no statistical methods currently used to measure a person’s economic benefit.**

Economic activity is capable of being statistically measured, for example, in terms of additional Gross Value Added. However, such an approach would add a significant level of complexity, for example, analysing rest of world income compared with Jersey income. An applicant may also be undertaking a new business which takes some time to emerge, so the economic benefit is not readily measurable.

- (c) Other than the minimum fiscal requirement outlined in part (a), there are no statistical methods currently used to measure a person’s social benefit.**

Every person contributes in their own way to society. As such, a methodological framework to measure and define each applicant’s social benefit is not, on initial consideration, a deliverable statistical exercise. This does not mean that more objective measures could not be considered for social benefit when assessing an individual application.

² Please note that this is the revised response to this written question, following the ruling from the Deputy Bailiff that the original response was not directly relevant to the question asked.

The new migration board will consider these issues as part of the work to develop more responsive controls over who can come and live, and work, in Jersey, and update guidance as it does so.

2.17 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE EXPENDITURE ON UNIVERSITY GRANTS: (WQ.169/2019)

Question

Will the Minister advise the Assembly what the expenditure on university grants to all students has been for the last three years and provide the predicted cost for 2019?

Answer

Calendar / Financial Year	Expenditure
2016	£7,019,000
2017	£7,299,153
2018	£9,815,284
2019	£15,000,000 estimated

2.18 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING REVENUE FROM THE GOODS AND SERVICES TAX: (WQ.170/2019)

Question

Will the Minister advise the Assembly of the breakdown of the yearly revenue by sector (including food, utilities, retail and bookmaking) received from the Goods and Services Tax since it was first introduced?

Answer

The breakdown requested is detailed overleaf.

The information has been drawn from Revenue Jersey's systems based on sector codes entered against the individual entities registered for Goods and Services Tax.

The breakdown between "food" and "other" retail is caveated as a number of large food retailers will also sell non-food items. This distinction cannot be drawn from the information held by Revenue Jersey.

When analysing the breakdown provided it is noteworthy that:

- GST was introduced on 6 May 2008 and hence the figures for 2008 do not represent a full year of GST revenues; and
- The GST rate was increased from 3% to 5% on 1 June 2011.

2.19 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SERVICES AVAILABLE FOR PARENTS AND CARERS OF CHILDREN WITH AUTISM: (WQ.171/2019)

Question

What services, such as respite, are currently available for parents and carers to provide care and support for children with autism outside of term time and school hours?

Answer

Community short breaks are funded by the Health and Community Services Department and are available to those children with autism and their families who meet the eligibility criteria. A family is eligible for a community short break if their child has a permanent and substantial disability or health condition that severely impacts on the family's ability to engage in normal day-to-day activities and their child would benefit from a short break. In addition, they must meet at least three out of the following six criteria:

- Their child has no or very limited access to universal services (eg youth club, after school activities, time away from parents with extended family and friends, nursery for younger children)
- Their child demonstrates behaviours that they find challenging – behaviours that may present risk of harm to themselves, to other people or the environment
- They are a single parent without access to extended family support
- They have more than one child with a disability or have other children under 18 years whose opportunities to enjoy ordinary life are restricted because of the support required for their sibling
- They have a disability or diagnosed health need which impacts on their ability to care for their child
- Their sleep is disturbed regularly due to the impact of their child's additional needs.

Those families in receipt of community short breaks receive 3 hours a week term-time and 6 hours a week during the holidays. This can, however, be managed flexibly with some families choosing to use more or even all of their provision outside of term times. A social work assessment is not needed to access this service. The approved providers take children to a range of locations for their short break as agreed with the family and child, for example Jersey Zoo, Tamba Park, bowling, swimming or to the beach. Autism Jersey has recently opened a 'summer house' where it is able to take some children for indoor activities such as arts and crafts.

There is currently a shortage of community short break provision from the current providers. To respond to this and informed by feedback from families and children about the short break services they wanted, market development work started in July 2018 and a new model of short breaks was proposed with three tiers:

Tier 1 - Universal: Universal services are open to everyone, e.g. youth groups, cubs, nurseries and sports clubs.

Tier 2 - Targeted: Daytime group activities designed for disabled children. Children do not need a social care assessment to access these services.

Tier 3 - Specialist: Specialist short break services will meet a specific need following a social care assessment of the child's and carer's needs. Depending on the outcome of the assessment, needs can

be met through a range of services, including those at tier 1 and 2 but also providing access if needed to:

- 1:1 support to access community activities
- day time support at Eden House* or Oakwell* Short Break Centres
- residential-based overnight short breaks
- self-directed support.

By increasing the number of children supported at tiers 1 and 2, it is anticipated that the need for 1:1 support at tier 3 will reduce. By doing this, the limited 1:1 support available can be provided to those who need it. Following a public consultation in November 2018 which supported the new model, an invitation to tender was issued at the end of January 2019 for the following services:

- Targeted weekend play and youth schemes
- Targeted school holiday play and youth schemes
- Specialist individual support
- Inclusion support to enable children to access universal provision.

The tender has closed and clarification of submissions is underway with the intention of starting the offer of a wider menu of support from May 2019 onwards.

*Eden House and Oakwell are Government of Jersey-run specialist residential short break providers. Eden House tends to be for children who have autism and complex communication and behavioural needs. Oakwell supports children with a range of physical and/or sensory needs where children may also have autism. They are both accessed via a social work assessment of the child's and their family's needs.

A range of other support is also available:

Autism Jersey provides a broad range of support to children and families. It runs a holiday club for primary school-attending children (aged 5+) and is also one of the current approved providers for the aforementioned community short breaks. Autism Jersey also provides a lot of emotional support to families as well as a befrienders scheme, family days (i.e. swimming and bowling) and siblings group.

Children who attend Mont a l'Abbe School have the opportunity to access the holiday club run on the school site.

The Youth Service runs an Inclusion Project (Tuesdays 16-25yrs, Thursdays 11-18yrs and 11-16yrs, Fridays 16-25yrs) and also runs more universal groups that children with less complex needs can attend. Centrepont similarly runs holiday groups that children with autism who can manage a 1 to 10 staffing ratio can access. Centrepont is currently piloting a weekend playcare and youth activity group for children with disabilities with support from the Jersey Child Care Trust. This has been very successful to date with good feedback from parents and young people.

Other organisations such as Cineworld and Les Quennevais swimming pool run 'autism friendly' sessions where they attempt to ensure their environments are more conducive to meeting the needs of children with autism and their families. The Co-op runs an autism friendly hour to enable families to shop in a less stimulating environment. The Entertainer toy shop in Bath Street has introduced a 'quiet hour' every Saturday morning, from 9 to 10am. The 'quiet hour' also runs every day in the school holidays from 9 to 10am. Jersey Heritage has social stories available to download for each of their venues which support access to those with autism.

The Jersey Sports Association for the Disabled provides a range of opportunities for children and young people with disabilities through its affiliated organisations including gymnastics, martial arts, bowling and swimming. There are also a broad range of universal provisions (e.g. cubs, scouts) and sports opportunities that should be accessible to all, but may not suit all young people with Autism.

Jersey Sport runs targeted weekend sessions for children with disabilities and for the first time will run school holiday sessions at Easter.

The Government of Jersey launched the Children with Disabilities Register in 2017, which is voluntary. Families who sign up receive a card which offers discounts with several local organisations and 3,000 UK organisations. A newsletter is also sent to families which contains information about activities and events.

A Children with Disabilities Directory is available for families to download from gov.je in addition to the Jersey Online Directory.

2.20 DEPUTY C.S. ALVES OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE PAYMENT OF THE JERSEY LIVING WAGE BY CONTRACTORS ENGAGED BY THE STATES OF JERSEY: (WQ.172/2019)

Question

Further to the answer given to Written Question 143/2019 on 12th March 2019, will the Chairman provide a list of existing contractors who have been awarded contracts that “*contain a contractual requirement that all Relevant Staff employed or engaged by the contractor are paid the equivalent hourly wage which is equal to or exceeds the Jersey Living wage*”, and a list of contracts which are currently under review and due for re-tender or extension?

Answer

The contractual requirement to pay the living wage is included in the Government’s standard terms and conditions, which applies to all contracts over £100,000.

104 contracts have been awarded under these terms and conditions – such that if they employ staff that fall under the Living Wage criteria, which is that they work on the premises, and for more than 8 hours per week or for more than 8 consecutive weeks, those staff will be paid the Living Wage.

A further 150 contracts that fall under the standard terms and conditions remain to be renewed, and as they fall for renewal, the new Living Wage condition will be applied and any staff that fall under the Living Wage criteria will be paid the Living Wage

At this stage, a list of these contracts cannot be provided, as commercial confidentiality needs to be considered and not all the renewed contractors have staff fall under the Living Wage criteria. However, in so far as at all possible, the full list of contracts will be produced and provided as part of the process of adopting and applying the Living Wage.

2.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX ALLOWANCES AVAILABLE TO BUY-TO-LET INVESTORS: (WQ.173/2019)

Question

Will the Minister advise members whether tax allowances or exemptions are allowed in Jersey for buy-to-let investors, both in respect of those who are resident in, and those who reside outside the Island? If so, could the Minister state what those tax allowances or exemptions are; and, if not, what information does the department hold about why resident and non-resident investors invest in properties in Jersey?

Answer

Any landlord, whether an individual or a company, who is receiving rental income from the letting of land in Jersey is assessable on such rental income under the provisions of Article 51(1)(a) of the

Income Tax (Jersey) Law 1961. In computing the amount of the profits to be assessed there are deductions allowed for the maintenance, repairs, management and insurance of the property. Furthermore relief is given in respect of interest paid on loans which have been used to purchase and/or extend the property. Information regarding the calculation of profits from rental activity in Jersey is published on the gov.je website at [Property income and tax](#) .

As the analysis below indicates non-resident landlords do not have a preferential tax position when compared to landlords who are tax resident in Jersey.

a) Individuals who are landlords and tax resident in Jersey

Where the person receiving the rent is an individual who is resident in Jersey and paying tax by reference to the marginal rate calculation, that individual is entitled to the income tax exemption thresholds (effectively a tax allowance); these are available to personal income taxpayers resident in Jersey. The income tax exemption thresholds for the year of assessment 2019 are listed below in table 1 and table 2:-

Table 1 Exemption thresholds

Exemption thresholds	
Single	£15,400
Married / civil partnership	£24,800
Single (born before 1952)	£15,900
Married / civil partnership (born before 1952)	£26,100

Table 2 Additions to exemption thresholds

Additions to exemption thresholds	
Second earner's allowance	£6,000
Child	£3,000 (per child)
Additional allowance in respect of children	£4,500
Child care tax relief	£6,150 (max)
Enhanced child care tax relief (pre-school children)	£16,000 (max)
Loan interest relief for main Jersey residence	£10,500 (max)

Where the person receiving the rent is an individual who is resident in Jersey and paying tax by reference to the standard rate calculation then that individual is not entitled to the income tax exemption thresholds.

b) Individuals who are landlords and non-resident in Jersey.

Where the person receiving the rent is an individual who is not resident in Jersey then the profits from that rental activity will be charged to tax at the rate of 20%. Some non-resident individuals will be entitled to the “targeted tax relief” for non-residents which was introduced in Budget 2019. The calculation of the “targeted tax relief” is dependent on the circumstances of each individual. Attached Appendix I provides a summary of the calculations which is published on the gov.je website at [Non-resident tax relief](#) .

c) Corporate landlords both resident and non-resident

Where the person receiving the rent is a corporate entity, whether that corporate entity is resident in Jersey or not resident in Jersey, then the profit from that rental activity will be charged to tax at the rate of 20%.

The information collected by the Revenue Jersey in respect of property rental is for the purpose of assessing the amount of tax which is due. Accordingly Revenue Jersey does not hold information as to why residents or non-residents persons are investing in property in Jersey.

Appendix I

Tax relief for non-residents from 2018

Income taxable in Jersey, but total worldwide income below the relevant Jersey tax exemption threshold

If your total worldwide income is below the relevant Jersey tax exemption threshold, the rate of Jersey tax is 0%.

No relief available from double taxation

If you're subject to tax on your Jersey income in Jersey and you're non-resident, you can claim tax relief if you:

- aren't subject to tax on any of your Jersey income where you live; or
- are subject to tax but aren't entitled to any relief on your Jersey income where you live

If your total worldwide income is over the relevant Jersey tax exemption threshold, the rate of Jersey tax is calculated as follows:

Calculations	Formula result
The total amount of your Jersey income and non-Jersey income	A
The amount of 'A' less your Jersey threshold exemption	B
Whichever is the higher of your threshold exemption less 'B' or zero	C
'A' less 'C'	D
The standard rate of tax × 'D'	E
'E' / 'A'	F%
Tax relief: Your Jersey income will be taxed at F%	

Relief available from double taxation

If you're subject to tax on your Jersey income in Jersey and are non-resident you can also claim relief if you:

- are subject to tax on any of your Jersey income where you live; and
- are entitled to relief on your Jersey income where you live

Your Jersey income will be taxed at H% which is the higher of:

- F% calculated as above
- G% calculated as the amount that you are charged to tax in the country or territory outside Jersey (excluding any tax relief to which you're entitled there) divided by the total of the amount of your non Jersey and Jersey income notified to that country to work out your liability to tax

Tax exemption threshold

The relevant Jersey tax exemption thresholds that can apply for the purposes of calculating this relief are:

- standard single exemption threshold

- standard married exemption threshold
- second earners relief

2.22 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING BUY-TO-LET PROPERTIES WITHIN STATES OF JERSEY DEVELOPMENT COMPANY DEVELOPMENTS: (WQ.174/2019)

Question

Further to the answer given to Written Question 112/2019 on 26th February 2019, will the Minister, as shareholder representative, request the States of Jersey Development Company to provide the States with details of all buy-to-let purchases of properties in all of its residential property developments since it was incorporated, including how many of the sales have gone to buy-to-let purchasers and how many to off-Island individuals or company investors and how many to individuals and companies from in the Island, as well as whether the purchases were off-plan or following completion?

Answer

To date, the States of Jersey Development Company has completed or is carrying out two residential developments - College Gardens and Horizon.

The latest position on each of these residential developments, as provided by the Company is:-

College Gardens

College Gardens comprises 187 apartments all of which were sold off-plan prior to physical completion.

40 units were pre-sold to the Jersey Homes Trust for social rented housing.

A further 40 units were pre-sold as Shared Equity through the Housing Gateway scheme to eligible first-time buyers.

The remaining 107 units were sold on the open market.

Excluding the Jersey Homes Trust units, the breakdown is as follows:

Owner occupier = 104 units

Buy-to-let = 43 units

Of the 43 buy-to-let sales, 3 units were purchased via local companies whose beneficial owners were on-island. No units were sold to off-island individuals or off-island companies or local companies whose beneficial owner was off-island. 40 units were sold to on-island individuals for buy-to-let purposes.

Horizon

Horizon comprises 280 apartments and, as of 19 March 2019, 170 units have been sold off-plan.

Owner occupier = 70 units

Buy-to-let = 100 units

Of the 100 buy-to-let off-plan sales, 12 units have been purchased via local companies whose beneficial owners are on-island. Four units have been purchased by off-island individuals. 84 units were sold to on-island individuals for buy-to-let purposes.

Additional note:

One of the primary risk mitigation measures contained in: P.73/2010 that established the States of Jersey Development Company and in the MoU between the Company and its Shareholder (the Minister for Treasury and Resources) is to secure a sufficient level of legally binding pre-sales to fund the costs of constructing the first phase of a scheme. In relation to residential development this means the Company has to pre-sell a significant proportion of units off-plan in advance of committing to the construction costs.

2.23 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE INSTANCES OF POLLUTANTS IN JERSEY’S RESERVOIRS AND WATERCOURSES: (WQ.175/2019)

Question

Will the Minister set out for members all instances where pollutants (e.g. weed-killer, insecticides etc.) have been found in Jersey’s reservoirs and watercourses over the last ten years, identifying –

- (a) the specific areas of the Island where they were found;
- (b) the type of pollutant and its strength in each instance;
- (c) the level of pollutant in each instance in relation to international standards, and
- (d) what action, if any, the department took in each instance?

Answer

Answering this question and presenting the information as requested by the Deputy requires many hours of officer time. An answer to this question is being progressed and I will provide the answer to Members as soon as possible, before the next States sitting on the 30th April 2019.

2.24 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE DECLINE IN THE NUMBER OF HOTEL BEDS IN THE ISLAND: (WQ.176/2019)

Question

Will the Minister produce a table and/or diagram to show the number of hotel beds lost in the Island over the last ten years and identify all hotels that have been sold and/or developed for residential use (both apartments and houses), showing the number of hotel beds lost in each case? Will he also identify whether any of the sites were located adjacent to the sea or had views of the sea?

Answer

Tourism Bed Loss from 2008 to 2018

<u>Establishments</u>	<u>Loss of beds</u>	<u>Current Use</u>	<u>Location</u>
Cheval Roc hotel	89	Residential Home	Sea View
Washington hotel	75	Luxury apartments	
Lavender Villa hotel	43	Residential Home	Sea View
La Tour hotel	74	Awaiting development	Sea View
Monaco hotel	80	Empty, awaiting sale	
Sabots D’or guest house	23	Mens ‘Halfway House’	
Cardington House hotel	10	Private residence	Sea View

Caverna guest house	15	Lodging accommodation	
Sylvania guest house	23	Luxury apartments	Sea View
Cheval Roc self-catering	21	Awaiting development	Sea View
Grantez Farm self-catering	24	Private residential units	
Beauchamp Country Flats self-catering	10	Private residential units	
St Peters Country Apartments	68	Private residential units	
La Planque Farm self-catering	17	Private residential units	
Merryvale Farm self-catering	16	Private residential units	
Hotel De France	317	Luxury apartments	Distant sea views
Le Roches self-catering	8	Private residential units	
Bromley guest house	17	Private home	
Eulah Country House	18	Private home	Sea View
Victoria House guest house	12	Private home	
Les Charrieres Country Hotel	88	Care Home	
Wheatland's Hotel	36	Proposed redevelopment	
Old Forge self-catering	6	Private home	
Metropole Hotel	313	Housing / Apartment development	
Water's Edge Hotel	97	Awaiting development	Sea View
West View Hotel	89	Housing development	
Old Court House Hotel	118	Housing Development	Sea View
Shakespeare Hotel	71	Private residential units	Sea View
Samares Coast Hotel	132	Housing / Apartment development	Sea View
Olanda Guest House	27	Staff Accommodation	
Seacroft Guest House	16	Unknown	
Bay view Guest House	26	Unknown	Sea View
The Village B&B	14	Private home	
Le Geonniere Self Catering	8	Ceased trading	
Bed Loss	2001		

2.25 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE JERSEY INNOVATION FUND: (WQ.177/2019)

Question

Will the Minister set out for members details of the current status of the Jersey Innovation Fund? If the Fund is still able to be accessed, will the Minister identify the criteria and process used for considering proposals for funding?

Will he further set out any other funds or schemes that the department operates which could encourage the development of tourism in Jersey, setting out the criteria and processes used to consider any proposals?

Answer

The Jersey Innovation Fund (“Fund”) was closed to new loan applications in December 2016. The Fund has 4 remaining active loans that are in varying stages of repayment. We expect to be in the position to table a Report to the States Assembly in the coming weeks that sets out the basis on which those remaining loans will be administered and confirming a remaining undrawn balance of the Fund to be repaid to the Consolidated Fund.

The Tourism Development Fund (TDF) has successfully supported the tourism sector since 2002 and all available funds have been allocated.

Tourism is about place-making. It is an export industry; visitors bring their pounds, euros and other currencies to Jersey (a total of £250.2 million of spending in 2017 including GST of £12.5 million). According to a report by Oxford Economics published in 2017 tourism accounted for 8.3% of GVA in 2015 (including direct, indirect and induced impacts) and supports over 7,000 jobs. In recognition of the importance of tourism as an essential component of Jersey’s economic and social fabric and to provide the catalyst to stimulate further private sector investment in the sector I will be proposing to my colleagues a new fund to promote productivity in the tourism and hospitality sector as part of the Government Plan for 2020-2023.

Connétable D.W. Mezbourian of St. Lawrence:

May I raise a point of order, please? On 26th February, the Minister for Home Affairs committed to providing this Assembly with a copy of the response from the Jersey Police Authority to the proposed target operating model for the Justice and Home Affairs Department. Similarly, on 12th March, the Minister agreed to provide all Members with a copy of the business case for the same target operating model. I am grateful to the Minister, because on Friday he handed me those personally, however as far as I am aware, no other Member has received them from his department.

[9:45]

I am concerned that he is making a statement on the matter later this morning and we have a debate coming up, P.24/2019, which clearly is directed towards the target operating model. I believe Members should have sight of those documents, in order to help them prepare for the debate. So, I would just be grateful for your guidance on the matter. Before I close, the Minister gave me a copy of the J.P.A. (Jersey Police Authority) written response, however, the J.P.A. had provided, as part of the consultation process, about 6 pages, I think, of anonymised comments from the States of Jersey Police. I wonder why I have not been given those and I ask that Members do receive them.

The Deputy Bailiff:

So the point of order really is in connection with the honouring of an undertaking, or confirmation given to the Assembly by the Minister, is that correct?

The Connétable of St. Lawrence:

Yes, Sir, that is my point of order.

The Deputy Bailiff:

There is nothing in Standing Orders that requires a Minister, who has agreed to do something in the Assembly, to do it within a fixed period. My interpretation would be an agreement to provide

something to the Assembly would be an agreement to provide it as soon as is reasonably possible. Of course, that must depend upon the circumstances by which the information needs to be obtained. You indicate that in February and I think the last sitting the Minister gave undertakings. Minister, did you wish to make any observations?

Connétable L. Norman of St. Clement.

The only thing I would say, I believe what I said was I would make those documents available to States Members, which is somewhat different from saying I will distribute them to all States Members. They are available and any Member who would have wished a copy - as the Constable did ask for a copy, I gave her a copy - it was made available. If the States feel they should be provided to every Member, and we all get a lot of documents, but I am quite happy for those to be distributed. There are no secrets, as far as I am concerned. I am quite happy to distribute them. The Constable also made a point about providing consultations made by individual police officers. A lot of the consultation responses we received were received in confidence, but we are producing a consultation response document, which will take 2 or 3 weeks, and that will be distributed. But I am quite happy for those documents to be distributed, if the States wish me to do so. We can distribute them automatically to everybody, not a problem if that is what the States wish.

The Connétable of St. Lawrence:

May I thank the Minister? That was my understanding was that he was going to make the documents available to Members. I think it is unusual then, when we have had these commitments in the past, that Members have to stand up and ask for them.

The Deputy Bailiff:

Connétable, you asked for a point of order. I have indicated what I think the order is, I have provided the Minister a chance to explain that it is on its way, and that is what he has explained. We cannot take the matter any further forward at this point.

Deputy J.H. Perchard of St. Saviour:

Excuse me, Sir, I am sorry to bother you. I think that one of my written questions has not been answered. I was wondering if I could pose that to you and get a ruling on it, please. Is this the right time?

The Deputy Bailiff:

Yes, you can. Which is the question?

Deputy J.H. Perchard:

It is Written Question 168 on page 16. The part of the proposition that was passed by the Assembly in September that I lodged required the Chief Minister to bring defined and measurable criteria on the social and economic benefit of 2(1)(e) residents by the end of this month and this question simply asks the Minister to clarify which statistical methods, in particular, have been used to create the criteria that we are expecting in a few days' time. The statistical methods have not been identified. I was wondering if, perhaps, he could clarify if no statistical methods have been used or if they have, which.

The Deputy Bailiff:

Deputy, you have indicated that you do not think the question has been answered. It falls to me, I think, under the Standing Orders, to review the question and the answer and if I take the view that it has not been answered then to return to the Assembly with that view, which I will probably do after the luncheon adjournment.

Deputy J.H. Perchard:

Thank you, Sir.

Deputy T. Pointon of St. John:

Thank you for inviting me to speak.

The Deputy Bailiff:

I am not inviting you to speak. [Laughter] Do you have a point of order, or a point arising?

The Deputy of St. John:

In reference to the Connétable's point of order. I wondered if we could have these documents distributed before the debate, either today, or tomorrow.

The Deputy Bailiff:

The Minister has heard you. It is now for the Minister, it is certainly not something on which the President can direct the Minister.

The Connétable of St. Clement:

If it is helpful, I am at this very moment emailing my private secretary to ask them to be emailed to all Members, hopefully within the hour.

3. Oral Questions

3.1 Deputy J.H. Perchard of the Minister for Children and Housing regarding the actions he had taken to reduce homelessness in the Island: [OQ.76/2019]

Further to the response to Oral Question 199/2018, what actions has the Minister taken towards reducing homelessness in the Island, since the stakeholder workshop on 13th December 2018?

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

Can I thank the Deputy for her question and for keeping this important issue on the agenda? As she mentions, we held a stakeholder workshop in December, which was attended by around 40 representatives from government, housing providers and the voluntary and community sector. I believe that everybody who attended would have found it a very worthwhile event. I want to express my gratitude to them for taking part. We had an open and honest discussion about what we thought the levels and nature of homelessness in Jersey were, the things that we are good at and perhaps not so good at, and what we saw as the priorities going forward, and I think there is a lot of enthusiasm to tackle homelessness. I am conscious of the need to maintain that momentum. I regret that I cannot be as thorough in providing a more direct answer to her at this point simply because of the timing in that we have opted to take a collaborative approach with stakeholders in moving forward on a homelessness strategy. I have not had the opportunity to speak to all stakeholders before I make formal announcements on what the next steps are. In fact, there were due to be 2 meetings last week, which unfortunately had to be cancelled, just out of bad luck. But, what I can say is that there are a number of actions that we have to work to deliver. One that I hope to progress very shortly is on establishing a homelessness forum, so that those agencies are round a table regularly, able to find solutions for some of those more complex cases. But we also need to do more work in terms of understanding the level of homelessness in the Island and putting an actual homelessness strategy together. I want to reassure the Assembly that this work is very much on my agenda and I hope to make a positive announcement soon about the next steps.

3.1.1 Deputy J.H. Perchard:

When can we expect a draft of the homelessness strategy to be produced?

Senator S.Y. Mézec:

We have, I think, 2 options before us at the moment about how we proceed on producing an actual document that will constitute a homelessness strategy. In terms of a first draft, we were looking at later this year. We could be potentially looking at the end of this year for having a homelessness strategy approved.

3.1.2 Deputy K.G. Pamplin of St. Saviour:

During our latest review into mental health service on our Scrutiny Panel, we heard personal testimony which heard examples of people with mental health problems, who were known to the mental health services, living in substandard accommodation. We heard from the mental health users using Shelter and how they told us this was not an ideal place for this sort of service. Will the Minister respond and can he assure us he is acting on these matters urgently?

Senator S.Y. Mézec:

I agree wholeheartedly, not least because we had representatives from the mental health service at our workshop, who relayed those exact concerns to us. One thing that I am concerned about is there is often not a joined-up approach in identifying people, who are either in need at that moment, in terms of their housing requirements, or who could potentially be in need in the future. We need to work better to get people around a table to find those solutions at an earlier stage. I hope that a homelessness forum will be the first steps in that, but that is absolutely something that will be featured in the wider strategy.

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

May I ask the Minister to include in that forum a real consideration of those people who are homeless and the numbers who die while homeless? I attended a service this Christmas to remember those who had died who are homeless in Jersey over the year. It is a very serious issue and awareness needs to be raised significantly on our Island.

Senator S.Y. Mézec:

Could the Deputy rephrase the question, I am not sure which point he wanted?

Deputy R.J. Ward:

I just wanted to ensure that whatever forum you create takes account of the reality that people do die while homeless and we do not have accurate statistics on that, which emphasises the real seriousness of the problem.

Senator S.Y. Mézec:

That is right, and when we held our initial workshop, I do think it is fair to say that there was a very wide variety of agencies that were represented there, not just from housing providers, but people who provide other services as well. We are very aware of this issue.

3.1.4 Deputy M. Tadier of St. Brelade:

Will the Minister state whether he thinks there is a particular issue in ascertaining the homeless status of those perhaps without entitled status, or those who have not been in the Island for 5 or 10 years? Is there a risk that sometimes they can fall through the cracks in our system and will they be catered for in any homeless strategy?

Senator S.Y. Mézec:

One of the problems we have is that, for a start, we do not have a clear definition of what constitutes homelessness in Jersey. That is obviously one piece of work that would have to be done. We do not have decent data to work out what the levels of what we would anticipate are classed as homelessness. What I do know is that many of the agencies, who we have been working with, operate in a way

which is blind to whether somebody is entitled, or not entitled. The only thing they are interested in is who needs help. So that would obviously feed through in whatever we do.

3.1.5 Senator S.C. Ferguson:

If we have such a homelessness problem, with so many homeless people, is it appropriate to allocate social rented housing to H.S.S.D. (Health and Social Services Department) rather than to those people who are homeless?

Senator S.Y. Mézec:

Yes, because as has often been the case when the Senator has raised questions on the subject with me, I think she has missed points. The fact is that there are a huge number of new social housing units, which are coming online. In the next year we have enough units coming online, which would theoretically eradicate those who are on the waiting list for 3-bedroomed properties. So, there is a huge amount of progress that has been going on in terms of providing that supply. We also have to bear in mind that we need well-qualified professionals working in these essential services and we have to improve the offer that is available to them to get those people working in those services, many of whom will be working with people in our community who are very vulnerable and they will help provide solutions for those people when they face difficulties.

3.1.6 Senator S.C. Ferguson:

Yes, but we could follow the Guernsey model on this, dare I say it, where Guernsey are buying hotels which are going out of the market and converting them into flats for imported medical staff.

Senator S.Y. Mézec:

Hotels being converted into flats is obviously completely unheard of in Jersey. There are potentially lots of options that we could look at. If that is one that she considers a viable one, happy to consider it.

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

It has been 15 months since the stakeholder workshop. In those 15 months what has the Minister being doing to categorise, as he says, what homelessness actually is, and to get the statistics to help him inform on the work that he is doing?

Senator S.Y. Mézec:

They say a week is a long time in politics, but it certainly has not been 15 months. This happened at the end of December last year, so it has been a lot shorter period of time than he has alluded to.

3.1.8 Deputy S.M. Wickenden:

In the time, what has he done to get the information?

Senator S.Y. Mézec:

In the time, we have been firstly taking stock from what happened at that workshop. There was a large amount of issues that were considered there. We have been working with the agency that facilitated that workshop who thus far have produced 2 reports for us. We are in the process now of going back to some of those stakeholders, who we engaged with, to get the meat on the bones, in a sense, of what those next steps are.

3.1.9 Deputy J.H. Perchard:

Given that the draft strategy is due at the end of this year, which would be a year since the workshop, and also a time where the weather does get colder, does the Minister not think it would be more appropriate to expedite this process and aim for, say, the end of summer?

Senator S.Y. Mézec:

I did not say that a draft strategy would be looking towards the end of the year. I said one would come before that. It would be in draft form, so would not be approved until potentially towards the end of the year. So, people would have sight of something before the end of the year. I will say honestly to the Deputy, I have several options I could go down at this road, some of which are quicker than others, but some of the quicker options are potentially not as thorough. That is my concern, is do we want to get progress that is not necessarily as holistic as it could be just to get something quicker, or do we take a bit of extra time to get something that is potentially more comprehensive? At this point, I am leaning towards a more comprehensive option, but that is not a decision that I have made yet at this point. But I am more than happy to continue communications with the Deputy, if this is something that interests her.

[10:00]

3.2 Deputy M.R. Le Hegarat of St. Helier of the Minister for Health and Social Services regarding the jurisdiction of his Department in respect of private patients in circumstances where a Hospital Consultant had been suspended: [OQ.87/2019]

Further to the response to Oral Question 139/2019, will the Minister reconsider the statement that his department has 'no jurisdiction' in respect of private patients in circumstances where a hospital consultant has been suspended, in order to identify actions that can be taken by his department to ensure the needs of such patients are protected?

Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):

I would start by saying that in all such cases, which of course span a wide spectrum of activity, the safety of all patients is paramount. Suspension, in itself, seeks to be a neutral act, but if the matters were so serious that they raised issues around safeguarding, or the public were judged to be at risk, then Health and Community Services might take action and alert the relevant authorities. The individual would also, typically, be informed of any such action. Where Health and Community Services has placed restrictions on practice, the practitioner should also agree not to undertake any work in that area of practice with any other employer. Where it is believed that the practitioner is practising in breach, or defiance, of an undertaking not to do so, Health and Community Services may contact the professional regulatory body and the Medical Officer of Health.

3.2.1 Deputy M.R. Le Hegarat:

I am concerned that this does not really allow a private patient much protection. This member of staff, this consultant, has been employed by the States of Jersey in the Health Department. Will he go back to his department and please look at the possibilities of having something whereby a private patient can make a complaint to the department, if they have concerns about that particular consultant? It would appear, at present, that there is no such facility and the only person that they can complain to is the person that is their consultant. Will the Minister please undertake research and make sure that a private patient, who is being seen by an employee of the States of Jersey, is able to make a complaint to that department?

The Deputy of St. Ouen:

The Deputy ended her supplementary question talking about the private patient that is being seen by an employee of the States of Jersey. But the private patient is not being seen by the consultant in his capacity as an employee. The private patient is being seen, at the choice of the individual concerned, as a private practitioner, because many of our consultants do also carry out their private practices. They do that in addition to their employment by the States Employment Board. We are acting as employer in certain circumstances, but we are not their regulatory body. So, therefore, it seems to me and the department that we cannot give any sort of warning, or provide any sort of list of persons who may be suspended from their employment where they are still authorised and remain entitled to carry on their private practice. As I have said in my first answer, if matters were so serious that they

raised issues around safeguarding, or the public were judged to be at risk, then there are certain things that the department can do. But if it is a matter that suspension has arisen for something unrelated to risk, or safeguarding issues, then it would be professionally wrong, I believe, for the department to interfere in an individual's private practice.

3.2.2 Deputy R. Labey of St. Helier:

Do these private practices occur on the Minister's department's property? Is his department liable if there is any neglect on the part of the surgeon, or medic?

The Deputy of St. Ouen:

I believe the answer in both cases is no.

3.2.3 Deputy M.R. Le Hegarat:

Based on what the Minister says, would he please ensure that there is some guidance, that members of the public can see, that if they engage in the private capacity with a consultant, who is employed by the hospital - I accept and see what he says - however, there has to be something that individuals are made aware that if they undertake to see a consultant privately, that they are not protected.

The Deputy Bailiff:

Deputy, this has to be a question.

Deputy M.R. Le Hegarat:

That is what I was saying. Can he please ensure that there is something put out to the public to make sure that they are aware of this fact?

The Deputy of St. Ouen:

I do wish to understand the Deputy's concerns and I will always be available to discuss those in detail, or to meet her constituent, if it is a constituent, who has expressed these concerns. My worry is that we infringe the fundamental right of a professional to practice his, or her, skills as an independent practitioner and we go outside the terms of our employment contract and jeopardise the professional status of that individual, for which we could then suffer serious consequences. It is a complex and difficult issue to try and provide some guidance where the suspension by the department might not relate to the public being at risk. I cannot see an easy answer to this, which might satisfy the Deputy, but I confirm I remain willing to discuss the issue with her, or her constituent.

3.3 Deputy K.G. Pamplin of the Minister for Infrastructure regarding the lack of progress in demolishing the former Fort Regent swimming pool: [OQ.84/2019]

Will the Minister explain why the demolition of the Fort Regent swimming pool has stalled following the Ministerial Decision made on 13th July 2018; what is now the expected cost of the demolition; and when is it expected that the full removal of the pool will take place?

Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):

The original tender for the demolition of Fort Regent swimming pool included the demolition of the pool structure down to the pool deck and the subsequent capping off of the remaining structure. This was tendered and 4 prices were returned. Subsequent to the tender returns and before any notification was sent to tenderers, the project board determined it would likely be cheaper to do a full demolition and site clearance, rather than leaving part of the existing structure in place. Based on this decision, a new tender was prepared and re-issued to the 4 original tenderers. These tenders will be returned on 12th April and a contract awarded by early May 2019. The cost of demolition is unknown until the tenders are received.

3.3.1 Deputy K.G. Pamplin:

I thank the Minister for his answer. The Fort Regent pool was originally closed 16 years ago. There was a plan, there was not a plan, there was a plan, there was not a plan. It was being demolished, it was putting out to tender, it was not, it was. What on earth is going on with Fort Regent after recent developments in the media?

The Deputy Bailiff:

It is rather a more general question. I am not sure it is within the parameters of the question asked, which was specifically about the timing for the removal and the demolition. So, I do not allow that question.

3.4 Senator S.C. Ferguson of the Minister for Infrastructure regarding the appointment of a training company for the purposes of the Road Works and Events (Jersey) Law 2016: [OQ.78/2019]

Was the appointment of a training company required for administration of the Road Works and Events (Jersey) Law 2016 (i.e. to satisfy the road work supervision and qualification policy) put out to competitive tender; and, if not, why not?

Deputy K.C. Lewis (The Minister for Infrastructure):

As part of the road work supervision and qualification policy, GAT is seeking to broaden out its training opportunities for Jersey road work supervision and operatives by addressing current training limitations. The U.K. (United Kingdom) street work qualification system in use in the Island puts emphasis mainly on utility-type digging works, but does not fully cover Jersey's specific requirements. GAT intend to bridge this gap and overcome the prohibitive cost of delivering the U.K. qualification locally; therefore GAT has developed a new cost-effective, one-day, basic road work safety course by professionals carrying out non-utility work, such as operating mobile cranes, scaffolding, exterior office cleaning, repairing roadside walls and tree felling, based around the Jersey code of practice currently under final consultation called *Working Safety on Jersey Roads*. Final course development and validation requires that practical experience is gained and feedback received through the course trainers and GAT's own work inspectors. Local training provider, 4Safety Limited, have permission to pilot the course while its design and content is validated and the new code's requirement integrated.

3.4.1 Senator S.C. Ferguson:

The Minister has not answered the question. I asked why was it not put out to tender? I presume the Minister received relevant papers with the question. Was there a valid business case for picking this one particular firm?

Deputy K.C. Lewis:

They were the only suitable course provider at the time. There are other people, in similar brackets, but they were the best one decided on by the department.

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

Just following up on what the Minister has said. For the avoidance of doubt, did your department put out this tender to other firms and give them the opportunity to tender, or have you just put it out to the one you thought you wanted to deliver?

The Deputy Bailiff:

Through the Chair please. Did the Minister's department ...

Deputy M.R. Higgins:

I accept your correction. I think the Minister knows now what I should have said.

Deputy K.C. Lewis:

Yes, several companies were interviewed regarding this, is my information.

3.4.3 Senator S.C. Ferguson:

I would suggest that the Minister checks on that, because my information is that it was decided on without discussion ...

The Deputy Bailiff:

Senator, it has to be a question, not a statement.

Senator S.C. Ferguson:

I am getting to it, Sir.

The Deputy Bailiff:

Perhaps you could get to it straightaway.

Senator S.C. Ferguson:

We have 4 excellent firms in the Island, surely it would have been preferable to allow the actual firms operating in the roadworks area to select their own training company and would be better than the department making what might be considered an ill-considered judgment.

The Deputy Bailiff:

I think the question is: do you agree with that proposition?

Deputy K.C. Lewis:

No, the company 4Safety Limited have extensive experience and involvement in road works and utility section. They were the best company and they were selected.

Senator S.C. Ferguson:

I am sorry, the Minister has not answered the question. Would he like to check that the other firms were not ...

The Deputy Bailiff:

I am sorry, Senator, but ... Senator, I am afraid I had to pose the question at the end of the day. You did not actually ask a question when you made your statement a little bit earlier. That was the final supplementary and we are moving on to the next question.

3.5 Deputy M.R. Higgins of the Chief Minister regarding decisions in respect of the level of taxes and charges levied by the Government of Jersey: [OQ.90/2019]

Further to his recent statements to the Institute of Directors, will the Chief Minister advise whether he has ruled out any changes to the 20 per cent income tax rate, but not to the long-term care charges, or social security contributions; and, if so, will he explain how such decisions allow for a fundamental review of Jersey's tax system, or for open discussions to take place about the Government's future spending and taxation plans?

Senator J.A.N. Le Fondré (The Chief Minister):

We do have to accept that in a digital world, businesses, and in particular those in the finance sector, are increasingly mobile. So, personal tax rates are an important part of business location decisions. But to answer the Deputy's question directly. Decisions regarding this Government's future spending

and revenue raising have not yet been made. Those decisions get made in the Government Plan, which comes to this Assembly later this year. On the revenue aspects, I am about to finalise the terms of reference for a revenue policy development board. That is to give greater political direction to future work on the Island's tax system. There are various strands of work. Last week we received the F.P.P.'s (Fiscal Policy Panel) economic assumptions, so they are being updated by the income forecasting group. There have also been comments from the F.P.P. around potential increases to the long-term care contribution rates. We also received the actuaries' report on the social security and health insurance funds, which were broadly positive, but there are some issues to consider there. Obviously, the Minister for Treasury and Resources, sitting right behind the Deputy, is doing ongoing work on the future of the personal income tax system.

[10:15]

If you bring all those strands together, which is what is going to have to happen, alongside our work on the efficiencies, delivery of the strategic priorities and that will be done in the Government Plan that will be debated in this Assembly later this year. I hope that helps to answer the Deputy's question.

3.5.1 Deputy M.R. Higgins:

No, it does not, because my question was really asking the Chief Minister whether his views - he is after all the Chief Minister and he will be leading all the discussions - is his view about not increasing certain taxes and being minded to increase others going to stop having an objective review?

Senator J.A.N. Le Fondré:

What I said is that in times of economic uncertainty, particularly around Brexit, it is incredibly important and my personal view was it was incredibly important that stability was maintained and that also included stability around our headline income tax rate. Bearing in mind the other areas I have identified and also bearing in mind that I am very keen to look at, for example, interaction between tax and income support in terms of where their core services are, I think there is still a lot of scope within those parameters to have a proper discussion. I also made the point that I am one vote in this Assembly and it is a matter for this Assembly, ultimately.

3.5.2 Deputy M. Tadier:

Does the Chief Minister agree that income tax is the fairest form of raising revenue, or certainly one of the fairest forms, and in ruling it out he is necessarily going to be relying on more regressive forms of taxation to balance the books in future?

Senator J.A.N. Le Fondré:

I think the point there, is it is all about the package of measures. We saw that some time ago when G.S.T. (goods and services tax) I believe is regarded as marginally regressive, but we put in a package ... the then Assembly put in a package. I thought I would get Deputy Southern smiling. We put in a package of income support measures to offset that measure. It is not quite as straightforward as the Deputy would allude to.

3.5.3 Deputy M. Tadier:

It is also possible, of course, to increase income tax at the highest rate for the highest earners and that would, of course, ensure stability - stability in terms of our public services going forward in the future - so that all of the Island can enjoy public services, no matter what their incomes are. Is that not also a form of stability which the Chief Minister values, especially today when we are seeing strike action from some of our biggest employers?

Senator J.A.N. Le Fondré:

Stability can be defined in all sorts of ways, obviously the stability I am somewhat focused on in answering the original part of the question was around stability of the economy, which obviously pays for all the services that we carry and that is why we always have a balance - to allude to the comments from the Deputy - between the desires of the public sector and the needs of the wider workforce. Therefore, we must recognise that people have a choice on this Island in terms of the large contributors to our tax base, which pay for the public services. If we get too expensive, they can go elsewhere; that is the balance that people have. It is exactly the same principle, on a different level, to where do you go to buy your tin of beans? Do you go to the shop that gives you wonderful service and has a certain price, or do you go to the cheaper area? Some people go for the service but at a point there is a cut-off and they will say: "It is too expensive, we will go elsewhere." That is always the balance when we are competing for market and for the economy and that is one of the things we have got to worry about. There are a whole measure of things, but one is around the ability for [indistinct] tax rates at the moment.

3.5.4 Deputy K.F. Morel of St. Lawrence:

The Chief Minister mentioned the importance of looking at the whole package of measures. Does he, therefore, share my concern that the Minister for Treasury and Resources's review of taxation is only looking at personal taxation and is not looking at the whole package of potential measures of the wider scope of taxation that the Minister for Treasury and Resources could look at?

Senator J.A.N. Le Fondré:

Not entirely. I understand the point the Deputy is making, I think we need to just see the results of the consultation and how that all comes together. But there is the initial review that I believe that the Minister for Treasury and Resources is performing and whether the terms of reference I am putting together will be slightly wider is a matter, as we will just see how it develops. It is important, though. There are matters within the income tax system at the moment, as has been alluded to by various members of the Scrutiny Panel, which do need addressing somewhat more imminently.

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

Having spent several hours trying to persuade Members that in the overall plan the aim should be, I think, to reduce income inequality, can the Chief Minister say what impact that commitment, made by him, will have in terms of his review of taxation?

Senator J.A.N. Le Fondré:

As I have said, and that would be an important piece of work I do want to see happening, is to understand there are anomalies and the fact we have identified one or 2 out of the population in a piece of work, which will come to Members in the next few weeks, where you have some odd outcomes in terms of the rules that we have under income support. I am given to understand there are similarly odd outcomes occasionally happen between the interaction between income support and income tax and those, I think, we need to identify and then address.

3.5.6 Deputy G.P. Southern:

These factors, this interaction between income tax and sometimes overlap between income tax and income support, which is absolutely ridiculous, we have been aware of for the last 5 years. Will the Minister make a serious commitment to addressing this, at long last?

Senator J.A.N. Le Fondré:

I am absolutely committed to understanding them and identifying them. Once you identify what the problem is, yes, if we can address them, we will do. The point I make, though, is I would never like to commit when I do not know what I am committing to but, as a principle, if we can identify them and they are capable of being addressed then we will do it.

3.5.7 Deputy M.R. Higgins:

I am pleased with the Chief Minister's final statement because, again, like him, I want to have the facts before we make decisions. We have been promised a fundamental tax review, looking at all taxes and before we come up with the States plan, or agree the Government Plan, we need to have that information. Will the Chief Minister give an undertaking he will be open and transparent and let all Members see all the data going through, so we are fully informed for the debate?

Senator J.A.N. Le Fondré:

For the Government Plan and bear in mind we then move on to our annual plans, which then allows changes to happen, I am not entirely sure whether the output will be a fundamental review of income tax, of the whole taxation system, in time for lodging in, let us say, June. However, one of the longer-term pieces of work that this is about is about understanding the interactions I have referred to. I absolutely agree that once that data is identified - and I will have a model which we have done on the migration side - that once that data is ready, we should be providing it to Members because that is about being in a position to have an informed decision and an informed discussion.

3.6 Deputy G.P. Southern of the Chief Minister regarding the consideration given by the Council of Ministers to the response of the States Employment Board's chief negotiator to 'Consolidated Fund: increase in States expenditure' (P.20/2019): [OQ.88/2019]

Will the Chief Minister state on how many occasions the Council of Ministers has debated the response of the States Employment Board's chief negotiator to the potential acceptance by the Assembly of P.20/2019 and will he state what the Council's position is in respect of any decision reached by the Assembly on that proposition?

Senator J.A.N. Le Fondré (The Chief Minister):

The Council of Ministers has considered this proposition on 3 occasions and on none of those occasions has it discussed the position of the chief negotiator. As I said earlier, we also need to consider our whole community when we make this decision and that means balancing the needs of the 55,000 roughly private sector workers and other taxpayers on our Island against the needs, or desires, of our own workers. But, nevertheless, if the proposition is approved, and that will be a matter we shall, no doubt, determine either today or tomorrow, I would firmly expect Ministers to move forward, honouring the decision of the Assembly.

Deputy G.P. Southern:

I think that that answer meets my needs, thank you.

Senator J.A.N. Le Fondré:

Can I have that recorded, Sir, please?

The Deputy Bailiff:

Hansard will be available in due course.

3.7 Deputy M. Tadier of the Minister for Health and Social Services regarding the length of time patients had to wait for procedures performed by his Department: [OQ.92/2019]

Does the Minister consider that the length of time patients have to wait for some procedures, performed by his department, is too long and, if so, what steps, if any, is the Minister taking to reduce waiting times?

The Deputy of St. Ouen (The Minister for Health and Social Services):

I have to agree with the Deputy that the wait for some procedures is too long. Having said that, the department always prioritises those patients requiring emergency treatment. Initiatives such as the new target operating model, better job planning and greater theatre utilisation will all play a part in helping to reduce waiting lists. Similarly, efforts to reduce the time people spend in hospital, or reducing the need to visit the hospital in the first place, should help create extra capacity. The future implementation of a patient advisory and liaison service will help give service users a greater voice in providing feedback on the services they receive.

3.7.1 Deputy M. Tadier:

The Minister may be interested to know that during the political surgeries I hold that waiting times for different procedures is a perennial issue and matter of complaint. I notice and I congratulate him now waiting times are published online, but when I go to the Government website I cannot find any publication of the waiting times for mental health issues. Is there a reason that, for example, referrals to Talking Therapies, *et cetera*, are not listed with the other physical procedures on that website?

The Deputy of St. Ouen:

I can well understand that the Deputy, in his surgeries, will receive those comments he has mentioned, as indeed I do in the surgeries I hold in St. Ouen. It is a matter of concern to all involved in the health service that people should not be suffering undue delays. As to the waiting times for mental health, the Deputy raises a good point. In principle, I see no reason why waiting times should not be made public and indeed they can be provided when asked, but I will investigate the question and report back to the Deputy.

3.8 Deputy R.J. Ward of the Minister for Treasury and Resources regarding the allowance for depreciation within the accounts of the States of Jersey: [OQ.81/2019]

Given that figure 3.1 of the recent report from the Fiscal Policy Panel, *Advice for the 2020-23 Government Plan*, provides annual figures for depreciation of approximately £50 million, will the Minister explain in which fund the money for depreciation is kept and will she advise whether the amount accounted for in the years to date has been spent and whether underspends for depreciation are carried forward?

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

I thank the Deputy for his very complicated question. Depreciation is not a cash expense, so there is no fund. It is the internationally accepted way to recognise the cost of assets, such as schools, or the health estate, over their full and useful lives. It complies with the recommendations of the Comptroller and Auditor General and the Fiscal Policy Panel. The States of Jersey has been accounting for depreciation in this way for a number of years. However, following the recommendation of the F.P.P. in 2015, our financial planning model now includes depreciation in total expenditure, recognising the need for investment in replacing our asset portfolio. As depreciation is not a cash expense, doing this ensures income exceeds expenditure, which provides cash each year to reinvest via our capital programme. The amount allocated for depreciation does not form part of the cash budget and any underspends of budgets allocated for depreciation cannot be carried forward. The total amount budgeted for depreciation over the last 3 years was £46 million in 2016, £42 million in 2017 and £48 million in 2018.

3.8.1 Deputy R.J. Ward:

It is very interesting that this is not a cash sum, but it seems to be the sum that puts the States' accounts into deficit each year and significantly into deficit repeatedly. Is money physically being spent on repairing buildings, for example and let us look at the way Fort Regent has been left? If not, if it is

not a cash sum, where on earth is that cash going, because it does not make sense in terms of having this as an expenditure on our accounts, but it not being a cash sum, or is it just an accountancy trick?

[10:30]

Deputy S.J. Pinel:

It is not an accountancy trick at all. As I said in my opening remarks, it is an internationally recognised way of dealing with accounting and money has been spent on infrastructure. As the Members and the public will be aware, not enough has been spent on Fort Regent and it is obviously going to cost a lot more than any of the depreciation budget would counter for.

The Deputy Bailiff:

That was the supplementary allocated, Deputy, so we come on now to question ...

Deputy M. Tadier:

Sorry, was that the first supplementary, or the final supplementary? I thought that ...

The Deputy Bailiff:

Generally, I work on the basis that if there is nobody in line wishing to ask a question, then the first supplementary is the supplementary, because the final supplementary follows on. If that is not understood by Members, though, we have enough time to continue and if you wish to ask a supplementary question. I will allow it.

3.8.2 Deputy M. Tadier:

I just worked on the assumption that there would be 2. Yes, thank you for allowing the question. Can I ask the Minister that while accounting is an important issue, the big issue that we have seen in Jersey is that sufficient funds are not put away, in the first place, to pay for depreciation and the consequences of maintenance of buildings - Fort Regent and the former Andium Homes' stock are 2 very good examples of that - can she confirm that, in future, the lesson has been learned and that monies will be put aside specifically to pay for maintenance and, in the case of Fort Regent, for the removal of buildings, *et cetera*?

Deputy S.J. Pinel:

The depreciation factor has been included in the accounts for a number of years, but not publicly recorded as depreciation until the last M.T.F.P. (Medium Term Financial Plan). As I have also mentioned in answer to the Deputy asking the question, the amount put aside for any infrastructure has got to be spread across the whole infrastructure and nowhere near the amount that Fort Regent requires, as Deputy Tadier has asked, is available.

3.8.3 Deputy R.J. Ward:

We seem to be getting a picture that depreciation is a theoretical spend and an accountancy procedure, whether internationally, or not. Does that mean that if it is depreciation, which is a theoretical spend, sending us into deficit, that we also have a theoretical deficit and not necessarily a real one?

Deputy S.J. Pinel:

I understand, possibly, that the deficit the Deputy is alluding to is the £30 million to £40 million deficit projected for 2020 and it is a forecast deficit; until we get to 2020 we will not have the actual figures, but the forecast deficit is £30 million to £40 million.

3.9 Deputy K.F. Morel of the Minister for Treasury and Resources regarding the parking charges at Jersey Airport: [OQ.82/2019]

Was the Minister, as shareholder representative, informed of the 14 per cent pay rise in parking charges at the airport before they were introduced?

Deputy S.J. Pinel (The Minister for Treasury and Resources):

Sir, may I ask the Assistant Minister to answer that question, please?

The Deputy Bailiff:

Yes.

Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - rapporteur):

It is a fairly short answer: yes, we were informed.

3.9.1 Deputy K.F. Morel:

I expected such a fairly short answer. Does the Minister agree that such a pay rise is well beyond the cost of living and, therefore, inappropriate to put upon Islanders, who use the airport on a regular basis?

Deputy L.B.E. Ash:

No, I do not. It is an increase of 10p. It is the first increase since 2011. I did have a look, last night, through some of the other airports, just so we could compare; 80p we charge. Luton is £8, Stanstead £5.50, Birmingham £5.10 but you have an hour in Birmingham, they are slightly more generous, Edinburgh £4 for 15 minutes and Gatwick, Heathrow and Manchester £4 for 30 minutes. I think we are still pretty reasonably priced at 80p.

3.9.2 Deputy M.R. Higgins:

Will the Assistant Minister advise the Assembly whether the airport is self-financing all its developments? I am not trying to advocate higher parking charges, by the way, but is it not true that the airport is receiving no money from the States and has to finance its developments through its own means?

Deputy L.B.E. Ash:

Yes, that is true. Obviously, the Ports, who run the airport, do have to self-finance. They will have to loan money to redevelop the terminal, which now, as I am sure the Deputy is aware, has to come under international air regulations.

3.9.3 Deputy R.J. Ward:

Given the Assistant Minister's answers, should Islanders be expecting even more significant rises in parking charges in the future?

Deputy L.B.E. Ash:

That is not really for me to say at the moment. I would expect that there will be cost-of-living rises, ongoing, but the whole parking issue at the airport is shortly to change with the development of a new terminal; for instance, there will be no set-down immediately outside departures.

3.9.4 Deputy M. Tadier:

The Minister has compared Jersey and its airport with other large cities, such as Edinburgh and their parking charges. But would he also compare, for comparison purposes, what the relative parking is at their airports and their city centres compared with Jersey, which has an 85 pence hourly parking rate in St. Helier, with its airport charges?

Deputy L.B.E. Ash:

It is a question about airports, rather than city centres, I think. I will give you a comparison with the Isle of Man, which is £1 at the airport, so we are still 20p cheaper than the Isle of Man.

3.9.5 Deputy M. Tadier:

I think it is relevant, because one equates the cost of living in our place where we live and if you pay 85 pence for parking in the town centre, the maximum with a pay card, you might resent paying a significantly higher amount at the airport, whereas in a big city like Edinburgh, which has very ...

The Deputy Bailiff:

Deputy, is there a question?

Deputy M. Tadier:

Yes. Does the Assistant Minister acknowledge that in comparing with U.K. cities, which have completely different parking charges and structures, that he is not comparing like-for-like and being unhelpful in his comparisons to the Assembly?

Deputy L.B.E. Ash:

I feel I have been very helpful, giving you the comparisons with the airports to which we travel to from here. I have given you comparisons with the Isle of Man, which is an island jurisdiction. The cost of living in Jersey, I would say, is fairly similar to London, so we would be looking at Gatwick and Heathrow, which are £4 for 30 minutes, so we are £3.20 cheaper.

3.9.6 Deputy K.F. Morel:

I am sure the Assistant Minister understands that the cost of parking in Luton and Edinburgh is irrelevant to me, to this Assembly, or this question. When presented with the information about this 14 per cent parking charge rise, could the Minister confirm whether he challenged the leadership at the airport on their reasons for doing so and pushed back, so to speak?

Deputy L.B.E. Ash:

No, I did not. The only thing I did challenge on is why it had taken since 2011 for us to make such a move.

3.10 Deputy I. Gardiner of St. Helier of the Minister for Treasury and Resources regarding the prospect of connecting those properties which use boreholes to mains water: [OQ.86/2019]

Will the Minister, as a shareholder representative, advise how many properties in Jersey still use boreholes and what percentage of properties that represents and will she state what plans, if any, there are to connect such properties, currently using boreholes, to mains water over the next 3 years?

Deputy S.J. Pinel (The Minister for Treasury and Resources):

Sir, may I ask the Assistant Minister, who has delegated responsibility for that, to answer this question?

The Deputy Bailiff:

Yes.

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

There is currently no register of properties not connected to the mains water network. Accordingly, Jersey Water use the register of boreholes, maintained by the States of Jersey, as an estimation of the number of properties not connected to mains water. There are currently approximately 3,500 registered boreholes in Jersey and just over 40,000 properties supplied directly by Jersey Water,

inferring that approximately 8 per cent of properties are not supplied by mains water. Jersey Water has a programme of extending the mains network and in 2018 funded 1.1 kilometres of network extensions at a cost of approximately £350,000. The company's appetite to extend the mains network is, however, constrained by the need for the company to prioritise the essential maintenance of its existing water supply infrastructure, management of water quality and the renewal of the existing 580-kilometre pipe network. Jersey Water's capital programme is approximately £4 million per annum and the amount available to fund mains extensions varies each year. Jersey Water regularly assesses the demand for mains water, to assess the viability of mains extensions that are being considered. While there is certainly some demand for mains water, it is often challenging to get a sufficient level of interest and commitment from homeowners, who would have to pay a connection charge and for internal plumbing changes, to accommodate the connection to make the schemes viable.

3.10.1 Deputy I. Gardiner:

In light of the latest several reports about water contaminations by nitrates, weed killers and others, as somebody who is sitting on the main water I am protected and water will be redirected. How can we ensure that the population, who use boreholes, are aware at the real time of the possible risks for their health and they can act as quickly as possible to clean their boreholes?

Deputy L.B.E. Ash:

It is an interesting one. I guess it is one for Environment to take forward and regular testing of borehole water, should you have borehole water, for its health-giving qualities probably should be conducted. I would say, though, if there was an appetite for the States to implement a new policy of connecting the remaining properties to the mains network, Jersey Water would be more than happy to listen to that.

3.10.2 Deputy M. Tadier:

As the political representative and shareholder representative for Jersey Water, can the Minister advise whether he is happy about who picks up the bill when there is pollution in the public waterways?

Deputy L.B.E. Ash:

Generally we have picked the bill up, that is the States' role, via the Ports of Jersey, for some of the contamination in areas that occurred in St. Peter with PFOS (Perfluorooctane Sulfonate). What has been disputed is once it has been connected to the mains and the house is sold, the property has been sold, it is then disputed that whether the person then moving in we should continue to pay those bills, because they knew that they were moving into a house connected to mains water and had not suffered any damage because of it.

3.10.3 Deputy M. Tadier:

My supplementary: the point of the question was not so much about the PFOS issue, but about when water pollution happens from the private sector, perhaps from farmers; it gets into the public water supply. Who pays for the cost of remedying that pollution and is it currently just?

Deputy L.B.E. Ash:

I would believe that at the moment, if it gets into the public water supply, it is Jersey Water who are having to pay for that. Whether we wished to then encourage them to get into some legal debates with the causes of the pollutants; that would be a matter for this Assembly to decide. Generally, we do not sue one another, if you like, between the various constituent bodies, but if it was necessary I am sure it could be done.

3.10.4 Senator K.L. Moore:

It was concerning - deeply concerning - last week to hear on Radio Jersey the chief executive of Jersey Water describe the efforts that that organisation goes to to divert the mains water supplies when some reservoirs become unfit, in their view, for the mains water supply. Given that less than 10 per cent of borehole users, or owners, request testing of their private water supply on an annual basis, when prioritising and considering any investment in our mains water supply and extending that, what consideration does the Treasury give to the public health aspect and the danger to public health that, potentially, people are using a private water supply that is untested and they are unsure of its fitness for drinking?

Deputy L.B.E. Ash:

I think public health has to be one of our main considerations in anything we do; water, electricity, anything that we do as a government body. However, privately-owned boreholes really have to be the responsibility of the person who owns that property. It would be the same with a chimney stack, or something else on their property, that could have potential health consequences. It is really their responsibility to make sure the water is regularly checked.

[10:45]

3.11 The Deputy of St. John of the Minister for Infrastructure regarding the prospect of an Island-wide ‘park and ride’ bus service: [OQ.79/2019]

Will the Minister bring forward a plan to introduce an Island-wide park and ride bus service, to provide peripheral parking around the Island that would negate the need for road users to drive into St. Helier and, if so, when?

Deputy K.C. Lewis (The Minister for Infrastructure):

The existing and successful LibertyBus service provides a comprehensive network of routes and services and serves nearly 800 bus stops, a benefit from the availability of a public transport facility within a short walking distance. Demand for the service, since 2013, has continuously grown, demonstrating that for many there is no need to drive into St. Helier. While the concept of implementing park and ride sites at locations on the edge of urban areas is sound and the establishment of numerous cities throughout the U.K. and Europe, it generally requires fields alongside major traffic corridors to be acquired and given a tarmac surface, plus additional and heavily-subsidised bus services to be overlaid on the established route network. I can confirm that my department has no budget for doing so and because the necessary funding is unlikely to be prioritised above the Island’s other needs, I will not be putting forward proposals for such facilities to be provided within the next Financial Plan.

3.11.1 The Deputy of St. John:

Will the Minister accept that there is a pressing need to take traffic off the roads, reducing congestion and so reducing idling pollution?

Deputy K.C. Lewis:

Absolutely. We have had previous experiments in the past. There was La Collette in the 1990s, operated by the then Public Services Department using mini-buses; it still obliged road users to drive on congested roads, through town, to get to the car parks. We had an experiment at Les Fontaines, the Deputy’s own Parish, that was trialled by LibertyBus a few years ago and there was one a.m. service and one p.m. service to serve the Les Fontaines Car Park. Because this location was on the commuting route, very few people used the service and it ceased after just a few weeks. There are also informal areas being used, such as Long Beach in Grouville, that people from St. Martin drive down, park there and catch the bus in. There is an informal park and ride in action at the moment.

3.11.2 Deputy M.R. Higgins:

We all welcome the increase in bus numbers, but does the Minister know whether the actual figures for the reduction in car use, for example, coming into St. Helier and if he does not, why did he dismiss this idea without evidence?

Deputy K.C. Lewis:

I have not dismissed the idea. As I say, it has been trialled several times in the past and we are more than happy to do so again, if a suitable site can be found. There is an excellent bus service to all the southern routes on the Island and we would love to expand it further north in the rural Parishes if the demand was there. But, as I say, it is growing year on year and I believe over the last few years the service has grown by some 40 per cent.

3.11.3 Deputy M.R. Higgins:

The Minister, again, did not answer the final question which was: can he prove there has been a reduction in cars coming into St. Helier?

Deputy K.C. Lewis:

I can get hold of the figures for the Deputy. I do not have them with me. But the Deputy may have known that the population is growing, so the figures are obviously growing too. I am doing everything in my power to keep the number of vehicles down on the road, but people have the right to drive a vehicle and we cannot uninvent the car. But we are doing all we can to keep traffic moving and the roads open and clear.

Deputy M. Tadier:

Can I defer to Deputy Ward, if that is possible? I think he was on before me, I am happy not to ask a question.

The Deputy Bailiff:

I did not note Deputy Ward's light, but if he confirms that he did light and you wish to defer to him, then, Deputy Ward, I will take your question.

3.11.4 Deputy R.J. Ward:

I seem to be missing my light today. Can I ask the Minister whether he believes that there has been a cultural change and a greater understanding of the need to improve air quality and to lower emissions? Therefore, the time to trial such a service may be coming back again, because people's ideas and particularly young people's ideas on the importance of such things, are changing.

Deputy K.C. Lewis:

More than happy to do trials, but I am trying not to encourage people to drive their vehicles then get on the bus. I would like people to get on the bus from A to B. The bus service, itself, just under 3.7 million journeys in the first 9 months of 2018, which is 3.5 per cent higher than the same period in 2017, so bus ridership is increasing. We are putting up more and more bus shelters, to keep the population dry. We have green bus shelters put up in the countryside to blend in, where the sea is the background there are silver bus shelters and we are increasing this more and more as funds become available. I would like to increase the bus service even more and reduce traffic on the roads.

3.11.5 Deputy R.J. Ward:

I think the issue is that the main bus service could be seen as the arteries, but the capillaries that get to people's homes are cars and it puts people off getting the bus. A park and ride enables people to use their car less and then travel into St. Helier, which is where we are seeing air pollution and it is affecting the well-being of our population.

Deputy K.C. Lewis:

Absolutely. If an area became available we would be more than happy to use it, but it is not at the moment. As I said, this has been trialled in the past and people have the availability of buses. A lot of people choose to use their own vehicle. Lots of people, maybe in the northern Parishes, do not have a choice but to use a vehicle, but we are trying to expand the system as much as we can. We have trialled various systems, we have tried park and ride, we have tried the Parish hub system where mini-buses pick people up from their Parish hubs and bring them to the bus stop; that, sadly, did not work either. But we are more than happy to try anything to increase the bus service.

3.11.6 Senator K.L. Moore:

Is the Minister's department considering any alternatives to bus travel, such as reinstating the previously, very successful, e-bike scheme, which encourage people to travel actively, which has very many known health benefits?

The Deputy Bailiff:

The original question, Senator, was in connection with park and ride and not generally about improving the health and alternative schemes; we have stuck mostly on topic.

Senator K.L. Moore:

Sir, this is related to the topic, because it is about reducing the number of cars on the road and I am asking the Deputy whether there are alternatives being sought, in addition to the bus service, which is an important part of our sustainable transport policy.

The Deputy Bailiff:

Very well, I will allow it. Yes, Minister.

Deputy K.C. Lewis:

Indeed, we encourage the bikes. If funding allows, we may bring back the electric bike system, meanwhile there are regular bikes. Also, if one hires a bike from LibertyBus, a special folding bike, they can take it on the bus and store it in the storage area provided, so it is literally park yourself on a bus and ride. But there are many upcoming things; we are looking at electrification, more and more electric vehicles are coming online. It would be great if we could have more commercial vehicles electrified and that would obviously reduce the pollution, but we are moving ahead as fast as we can.

3.11.7 Deputy D. Johnson of St. Mary:

In the context of improving the bus service for those residents in the northern Parishes, would the Minister advise what steps there are to increase the number of bus stops? I ask this in the context of a resident having made such an application more than 2 years ago and no such bus stop has been furnished. I would suggest there is, therefore, a market for further passengers, should the frequency of bus stops be made more available.

Deputy K.C. Lewis:

If the demand is there, then LibertyBus would be more than happy to put on a service. Infrastructure would be more than happy to assist with installing the bus stop and, of course, a shelter, if the demand was there.

3.11.8 Deputy S.M. Wickenden:

The Minister, in his answers, keeps referring to the previous trials; however, in his own words, the trials were situated in places that had heavy commuter traffic and was not taken up, therefore they were in the wrong place. Will the Minister look into more appropriate trials, rather than just dismiss the idea?

Deputy K.C. Lewis:

I do not recall dismissing the idea. I said we are more than happy to try anything and I cannot make it clearer than that. But if we can keep as many cars off the road as possible, I am more than happy to look at it.

3.11.9 The Deputy of St. John:

Does the Minister accept that, for many people, there is no choice but to use their vehicles to get into town, as they live well away from any bus routes? If they were given the choice, they would be able to leave their car at an associated car park and travel on the bus into town; that would surely take an enormous amount of people off the road.

Deputy K.C. Lewis:

Yes, I do agree that many of the rural Parishes, there are people who are not remotely close to a bus stop. But I repeat, we did try the hub system, where the mini-buses were based at the Parish Halls and could pick people up on request and bring them back to the main bus stop. But they did not work at all, it was run by volunteers and people were sat in mini-buses all day outside of Parish Halls with very little use. But, as I say, more than happy to try anything to encourage people to use buses more, but, as I say, there must be a demand there.

3.12 Deputy M.R. Higgins of the Chief Minister regarding the practices of the Communications Directorate: [OQ.91/2019]

Will the Chief Minister explain why the Communications Directorate routinely screens Freedom of Information Law requests from the public and edits the response to them and also issues press statements quoting Ministers, without consulting them, and will he undertake to stop such practices immediately?

Senator J.A.N. Le Fondré (The Chief Minister):

The Constable of St. Ouen liaises on comms and he will be answering the question.

Connétable R.A. Buchanan of St. Ouen (Assistant Chief Minister - rapporteur):

I thank the Deputy for his question. Communications Directorate does not screen F.O.I. (Freedom of Information) requests, or edit them. If an F.O.I. answer is likely to attract media and public interest, or require Ministers and senior officials to provide follow-up statements, then this will be escalated to D.G.s (Director Generals) and to Communications, to allow them to prepare the necessary briefing before it is released. This is to ensure that Ministers and senior officials are able to respond properly to the media, or to other questions that might arise. The Communications Directorate does not routinely issue press statements quoting Ministers without consulting them. All statements by Ministers and senior officials are cleared with them, prior to issuing. However, there has been one unfortunate occasion, which occurred recently, where a statement was issued by the Government press office in good faith in the belief that it had been sent to them and already been cleared by the Minister concerned, which it had not. This is a genuine and one-off mistake. All involved apologised to the Minister for Children and Housing, who himself made it clear in a public statement in the *J.E.P. (Jersey Evening Post)* that contrary to them misreporting, he had not criticised Communications.

3.12.1 Deputy M.R. Higgins:

I must say I feel sorry for the Constable, he is always given the tasks to try to defend the indefensible. Coming on to the idea of routinely examining and editing emails, it is taking place. There is no justification, whatsoever, for them to do so. We have set up ...

The Deputy Bailiff:

Deputy, you do have to ask a question.

Deputy M.R. Higgins:

I will come to the question, Sir, because it needs to be put ...

The Deputy Bailiff:

No, but you cannot make a speech then ask a question, you have to ask a question.

Deputy M.R. Higgins:

Sir, it needs to be put in context. We passed ...

The Deputy Bailiff:

It has to be put in context very shortly.

Deputy M.R. Higgins:

Very well, Sir. We passed the Freedom of Information Law to make Government more open and transparent and if they are being run by the Communications office, then it is anything but, because they try to spin the answers. Will the Minister undertake to ensure that the department does not answer any Freedom of Information Law request and will wait until after the answers have been given if it wants to brief Ministers on any possible repercussions?

The Connétable of St. Ouen:

I cannot do any better than repeat my earlier statement: the Communications Department does not screen F.O.I. requests, or edit the answers to them.

3.12.2 Deputy K.F. Morel:

I think I may be asking for something that has already been said. Could the Assistant Minister confirm that the Communications Department plays no role in the Freedom of Information request responses that are sent out to members of the public, or Meet the Media, or the Assembly Members when they are placed, so that it has no role at all in changing, amending, offering suggestions for input into those answers that are sent to members of the public?

The Connétable of St. Ouen:

I thank the Deputy for his question and I confirm that that is indeed the case. However, as I made clear, if the matter seems to be contentious, then the F.O.I. request and its response will be brought to the attention of the Minister concerned, so that he is prepared and able to answer questions from the press as they arise.

[11:00]

3.12.3 Deputy M.R. Higgins:

I stand in total disbelief and I would ask the Constable to go back and check again, because there is evidence that that exactly has happened. Therefore, it is unacceptable for him to stand up and say this and defend, as I say, the indefensible. Would the Minister also accept that the department should not be trying to screen Freedom of Information Law requests as to whether they are media, or private individuals, because they want to deal with the media on a political level? The point is they are supposed to be anonymous. Will he ensure that the Communications Directorate keeps away from Freedom of Information Law requests?

The Connétable of St. Ouen:

I have to refute the Deputy's initial statement and I invite him to present me with the evidence, which I undertake to investigate thoroughly, because if that is the case and he can prove it, then I am very concerned. But I am absolutely certain, to my knowledge and the evidence I have seen that that is

not the case. I have to also say that it is important that Ministers are prepared and briefed to answer requests from the press and part of that briefing is to ensure that they know what F.O.I. requests are going out and what those contain, otherwise we simply look disorganised and ill-prepared, which is not acceptable, in my view.

3.13 The Deputy of St. John of the Minister for Infrastructure regarding the prospect of temporarily linking Liberation Square and Weighbridge Place for the purposes of ‘Liberation 75’: [OQ.80/2019]

Further to the Fiscal Policy Panel’s recent reports and in light of concerns expressed by the business community, will the Minister revisit the proposals to merge Liberation Square and Weighbridge Place and consider whether a temporary link between the 2 areas could be developed, that would allow for interaction between them for the purposes of Liberation 75, but which would then allow a reversion to the current traffic arrangements?

Deputy K.C. Lewis (The Minister for Infrastructure):

In light of Deputy Maçon’s proposition P.34/2019, which calls for the cessation of the project and a re-allocation of the project funding, I have instructed all work on the project to cease, with the exception of a planning application, until the project is debated on 30th April 2019. It will be for this Assembly to determine whether the project goes ahead, or not.

3.13.1 The Deputy of St. John:

Would the Minister agree that the money being spent on Liberation Square would go a long way towards providing car parks around the Island that would facilitate a park and ride scheme? **[Laughter]**

Deputy K.C. Lewis:

I admire the Deputy’s tenacity, regarding park and ride. I do not think that would go very far towards it, but that is a matter for Members, if and when the decision is made.

3.13.2 Deputy M. Tadier:

Does the Minister agree that the temporary link completely misses the point of this project? The idea of this project is to create a legacy, starting off from Liberation 75 **[Approbation]** but which will be put there reinvesting some of the money that was gained from the sale of public land from the States of Jersey Development Company, reinvesting that in the public domain, so that public and future generations can benefit from that, rather than obsessing constantly about cars and traffic as the only legacy. Would the Minister put on record whether he publicly supports the principle of this scheme, while fully accepting that there are operational matters that are genuine and that need to be addressed, to see if this scheme can be functional?

Deputy K.C. Lewis:

Indeed, the Deputy makes an excellent point. I can say that looking at all the plans and talking to Infrastructure officers it will be, if it goes ahead, a magnificent park; I do not dispute that for one moment. There will be implications for traffic flow, I cannot say otherwise. But, as I say, I am in the hands of Members as to whether the project goes ahead, or not.

3.13.3 Deputy M. Tadier:

I have a supplementary. I just wanted to push the Minister on whether he supports this project in principle, because it seems it is being suggested that Ministers are now abandoning this project and it is important to make sure that, at some point, it has got ministerial support. Given that it is a key project for his department, we should know whether it has his support, at least in principle.

Deputy K.C. Lewis:

I say this is the project I have inherited. I thought it was a supplementary coming through. No, this is the project that was agreed by the last Government and I have inherited this. As I say, it will be a magnificent park and, as the Deputy suggests, it will be a marvellous addition to the parks in St. Helier for many years to come and for many generations to come. But I cannot alleviate the concerns regarding the traffic implications.

3.13.4 Deputy R. Labey:

Just to mention that Deputy Maçon has deferred his proposition from 30th April, so we will be some time before we get to decide this. We have all seen squares, magnificent town squares throughout the continent of Europe, where cars are only allowed - and traffic is only allowed - for certain periods of the day. I agree with Deputy Tadier that this could be an absolutely fantastic project, but is there any way that we can examine a dual use?

Deputy K.C. Lewis:

That is a possibility, but shared spaces are definitely considered to be unsafe. It has been suggested that we could close a road just for the day, but we are back to square one, in that respect; that we need to have the roads open, or the roads closed. We cannot really do a halfway job on this.

3.13.5 Deputy R. Labey:

The current thinking, everywhere else but Jersey, is that shared spaces are not unsafe if they are done properly. Shared spaces are a magnificent way of smartening up a town and if they are done well they serve both purposes well and are completely safe. Will the Minister change his mindset on this?

Deputy K.C. Lewis:

It is not my mindset, it is a matter of health and safety. If the Deputy looks at the plans, which were on display a week, or so, ago, you will see there are going to be magnificent lawns there, which do not include a double-decker bus coming right across it. Either we do the project, or we do not; it is one, or the other.

3.13.6 Connétable M.K. Jackson of St. Brelade:

Two questions I want to ask the Minister. One is: would he agree that there is significant expenditure to be put towards the redevelopment of Liberation Square, which is looking somewhat tired? Secondly, would he agree to putting a traffic trial in place, in short order, so that we can move forward on that and just not leave it until the end of the month, as he suggested?

Deputy K.C. Lewis:

Yes, indeed, there has been significant traffic modelling, which has been undertaken by the department; but to illustrate the point, more than happy, as many States Members have suggested, and members of the public, to do a trial period, maybe within the next 2 weeks, to see the traffic implications first hand.

The Deputy Bailiff:

Final supplementary, Deputy of St. John.

The Deputy of St. John:

No, Sir, I am fine.

3.14 Deputy J.H. Perchard of the Chief Minister regarding the recruitment of Jersey-based women to boards: [OQ.77/2019]

Given that in evidence received by the Gender Pay Gap Review Panel it was stated that Jersey is losing approximate £8.5 million a year by not recruiting Jersey-based women to board positions; will the Chief Minister agree to develop a strategy and action plan, working with the private sector, as necessary, in order that more Jersey-based women are recruited to positions on boards?

Senator J.A.N. Le Fondré (The Chief Minister):

I would be more than happy to take this matter forward for consideration. As I have previously stated, at 2 public hearings, in front of the Gender Pay Gap Review, it is an important matter which will need addressing, both through immediate actions, but also through long-term cultural and societal changes. Recruiting more Jersey-based women to boards is a challenge, which I recognise from my own time in the private sector, but just to show there has been some movement, as I stated to the Review Panel last week, I have written to all boards under Government of Jersey control, or ownership, asking for a review to be made in how a greater diversity in candidates could be reached. I have made the point that it should not be automatically assumed that all reappointments will be approved by default.

3.14.1 Deputy J.H. Perchard:

I welcome that letter from the Chief Minister. Does he not agree that a very easy second step would be to instruct all States boards to publish their statistics pertaining to board membership on a regular basis?

Senator J.A.N. Le Fondré:

I think in the long-term yes, I do understand that there are a whole range of issues - as I think the Deputy has understood in some of the responses that have been given to her and in some of the questions she has been asking - about trying to get that data together immediately. As a long-term objective, I agree.

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

Given that a recent report from the Community Relations Trust found that the cost of childcare was a significant barrier to women's progression in the workplace, including up to board level, would the Chief Minister support increased investment in subsidising high-quality childcare from a much earlier age?

Senator J.A.N. Le Fondré:

As a principle that sounds very attractive. The reason I pause is I know that we do, I think, quite a lot in childcare already and my mind has gone slightly blank, because that was not the question I was thinking about when this question came up. I have no doubt that it will form part of the early years provisions, in other words, the works of the Minister for Education and the Minister for Children and Housing in progressing things moving forward. If it is not, it should be.

3.14.3 Deputy L.M.C. Doublet:

Supplementary please. So, we only subsidise 20 free hours of term-time childcare of early education from the age of 3, so that is quite a lot less than other jurisdictions. Would the Chief Minister support the work of that policy board if they do seek to increase investment at an earlier age?

Senator J.A.N. Le Fondré:

I have understood and am reminded by the Minister for Education that the Deputy sits on the board, so I shall no doubt be looking at the recommendations that come out of the board with interest. As with anything, we do need to know what the financial impact is, but as I said, as a principle it sounds very laudable.

3.14.4 Deputy K.F. Morel:

It was interesting to hear the Chief Minister describe this as a long-term issue. He is right, of course, but we know this because 30 years ago, as we heard in a public hearing of the Gender Pay Gap Review Panel, the States itself was trying to encourage more women into work; and yet here we are today, 30 years later, with the Chief Minister apparently still struggling to get things moving. Does the Chief Minister agree that Jersey needs to move quicker, the States of Jersey need to move faster and that this should be seen as a very short-term issue, because we need to deal with it quickly and not let the fact that women are not participating in the workplace, as much as they could be, continue to be an issue?

Senator J.A.N. Le Fondré:

There is a whole range of answers in that question. The one I would say is that the long-term bit was the difficulty of getting the data together because ... sorry, I will start again. The long-term issue, on a regular basis, was getting organisations to publish the data, which is what Deputy Perchard was referring to. The difficulty we have got in the short-term is trying to get the data, because they do not have it. Therefore, I could not insist on them publishing it tomorrow, because it will take them some time to get it together. What I am saying is, as a maybe medium-term, or long-term ambition they should be doing that, which is the point I was making. What we cannot do is do it on day one, tomorrow, because it takes time to compile that data and they have not got it. In terms of the ongoing principles, and that is part of the problem we are facing, this is why the societal changes coming through, if we only have a small pool of people, we are restricted to that pool. The job is to get more candidates, particularly women candidates in this instance, into that pool and how we do that is obviously in the discussions that we are waiting for the recommendations from the Review Panel.

3.14.5 Senator K.L. Moore:

Will the Council of Ministers commit to having regular action points on its agenda, in order to tackle and improve gender diversity in our community?

Senator J.A.N. Le Fondré:

As I said, once the welcome work of the Gender Pay Gap Review Panel is brought, I am sure there will be a number of action points that will come of it, that will fall on to the relevant Ministers and that will automatically come to the Council of Ministers.

3.14.6 Deputy J.H. Perchard:

Will the Chief Minister commit to the publishing of gender gaps, as they are referred to and ethnicity gaps on boards? So, gender gaps and ethnicity gaps being a statistical representation of gender and ethnicity for all States boards.

Senator J.A.N. Le Fondré:

I am very happy. As I said, I am waiting really for the holistic outcome from the board, so we can put everything together. But, again, as a principle I see no reason why we should not be doing that.

[11:15]

3.15 Deputy K.F. Morel of the Minister for Infrastructure regarding the impact of joining Liberation Square and Weighbridge Place on traffic in the area: [OQ.83/2019]

Given that, in 2007, the Minister's predecessor stated that joining Liberation Square and Weighbridge Place will only be achieved within a co-ordinated traffic plan, only possible once a new traffic remodelling system has been prepared and the implications are fully assessed, will the Minister confirm that such a co-ordinated traffic plan exists and, if so, advise what assessment it provides of the effects of the joining of the 2 squares?

Deputy K.C. Lewis (The Minister for Infrastructure):

In the summer of 2018, the department's traffic engineers inputted the Liberation 75 proposals into the department's traffic model, to assess the impact of the proposed road closure. The model predicted that journey times in the evening peaks would be extended by up to 6 minutes for vehicles exiting to the east, via the Weighbridge area. While delays were predicted, the model also determined that it would be possible to build the proposed works without gridlocking the road network. Further work was commissioned in 2019 on a micro-simulation traffic model, which is a more detailed model than the first one, which would give greater and more refined detail on the impacts of closing the road. As I have mentioned previously, in light of proposition P.34/2019 which calls for the cessation of the project, everything is on hold at the moment, except for the planning application.

3.15.1 Deputy K.F. Morel:

Given that the Minister's predecessor was talking about this project in 2007, could the Minister confirm when the current version of this project was given to the D.f.I. (Department for Infrastructure) to undertake and when the work was begun?

Deputy K.C. Lewis:

Originally, in 2007, that would have been 4 Ministers ago, so that would be the original Minister for what was then Transport and Technical Services. This is something that was decided upon by the previous Government, or should I say green-lighted by the previous Government and it came to my attention, just after my election as Minister for Infrastructure.

3.15.2 The Connétable of St. Brelade:

Would the Minister confirm that it was him, who was the Minister for Transport and Technical Services, in 2007?

Deputy K.C. Lewis:

Indeed, following on from the Constable of St. Brelade, yes.

3.15.3 Deputy K.F. Morel:

I am just concerned that, given this has been going on since 2007 and in a briefing from the department I, among other Members, were told that there was not enough time to undertake public consultation properly on this matter; I am concerned as to why this is the case, given that we have a 12-year history to this project, why is there no proper public consultation taking place?

Deputy K.C. Lewis:

Things were done in a rush that is for sure. The immediate vicinity of the development was consulted, which were the major hotels that overlook the proposed square. There was some consultation with the Chamber of Commerce and it went public. It was the other week, when I went on to Radio Jersey to announce the project and the plans, which then became available for States Members and, I believe the following day, for the public of Jersey to view. As to why it was not done sooner, it did not appear on the radar.

3.16 Deputy G.P. Southern of the Chairman of the States Employment Board regarding the methodology underling statistics produced by the Board in relation to public sector pay: [OQ.89/2019]

Will the Chairman explain to Members the methodology behind the graph, which has been published by the States Employment Board and which purports to show a comparison between median pay for civil servants and those in the private sector across all grades? Will he state who conducted the research involved and under what terms of reference, if any, did they do so?

Senator J.A.N. Le Fondré (Chairman, States Employment Board):

A long question. OK, the comparison between the civil service base salaries and those of the local private sector were derived from the *Remuneration Survey Report Finance 2017* and *Directors and Senior Managers' Remuneration Survey Report 2017*, both produced by Vantage HBA. Vantage HBA produces these confidential reports annually, on a commercial basis, to participating organisations. Participants in the survey, covering a wide cross-section of local finance-related organisations and utilities, provide high-level job evaluation information and pay details of jobs at different levels in their organisation within a set *pro forma* provided by Vantage HBA. They then collate this information from the participants to produce comparative pay data at different job levels from the smallest jobs to the largest jobs. This enabled the base salaries of the civil service to be compared to the private sector pay.

3.16.1 Deputy G.P. Southern:

Would the Chief Minister mind giving any analysis of their methodology. For example, how does it compare with - going back some time, I think 20 years - the Hay evaluation, which is extremely complex, deciding how you compare responsibilities at various levels, in various organisations; extremely complicated. Can he support this with any evidence that this methodology works?

Senator J.A.N. Le Fondré:

I am informed that each of the jobs has been evaluated and the resultant grade pay can be compared, via that job evaluation matching process adopted by HBA, to determine meaningful comparisons on job weight pay with dissimilar private sector jobs. So, in other words, there is a methodology, it is deemed to be a valid methodology and that is what generated the data.

3.16.2 Deputy G.P. Southern:

Put simply, does the survey compare like with like? Does it, for example, take into consideration qualification levels among civil servants, which are usually higher than those in the private sector and the fact that many of the posts in the civil service are unique: specialist biomedical scientists, pathology, crime scene investigators, you cannot just flip into another job, somewhere else, as you might do in the private sector and does it also take into account the use of bonuses in the private sector and none in the public?

Senator J.A.N. Le Fondré:

I will deal with the last point first. While there may not be bonuses, as has been said previously, the public sector does receive a 16 per cent employer contribution in terms of its overall package and that is not necessarily always included in the definition of earnings. I think the point is the job weight pay comparisons on individual jobs in the civil service can be made in relation to comparisons in the private sector and that is why we purchase those reports, such as those from Vantage HBA, from time to time.

Deputy G.P. Southern:

Briefly, do the findings remain confidential?

Senator J.A.N. Le Fondré:

Yes, the reports are acquired on a confidential basis, they are not public reports.

The Deputy Bailiff:

Very well we come to question ...

Senator J.A.N. Le Fondré:

I was going to say, whether that is a matter for the relevant Scrutiny Panel would be a different matter, but it is confidential on a public basis.

3.17 Deputy M. Tadier of the Chief Minister regarding the steps to be taken by the Government of Jersey to make medicinal cannabis accessible by Jersey patients: [OQ.93/2019]

Given his recent public comments in support of developing a medicinal cannabis industry in the Island, what steps, if any, will the Chief Minister take to ensure that his Government makes medicinal cannabis accessible to Jersey patients in the near future?

Senator J.A.N. Le Fondré (The Chief Minister):

I will just deal with the first part of that question. The plans to further develop hemp production in Jersey and expand into cannabis production are still under development and they are very much under the purview of the Minister for Economic Development, Tourism, Sport and Culture. I believe the Assistant Minister for Economic Development, Tourism, Sport and Culture might have the opportunity to talk to him about it. A licensing and regulatory framework is being constructed, in conjunction with the Health Department, the U.K. Home Office and other consultees. Hemp production in 2019 is scheduled to consent, or extend, to C.B.D. (Cannabidiol) extraction locally and that will facilitate the supply of high value, low volume, local product into the local, E.U. (European Union) and global market by quarter 3, or 4, of 2019. That, I am informed, is consistent with the alternative crop strategy, which is embedded in the Rural Economy Strategy of 2017-2021. The hemp and later cannabis programme is intended to produce high value, culinary oil seeds, fibres, raw ingredients and precursor materials to the internationally regulated nutritional and pharmaceutical markets, not to supply a medicinal cannabis system in Jersey. By 2020, the objective is that a world-class, highly regulated, system will be implemented to permit local production of cannabis raw materials for supply into the internationally regulated pharmaceutical market. The supply and prescription of cannabis-based medicine in Jersey is not a matter for G.H.E. (Growth, Housing and Environment) to comment on and is regulated by the Health Department and those 2 issues should not be mixed. I think that is the important point.

3.17.1 Deputy M. Tadier:

Clearly One Gov only goes so far, because when the questions are inconvenient it becomes: "Let us pass the buck to another silo Minister." Does the Chief Minister agree with the comment and the finding in the Barnes Report, which we have debated in this Assembly, which says that there is good evidence for the efficacy of at least one formulation of cannabis in pain, both for chronic pain and neuropathic pain?

Senator J.A.N. Le Fondré:

On these types of areas, I definitely devolve to the advice of the Minister for Health and Social Services and the relevant professionals and that is what I have done.

3.17.2 Senator K.L. Moore:

It was interesting to hear the Chief Minister's response today, which was certainly more fulsome than that which he gave the Scrutiny Panel yesterday, during our quarterly hearing when we touched upon this subject. Now that he has had a little more time to consider his answer, would the Chief Minister like to describe to the Assembly the joined-up thinking that has taken place regarding this issue, particularly in relation to the impact that this new crop may have on the environment?

Senator J.A.N. Le Fondré:

The point I think I was trying to make is that, ultimately, it is a matter that the Minister Economic Development, Tourism, Sport and Culture is dealing with on the detail level. Obviously, I am aware of it from a high-level point of view and the principal thing I took is did it have any reputational damage to the Island. I am assured it did not. Secondly, the other method for me is how do we extract the tax revenue from what is apparently a very lucrative industry, if it can be properly

regulated. So, in terms of the individual day-to-day conversations that have happened between the Minister for Economic Development, Tourism, Sport and Culture and the Minister for the Environment, I am assuming that they either have done or, if we are in the early stages, which is what my answer just now alluded to, that they will take place. But, that overall, any new structures are not covered by the present Island Plan and that was effectively what I was saying in Scrutiny yesterday.

3.17.3 Senator K.L. Moore:

The Chief Minister has not at all answered my question, which was related to the joined-up thinking in relation to the environment and in particular the impact on our natural landscape. It was also though, in that answer, interesting to hear the rapid timeframe that is being worked to by whatever the department is called nowadays, so, therefore, one would expect that some joined-up thinking had taken place on such a major policy that was under development.

Senator J.A.N. Le Fondré:

I think the point is the matter is progressing forward at a rapid pace, as the Senator has alluded to. But, for example, the impacts on the environment may well depend whether, for example, disused greenhouses can be changed into the relevant locations and, therefore, there would be no impact. So, it depends on the circumstances and, as I said, that is very much a detail matter between at least the 2 Ministers concerned.

3.17.4 Deputy M. Tadier:

The reason that a joined-up policy is relevant is because we, as an Assembly, not so long ago passed a proposition saying that we recognised the medicinal value of cannabis and that it can treat chronic conditions, such as pain, and the Chief Minister has said that he is willing for Jersey to produce medicinal cannabis. But, currently, our own residents who might benefit from it cannot access it for practical reasons. One of those reasons is because the chief pain clinician at the hospital is boycotting it. Now, does the Chief Minister accept that, unless we are going to be seen as hypocritical, we need to be making medicinal cannabis available to our own residents, given the fact it is underpinned by legislation, if we are to start producing it for financial gain to the rest of the world?

Senator J.A.N. Le Fondré:

As I understand it, it is about providing materials that will then feed into the pharmaceutical markets, as it were. But the point is, I think, that has been made previously by the Minister for Health and Social Services, the decision on whether, or not, it is clinically appropriate to prescribe a cannabis-based product must always rest with the medical professionals and not States Members, nor the Government. We have facilitated it, but it is down to the medical professionals to make that decision.

[11:30]

3.18 Deputy K.G. Pamplin for the Minister for Home Affairs regarding the use of tasers in 2018 by the States of Jersey Police: [OQ.85/2019]

Will the Minister explain the circumstances in which Tasers were used twice by the States of Jersey Police in 2018, as indicated in the annual report of the Jersey Police Complaints Authority and advise whether they were used to protect individuals from self-harming, as reported?

The Connétable of St. Clement (The Minister for Home Affairs):

I can confirm a Taser was used twice in 2018 to protect individuals from harming themselves. The use of Taser allowed the officers to safely restrain those involved, who were in a volatile state, so that they could receive treatment.

3.18.1 Deputy K.G. Pamplin:

Will the Minister go further and explain if the incidences were at a hospital facility, or in the public domain and what the protocol and procedures were, including support from mental health staff to de-escalate the situation?

The Connétable of St. Clement:

As far as I am aware, the incidents took place outside of the hospital situation. Tasers, like firearms, can only be utilised by authorised firearms officers, with the authorisation of a tactical firearms commander. In these particular incidents, I cannot say any further about who else was involved, but certainly they were restrained, so they could receive the appropriate treatment, which I understand was given. Exactly by whom, I cannot say.

The Deputy Bailiff:

Final supplementary Deputy? Very well, that brings questions ... sorry, we had already got to the final supplementary, I am afraid.

4. Questions to Ministers without notice - The Minister for International Development

The Deputy Bailiff:

Yes, that brings oral questions with notice to an end. We now come to questions to Ministers without notice. The first question period is for the Minister for International Development; the Minister for International Development's first question period.

4.1 Deputy S.M. Ahier of St. Helier:

Will the Minister advise the Assembly, since the U.N. (United Nations) has made an urgent appeal to help victims of the Mozambique cyclone, whether funds will be made available from Jersey Overseas Aid to help provide water and sanitation to the thousands of dispossessed people?

Deputy C.F. Labey of Grouville (The Minister for International Development):

I apologise, I was getting a glass of water, so if my voice runs out I have got some sort of lubrication here. Yes, absolutely. Jersey Overseas Aid responds to emergencies such as this. Over the past week we have been getting applications in from the aid agencies that we use for these kinds of disasters. We have, so far, had 8 in and we have done some research and we are researching where our funds are best utilised and which of our agencies are best placed to deliver. Mozambique looks the worst hit at the moment and this is turning into a humanitarian need now. The commissioners will be meeting later on this week and we will be making a decision and our funding will go out before the end of the week.

4.2 Deputy M.R. Le Hegarat:

In recent weeks, we heard that a number of licences have been issued by the Minister for Home Affairs. What induction plan has the Minister for International Development put in place in relation to the people that will be coming to the Island on these licences?

The Deputy of Grouville:

We have not put an induction programme together. Jersey Overseas Aid deals with people out of Jersey. What we have done, we have been working with some people, because it was felt that we could bring in farm workers from Nepal, so we have quite a comprehensive network of connections in Nepal, through the Gurkhas, and we are able to assist agriculture. If they wish to be assisted in that way, we are only too happy to do so.

5. Questions to Ministers without notice - The Chief Minister

The Deputy Bailiff:

Very well, that brings questions for the Minister for International Development to a close and the Chief Minister picks up the balance of the time for questions without notice. Any questions for the Chief Minister?

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

I was very pleased to see that the Chief Minister finally got a panel underway to look at population control going forward. Does the Minister agree that it is absolutely essential that we take full control of the inward migration gate into Jersey and would he consider - and is he considering - steps such as a point system, like Australia use, and possibly work permits also, or possibly a blend? I am sorry to put a few questions in there but they should be able to be answered by the Minister.

Senator J.A.N. Le Fondré (The Chief Minister):

Yes. I will just also say I shall be having some words with the Minister for International Development, to see if she can make her answers a little bit longer in the future, or perhaps get a few more questions asked of her. The short answer is in relation to controls: yes. However, in terms of the details of how, for example, the points system, that is very much a matter for the output of the board that is being chaired by the Constable of St. John. As I have alluded to, and which Members will hopefully shortly be seeing, or at least getting an invite for, we did put a piece of work in place on population back in about August. The data was finally compiled and reported to the Council of Ministers about 3 or 4 weeks ago and that is a first cut, if you like; it is the first issues paper that will come out which is, and I will use the analogy quite carefully, there is no morality attached to this. We have to then introduce the morality, or the politics on top of this, but it is very much a financial assessment of what the impact is of various types of households, or individuals, coming across at various salary levels and to what the impact is from a financial point of view on government services *versus* the contribution they make under tax revenues. That is for a discussion purpose and that, I think, will feed into some of these things we may have to think about in terms of the overall principles of how we control the population going forward.

5.2 Deputy M.R. Le Hegarat:

This is an easy one for the Chief Minister. Does the Freedom of Information central point, based under the Minister's Department, still come under the supervision of the Communications Unit?

Senator J.A.N. Le Fondré:

I am hesitant, because I am sure Deputy Le Hegarat will probably know more about the structures of F.O.I. than I will. I am not too sure if that still comes under the supervision of the Communications Unit³ and I am going to refer the Deputy to the comments made by the Constable of St. Ouen in that area. I know he is looking at, or has said he will look at, the emails that Deputy Higgins has sent to him and will be investigating if it is appropriate. I hope that answers the question.

5.3 Deputy G.P. Southern:

There have been reports in the press, recently, of some £900 billion of assets shifted from the City out to such regions in the E.U., as Paris, Strasbourg and Dublin. Is the Minister aware of any equivalent shifting out of assets from Jersey?

Senator J.A.N. Le Fondré:

The short answer is no. I am presuming the Assistant Minister, or the Deputy, is referring to the impact of Brexit on the financial services industry in London, but I think the other point to say is that

³ Following the meeting of the States, the Chief Minister sent an electronic mail message to all States Members to clarify that, since July 2018, the Freedom of Information central point has fallen under the remit of the Chief of Staff.

one can get shifts of very high magnitudes very easily. It is like an ebb and flow of the tide and you will see them going to different jurisdictions under different circumstances.

5.3.1 Deputy G.P. Southern:

If I may, the Minister says that he has no evidence of that. Has he looked?

Senator J.A.N. Le Fondré:

I certainly have not been made aware of any significant flows out of the ordinary course of business and if that was the case I would expect to be notified, particularly by the Minister for External Relations, who has got responsibility for financial services, or the Constable of St. Ouen, as one of my Assistant Chief Ministers, who has also got responsibility for financial services. It does, however, make the point, which the Deputy also alludes to, that in this time of uncertainty, stability and prudence on our expenditure is very important.

5.4 Deputy M. Tadier:

The Chief Minister talked about the issuing of cannabis being a clinical decision and not a political one. But does he accept that when week in, week out, and sometimes on a daily basis, we, as representatives, are being contacted by constituents who are in severe pain or discomfort then it becomes a political issue; and because of that will he agree to meet with representatives in this Assembly with the patients as well and possibly with the pain clinician, so that we can find a way forward in this *impasse*?

Senator J.A.N. Le Fondré:

I think the point is that in an area where - there are 2 sides to the equation in what I am about to say - and in an area that is directly affecting people's lives, one has got to rely on the medical evidence that we are provided with. The States political decision has been to facilitate matters and obviously it went slightly further than the provisions as being recommended by the Minister for Health and Social Services, but you cannot force individuals, I do not think, to go against their professional judgment, as politicians.

5.4.1 Deputy M. Tadier:

The problem is that G.P.s (General Practitioner) and also clinicians, who work at the hospital, are not just doctors, they are also people who are subject to political whims and political opinions of their own. We have a situation where a product, which was being prescribed routinely, such as Sativex, has perversely been withdrawn on the sole discretion of the clinician and it is clear that that is political interference from the individual in question. Now, if it comes to a choice between me having to lodge a vote of no confidence in that individual, or the Minister for Health and Social Services, or the Chief Minister attending a meeting with me and others to discuss a proper way forward, which is the preferred methodology of the Chief Minister?

Senator J.A.N. Le Fondré:

I am sure I am always happy to have yet another meeting on various matters that come through. What I am trying to say is that although the Chief Minister - and the buck does stop with me on most, if not all, things - it does rather seem that this is a very specific medical issue, which would normally fall under the purview of the Minister for Health and Social Services. Therefore, we are getting into exceptionally difficult territory if we are then going to try and get politicians to override professional individuals under certain circumstances. I am always happy to have a discussion and I am sure the Deputy will be in touch.

5.5 Senator K.L. Moore:

Given the Chief Minister's new-found enthusiasm for diversity and inclusion, does he now regret the amendment of the Council of Ministers to the Common Strategic Policy of the Corporate Services

Panel, that would have placed diversity and inclusion as one of the strategic priorities of his Government?

Senator J.A.N. Le Fondré:

No.

5.5.1 Senator K.L. Moore:

Would the Chief Minister then agree that it would be an important part of the work of the Policy Development Board on population and migration that they take into account the ability to boost participation in the economy, by having clear action points for boosting diversity and inclusion in our community and economy?

Senator J.A.N. Le Fondré:

The Population and Migration Board is very much about people coming into the Island. I rather suspect that what the Senator is referring to is work being performed by Senator Farnham on productivity, because that is about boosting the economy internally, I would suggest, and that is probably where it would be better directed. I am sure she would be delighted to have a conversation with the Senator.

5.6 Deputy S.M. Ahier:

Will the Chief Minister advise the Assembly what alternative site options he may be considering for housing of the States public sector headquarters after the defeat of the Ann Court site proposition?

Senator J.A.N. Le Fondré:

Personally speaking, as to my focus this week, in the week of Brexit, is slightly elsewhere but looking ahead there is a briefing coming forward on the next step in the office strategy side. When we have that position, I will then update Members. At the moment, there is no specific site in thought. I do know that there are some options being considered and that is all I am going to say at this stage because some of them may well be private sector ones.

5.7 Deputy M.R. Higgins:

Does the Chief Minister believe that, with openness and transparency, it should be fundamental to our system of government and would he agree to the F.O.I. Unit becoming independent of the States in the same way that the Statistics Unit is, so we can trust what information comes from that section?

[11:45]

Senator J.A.N. Le Fondré:

I would hope we do trust the information that comes out of the F.O.I. section and that essentially, as I said, we will make sure that the Deputy's concerns are properly investigated. But I have absolutely no doubt in the output from the F.O.I. Department. In terms of independence going forward, there is a discussion to be had around independence of different sections. The F.O.I. one is slightly trickier, I suspect, because it has got to be absolutely embedded into the system, to be able to get hold of the data. I am certainly open to it if Members thought it was an issue.

5.7.1 Deputy M.R. Higgins:

Supplementary. I am thinking in terms of independence from, say, the Chief Executive and senior directorates.

Senator J.A.N. Le Fondré:

To my knowledge, I believe that it is operated in an independent fashion. As I said, we are very happy to check the claims, or the assertions, of the Deputy.

5.8 The Connétable of St. Brelade:

Would the Chief Minister confirm whether, or not, he is going to support the Liberation 75 programme at the Weighbridge?

Senator J.A.N. Le Fondré:

As a concept, I think it is a fantastic idea and I look at it on 2 scenarios. So, it is caveated by understanding the traffic impact. The scenarios I look at are in terms of joining up 2 public spaces, one of which is definitely looking somewhat tired, so should be having some money spent on it. I think if you stand back and look at things like the marathon, like the food fairs, like the events on Liberation Day, you could create a fantastic space there. It is supported on the fact that it is effectively the first physical dividend - and bearing in mind a previous observation I may have made around the area - from the Finance Centre into that area of St. Helier. The caveat is always what does the traffic impact look like. Council of Ministers are getting a briefing I think - I cannot remember if it is at the next meeting, or the one after - and there will be an evaluation. As a concept, I think it is something we should be getting behind. What I will say is a point that was made to me earlier. There are people in this Assembly, who will either have been very young, or not born, possibly, well, maybe not, when Liberation Square itself was opened, or very close to it. I can remember the opening, I was certainly a lot younger in those days. Therefore, in my lifetime certainly the times have moved where Weighbridge Square was an oily patch peopled by buses. I cannot remember what Liberation Square was, although I think at one point it was a car park, and how much benefit that has produced. So, the question is: is the concept sufficiently visionary to approve facilities, again, bearing in mind what has happened over the last, I will say 30 years, that what the traffic impact is. We just need to be absolutely clear, although, obviously, the computer modelling has been done and I do support the principles of perhaps doing a trial, as has been alluded to by the Members, just so the public can see as well. I think it needs to be long term and brought in slowly so that people do have time to adjust.

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

There has been quite a lot of talk about the cannabis and the hemp and that has also been linked to tourism. So, I would just like to know from the Chief Minister if he can see a café culture, like they have in Amsterdam, of everybody sitting round in St. Helier, or in other parts of the Island, with big smiles and happy faces? **[Laughter]**

Senator J.A.N. Le Fondré:

I would absolutely support a café culture of people sitting around with big smiles and happy faces. I hope to an extent we have that already. However, I do not particularly support the café culture of Amsterdam. I did have a great fun event in Amsterdam some many years ago and at the end of it, it was interesting, it is the first time of any such events where somebody has stood up and said: "For all of those who have had stuff stolen, broken in and vandalised, please could you let us know." That is probably a bit of an assertion, but certainly, in that context, I think Amsterdam comes with a variety of problems. What we have been talking about is medicinal cannabis, not recreational, and bear in mind the other medical side, which I think is always this dilemma, is the issues around the purported relief that individuals find, versus the potential psychological issues that come out from ongoing exposure. So, at the moment, I act very closely on the advice from the Minister for Health and Social Services and that is where I am staying.

5.9.1 The Connétable of St. Saviour:

In that case, why is the word 'tourism' being added along with this, because I think one is endangering the other? The medical side of it is fantastic, but I do not like the idea of this tourism bit and this is making me wonder where I am going to vote when it does come.

Senator J.A.N. Le Fondré:

I must admit I had missed that point about it being referred to from tourism, although I understand it may have been an individual in the public realm, who alluded to it. As I say, from my point of view, I would not be supportive, for the various consequences I have alluded to. I think we have, overall, a very safe Island; a well-respected Island and, therefore, as I said, the arguments have already been rehearsed on the medicinal side. On the recreational side I think and I hope that is a long way away.

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

The Chief Minister will know that Cyril Le Marquand House has recently been added to the list of States-owned buildings which are empty. With the housing crisis that we have, it is vital that every empty building is used to its best potential to ease that demand. What plans does the Chief Minister have for Cyril Le Marquand House?

Senator J.A.N. Le Fondré:

Yes, I believe a point of correction, as I understand it, is that I.S. (Information Services) are not yet out of Cyril Le Marquand, so it still is partially occupied at this stage. There is a plan, I think they are due to vacate by May and there are onward discussions to remove Cyril Le Marquand House out of the property portfolio as soon as we can thereafter, with a view, ultimately, to it becoming housing.

5.11 Deputy K.G. Pamplin:

Would the Chief Minister confirm what topics of conversation he had with Lord Dubbs, who recently visited the Island, on the subject of child refugees and orphans?

Senator J.A.N. Le Fondré:

If I have got the time I will give it a wider discussion. I have known Lord Dubs since 2013, as has Deputy Lewis. Well Deputy Lewis has also known him through the British-Irish Parliamentary Assembly. It was not the first exchange I have had with Lord Dubs on this, or a number of other matters and it was a very productive discussion we had on the Friday. The summary position on child refugees is as follows. I have asked for a piece of work to be done and that was commissioned before Christmas. I have had the initial feedback, but, obviously, I want certain things to be finalised, including certain pieces of advice. The practical reality, which was one I expanded to within the conversation that we were having round the table at that point, which was to other Members who were present as well, is we have to recall the very poor state of our Children's Services and Mental Health Services. The issue we have at present - and this is the balance we are going to have to address - is that we know that our Children's Services are not presently in the right position to deal with even our own children properly and that includes the ones with serious issues. We are not yet in the state to deal with the potentially far more complicated issues that children of refugees would bring with them, even though that might not sit very well with us as individuals. What we need to do, therefore, is put a time limit in place for how long and that is why Members will need an update at some point as to where we are on Children's Services as a whole. As the Deputy himself will know, mental health is part of that package, effectively, in this area. Then we need to know how long that will take to get us up to a good position to be able to cope with the difficulties that our local children have. There obviously will be more that is coming through in the Government Plan later on in terms of resources that will need to go through, but it is not just a case of money, it is about getting people in the right place and getting stability, for example, in the social worker workforce, so that those relationships can be carried on a longer term and that is incredibly important.

5.11.1 Deputy K.G. Pamplin:

I thank the Minister for that detailed response. Can I take it one step further and say thank you for outlining the barriers and the complications, but will he give us a firm commitment to try and overcome them, so we can play our part providing shelter to orphans and refugees, who are caught up in circumstances not of their own?

Senator J.A.N. Le Fondré:

I was about to add something, but I realised I was not dealing with the brevity issue. One issue is: what do we have to do in the medium term to try and get to a point where we can then have that matter sorted out? The other point is: what can we be doing in the meantime? For example, I would rather not say then now - as I am always very cautious around headlines and false promises, effectively, or false hope - but to see whether there are some other things we can be doing as a minor improvement in our overall Island services that might then facilitate the overall improvement we need to achieve. I will stop there; I am very willing to discuss it with the Deputy privately.

5.12 Deputy R.J. Ward:

Would the Chief Minister extend his support to the young people, who are leading the way by striking every Friday to protect their climate and their futures? **[Approbation]**

Senator J.A.N. Le Fondré:

I would be in deep trouble if I did not, because I know at least one of the individuals, who, I think, is in the Royal Square from time to time. The Minister for the Environment and myself were discussing this yesterday.

5.13 Deputy G.P. Southern:

Does the Minister accept the findings produced in their report from the J.C.S.A. (Jersey Civil Service Association), Prospect, over public sector pay that since 2001 public sector earnings have fallen by 5.1 per cent, whereas private sector earnings have risen by 1.4 per cent? In comparing private with public, does he take this into account?

Senator J.A.N. Le Fondré:

I think, again, the Deputy alludes to one element of an overall package that we have to deal with. The overall package is that, since 2008, the world has changed and it was very much the case for some time thereafter, you either did not get a pay rise, or you kept your job. I think we have got to bear in mind that, since 2008, there was a major shift in employment patterns and in the financial consequences that reverberated around the world and Jersey was not exempt, or immune, from those impacts. Those reverberations still continue, to an extent. The other point I would say is that, again, the issue comes down to: how does the overall comparability of the public sector pay package, including pensions, but even looking on the civil servant side, the comparison to basic pay compared to the private sector? As we have identified, I think it is about 85 per cent of our employees are very well-positioned relative to the private sector. That is always the balance between addressing the needs of the 55,000-odd private sector workers versus the public sector workforce and that is the dilemma we are facing.

5.14 Deputy G.J. Truscott:

One of the strong recommendations of the Fiscal Policy Panel was to start rebuilding our reserves. I think they did recommend to the tune of £600-and-something million. Knowing that there is such a pressure on the public purse going forward, I am just wondering how the Chief Minister and his Government intend to achieve putting some money away, so to speak.

Senator J.A.N. Le Fondré:

Thank you for that question; Deputy Truscott loves making my life ... I am just acutely aware of the comments about the bridge last time around that generated headlines for quite some time. No, seriously, the F.P.P. report obviously only came out last week and we are digesting the implications of it. As I said, some of the economic assumptions are now being fed into the revisions for the Income Forecasting Group; that will feed into the Government Plan. The aspirations from the F.P.P. of increasing our reserves, again, is twofold. One is the impact on other economies they have

modelled, where a rainy day has occurred, shall we say. In other words, there has been a very severe financial impact and therefore what resources were needed? What they concluded is that we need to build up our existing financial resources, which are pretty good, but even further, because of the experiences of, I think, the 3 jurisdictions they allude to in their report. They also, obviously, make the point that in a time of what they consider to be economic growth, for now, that you should be running a surplus; not at the moment, we are projected to run a deficit. That fell into 2 areas, one of which was around being prudent on public expenditure and that will all come together in our deliberations over the next few months.

5.15 Deputy M. Tadier:

The Chief Minister said he was happy to see students striking for climate. Does he think that, in the future, it might be possible to combine the teachers striking every week with the students striking for climate change and we could move to a 4-day week and perhaps reduce emissions at the same time?

[12:00]

Senator J.A.N. Le Fondré:

With my tongue firmly in my cheek, I am sure if politicians stopped asking me so many questions, our emissions would reduce very rapidly in terms of output and we would get on and do some work. But, no, joking apart, I think the Deputy very cunningly tries to mix 2 very distinct matters and obviously the matters for environmental and climate issues are something that is regarded very significantly on a global basis and what that impact may, or may not, be on this Island and how we deal with that and I think we should not mix the 2.

5.16 Deputy K.G. Pamplin:

Will the Chief Minister agree to meeting me and the Minister for Health and Social Services for a visit to Orchard House to see the current state of the facility?

Senator J.A.N. Le Fondré:

I am always happy to meet the Deputy and the Minister for Health and Social Services. Yes, it is not a problem. It is a while since I have been on a similar visit, I should hasten to add, around Orchard House of at least 10 years ago and so I would be interested to see what the position is now.

5.16.1 Deputy K.G. Pamplin:

Just a quick supplementary. Given that you have not been for a long while, can we make that a matter of urgency, please?

The Deputy Bailiff:

Yes, I am sorry, did you answer that?

Senator J.A.N. Le Fondré:

Yes, I did nod at that. I would add, it probably would also be useful to have the Minister for Infrastructure, who does obviously have responsibility for the property portfolios, in attendance.

The Deputy Bailiff:

Very well, that brings the question time for the Chief Minister to an end. The Bailiff has approved an urgent question, to be asked by Deputy Labey of the Minister for the Environment.

6. Urgent Oral Question

6.1 Deputy R. Labey of the Minister for the Environment regarding possible water pollution breaches emanating from the Horizon construction site: [UOQ.1/2019]

Will the Minister update the Assembly on investigations into possible water pollution breaches, emanating from the Horizon construction site on the Waterfront and provide information on the results of toxicology tests on water samples?

Deputy J.H. Young of St. Brelade (The Minister for the Environment):

I thank the Deputy for this important question. Obviously, I am constrained in what I can say, but what I can say on the record, a full investigation is currently underway into an alleged breach of the Water Pollution (Jersey) Law 2000 at the Horizon construction site on the Waterfront. The investigation is being led by the environmental protection team and that followed the first call to their hotline, which is the normal route of notifying pollution incidents, which was received on 21st February. Obviously, as we have seen in the media, every high tide of a certain dimension has continued that exposure to that risk. Both myself and the officers that support me, we do need to follow the protocols that are required of us for any investigation of alleged criminality, which are set by the Attorney General. Obviously, I am conscious that if we were to fail to do this, it could threaten the integrity of that investigation and may prejudice our position if any case did come to the court. Therefore, I regret that, at the moment, I am not able to give details of the results of that testing, or the information being obtained as a part of it. But what I can say is that the incident is being treated as extremely serious by the officers, it is top priority. They have visited the site on many occasions, obtained relevant evidence physically and in witness statements. A case file will be prepared and forwarded to the Attorney General's officers, as required under the protocols. I can assure Members that the officers are dealing with this appropriately under full and due process. As soon as I am able, I will update Members with more detail.

6.1.1 Deputy R. Labey:

Until charges have been brought, the Minister is at liberty to tell us and the public - and there is considerable public interest in this - if a pollution incident has occurred and what was the scale of that pollution, what were the results of the water samples? Until charges have been brought against an individual, or a corporation, or a company, he is at liberty to give that information. I will check with the Solicitor General, if I may, but the public deserve to know. It is on a public tip-off that this started and they deserve to know if a pollution incident has indeed occurred. Not who is responsible, but if one has occurred.

Deputy J.H. Young:

I would be happy to hear from the Solicitor General, if I could, after. My answer that I have just given is based on the advice that I have received from professional officers that I have no reason to doubt. What I can say is that I get frequent reports, as Minister, of where contaminant materials have been detected in water in the Island. For example, the small team, it is quite normal for them to follow up such reports - and there are very sophisticated testing regimes - but interpreting those results can be really quite complex scientific matters. Obviously, I am not an expert in the matter, but I imagine that whether or not an incident crosses a line as far as exceeding pollution limits and in accordance with the circumstances, I would not be able to say. I would want to look at the detailed evidence for him. I accept it is an unsatisfactory situation. I do not like that. One of the things I want to do and I have asked the officers, is that in future, all of the detections of contaminant materials in water, I want to have those published regularly. So, for example, I can tell the Deputy, I have got a list here, which I received this morning - bearing in mind, I only got his question at 8.30 a.m. this morning - of the 81 incidents that have occurred from 1st January, so far, this year. Those levels in those reports are named and the contaminants and all of those are currently subject to follow up and investigation. But this one, obviously, has been given very top priority, and it is *prima facie*, it does look as if it has got to be regarded as a potential case for reference to the Attorney General. Perhaps I can ask the Solicitor General to confirm ...

The Deputy Bailiff:

Well, no, I am afraid not. This is effectively a question that is to be treated as an ordinary question and there is no facility for asking for advice from the law officers during question time, which in effect this is.

6.1.2 Deputy M. Tadier:

It is worrying to hear about the 81 cases that the Minister cites, because there is an environmental cost to those cases and those incidents of pollution, but there is also an economic cost, which somebody has to pick up. I would be very interested to find out whether, or not, the polluters ultimately are the ones who pay, or whether it is the public who pick up that bill. With that in mind, is the Minister minded to bring forward an overarching ecocide law as exists in other countries, which deals generally with matters such as the destruction of flora, fauna but also the poisoning of air and water courses and resources, so that we can move forward on this very important issue?

Deputy J.H. Young:

I think the Deputy is absolutely right to put the incidents of what is taking place at the Horizon development in the broader context of environmental pollution. There is no question there is a significant issue about how we are regulating pollution incidents. I refer to that list of 80, there is one on those, which is an extremely high level, which has received publicity. The others do look as if they are within normal bounds of detection. This information is regularly produced by Jersey Water. Jersey Water, I think as was said in earlier questions this morning, do have a commitment to do monitoring of about 30-odd stations around the Island and report their detections. Those detections are important, because that sets the regime they have to do to extract these pollutants from our drinking water. I think this is the information, the 80 of those incidents, they are either in streams, or affecting reservoirs and so on. I do absolutely agree that there is a gap in our legislative base and so, last week, I was very fortunate to go on holiday out of the Island to Iceland and I discovered about the regime they have there, which is similar to the sort of legislative base that the Deputy has proposed. We do not have that in Jersey. We rely on individual laws and in this case, obviously, it is the Water Pollution Law; therefore, in terms of dealing with that, we have to focus on exactly what the powers are in the law, what the rules are, but nonetheless there is, in my view, a strong case for an overarching regime. I will say, while I am on my feet, Jersey Water have sent me a letter, expressing concern that the Water Plan that was produced between the previous Minister and the Jersey Water company in 2016, which highlighted this importance of more resources being put into water quality in catchment areas ...

The Deputy Bailiff:

Minister, you are well over the 90 seconds normally allocated for an answer. I have allowed you to take rather more time in the light of the fact this is an urgent question, but if you could bring your answer to a close on this particular one, because there are a number of other Members who wish to ask and there is a limited time available to us. Very well, I am allowing more than twice the amount of time that has been allowed for the other individual questions, because of the nature of this question and that I think will allow me to call on Deputy Morel, Deputy Higgins, the Deputy of St. Martin, the Connétable of St. Brelade and Senator Ferguson before reverting for a final supplementary. But that is the ...

Deputy R. Labey:

Before you do that, Sir, could I respectfully challenge your ruling on not asking the Solicitor General at this juncture? This is an item of considerable public interest. We got a statement last night from the Communications Unit, which was wholly unsatisfactory and posed more questions than it answered. Thankfully, the Bailiff allowed me to ask this urgent question, so that we could question the Minister on this and I think the Minister should have voluntarily come to this House on such a topical issue of public interest with a statement, so that we could ask questions on it. We just have

one question for the Solicitor General. Deputy Young is happy for me to ask it and it is just this: as no charges have been laid yet, is the Minister at liberty to explain the extent of any pollution that has occurred?

The Deputy Bailiff:

I am sorry, I appreciate the reason that you ask me to vary my ruling. It has been the consistent ruling of the Presidents of the Assembly that legal advice cannot be sought during the course of a question. If that were not the case, then legal advice could be sought during all of oral questions and we could end up with a lot of supplemental questions being asked of the law officers, to test the legality, or the legal force, of answers. So, I do not think I am in a position to vary my ruling, Deputy.

Deputy R. Labey:

I do not suppose you, as the President in the Chair, would care to answer my question?

The Deputy Bailiff:

No, I am sorry, that is not on offer. Thank you very much indeed.

6.1.3 Deputy K.F. Morel:

I am obviously aware of his department's decision not to say anything about the incidents, because of the criminal investigation; is the Minister in a position to assure this Assembly that, regardless of that criminal investigation, if any dangerous pollution has been detected, or is soon detected, that the appropriate mitigation and protection measures are being put in place, to ensure that the marine environment no longer suffers from any pollution that the Horizon development may have caused?

Deputy J.H. Young:

Thank you, a good question. When the first incident was brought to my attention, I did ask the officers about what mitigation measures were being done. I do understand they have agreed with the constructors that certain actions are being taken, including, I understand, the inclusion of geotextile material and engineering measures to mitigate that. I cannot say whether that has been successful, or not, but I have to say I have certainly expressed concern that if those measures were not in place before, I think that is part of the matters that I would expect to see covered in the investigation, because the planning consent would have had a requirement for an environmental site management plan and there should have been compliance with that site management plan. It is obvious that site is a known source of contamination, it is known that the high tide comes throughout that site every day and anybody doing any construction below ground was obviously going to hit these problems and, therefore, there should have been those measures in place. Whether, or not, they were in place at the start, I think that is something which is subject to the investigation, but I am now advised that those measures are being put in place, albeit it does appear retrospectively. But I am afraid, if there has been contamination into the marine environment that contamination has happened.

[12:15]

6.1.4 Deputy M.R. Higgins:

The Minister has mentioned some figures that he had. Does he now have all the figures that I have requested in my Written Question 23, which should be circulated to States Members immediately, if that is the case?

Deputy J.H. Young:

Yes, I thank the Deputy. I was embarrassed when I saw the draft answer to the Deputy's written question, where the Deputy has asked for details of all incidents over the last 10 years: what pollution was there, what was its strength, what action was taken and who was responsible? Of course, that has involved a lot of work and I was told we are simply not able to do this in a couple of days, because

it means diverting resources away from the people who are dealing with the investigation of these incidents and doing a lot of retrospective work. So, I did ask the Deputy for more time; I left him a message to do so. What I can give him this morning - and I am happy to make this available to Members - is the list I have received of the 80 incidents over the last 3 months. But, as I promised in the answer, all the information will be available and available as soon as possible and circulated widely.

6.1.5 The Deputy of St. Martin:

Eighty-one breaches are 81 breaches too many, but I am sure the Minister would agree with me that the detection equipment used to detect these chemicals is for ever improving and the breach levels are for ever reducing. However, my question is this: will the Minister agree with me that the drinking water supplied by Jersey Water will be and is always safe to drink?

Deputy J.H. Young:

Yes, I am grateful for the Deputy's clarification. Obviously, the 80 incidents that I have talked about is where the monitoring regime has detected materials in the water supply and they are the materials where there are limits in place. Lots of things are changing, as I am discovering. For example, looking on this list of the 80, a lot of them are a substance called oxadixyl, which was banned a very long time ago and yet it is still there. These materials stay in the ground. So, that is what I meant, I think, when I said it is a 'scientific matter', but I assure the Assembly that as far as drinking water through the main supply is concerned, that is safe to drink. The law on the potable drinking water limits apply to that and Jersey Water work extremely hard to make sure those are complied with and I am very satisfied with that. What the Jersey Water have asked us for is more investments of the States and that was the matter I got shortcut on. We are still without a water catchment area that we have been waiting for for 3 years, which is stuck in the chain of financial approvals under this new target operating model. We can have management changes, but we cannot seem to get water catchment officers resources.

6.1.6 The Connétable of St. Brelade:

Yesterday, all States Members were invited to a presentation by the S.o.J.D.C. (States of Jersey Development Company) and some did attend. We received an informative briefing, which included the matter of pollution down at Horizon. There seemed to be some doubt over the benchmark levels of the pollutants down there. Would the Minister be able to advise Members if he is aware of what the benchmark levels are and, in fact, if he is in discussion with S.o.J.D.C. on this, so that the matter can be resolved as soon as possible?

Deputy J.H. Young:

Generally, the practice has been to follow E.U. limits and I cannot tell the Connétable what those limits are. What I will undertake is to make that available to Members and circulate that, but, of course, it depends on what contaminants are found. At the moment, the lists are extremely long; pretty well every substance now has got a limit on it. There are 2 possibilities: we could wait for the further information and then, hopefully, we will be able to publish it, or I will make available the information generally on E.U. limits, which is what we tend to follow.

6.1.7 Senator S.C. Ferguson:

I understand that planning conditions, restrictions and licences only apply when construction either begins, or reaches a certain point. Will the Minister examine the procedures for planning conditions for work in this sort of area and make sure that it applies from the minute a shovel is put into the ground?

Deputy J.H. Young:

I asked the department: were planning conditions specifically in place to deal with pollution on this site? The answer I got is that there was in place a site management plan and there should be general compliance with that and so, as part of the application, this should have been specified in there. What the planning system has relied upon is the controls in other laws, in this case the Water Pollution Law, which is why the investigation is taking place on that. I think we can upgrade environmental impact assessment processes and we can always improve the processes for dealing with applications. But I think one has got to be proportionate, because one does not want to impose very onerous regulatory regimes on a blanket basis affecting all minor and household types of developments. I think what I have said, I want to see more sophistication where there are these risks - and this site is one - and more in-depth procedures and not introduce on a blanket basis, but I will undertake to have that followed up.

6.1.8 Deputy R. Labey:

What communication, if any, in terms of advice, or information, has been shared with marina users, or other departments on what they may have been exposed to?

Deputy J.H. Young:

I am sorry, I do not know. I suspect the answer is, because we have not been able to publish, none. I think it is obvious from the dreadful pictures we have all seen and the press reports that certainly, hopefully, nobody would be ... people do not drink sea water, anyway, but obviously in terms of catching fish from there, I do not know. I am sorry, I cannot answer that particular point.

The Deputy Bailiff:

Very well, now that brings us on to Statements on a Matter of Official Responsibility. Two statements have been notified. I am in the hands of Members. The first would be a statement made by the chair of the Brexit Review Panel and there would automatically then follow a 15-minute opportunity to take questions. It seems to me that it would not be convenient to have the statement and then the questions deferred until after luncheon, but I am in the hands of Members: either that we can adjourn now, until 2.15 p.m., or, alternatively, we can deliver the first statement, followed by a question period and then finish ...

Deputy R. Labey:

I was going to propose the latter suggestion you made.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Deputy Bailiff:

Well, it seems to me that that is a perfectly valid way of going forward; therefore, we now come on under K the Statements on a Matter of Official Responsibility and the first statement is being made by the chair of the Brexit Review Panel.

7. Statement by the Chairman of the Brexit Review Panel regarding its Brexit Readiness Report

7.1 Deputy K.F. Morel (Chairman, Brexit Review Panel):

Just before making this statement, I want to say I asked to make the statement in order to reassure Members of the scope of our work and its findings. Since being reconvened after the 2018 election, the Brexit Review Panel has focused its work on the Government's preparedness for a day one no-deal Brexit. As it stands, it is still far from clear as to whether the U.K. will exit the E.U. with, or without, a deal, nor what the precise nature of its consequential implications for Jersey will be. The fact that such enormous uncertainty still remains so long after the triggering of Article 50, confirms

that the Island's Government was right to prepare for the worst-case scenario of the U.K. leaving without a deal. Over these last months of work, the panel, which consists of the Scrutiny chairs sitting alongside 2 non-executive States Members, the Deputy of St. Mary as vice-chair and Deputy Higgins, has conducted public hearings with Ministers, received briefings from officers, examined documents and corresponded with departments, all with the aim of assessing whether the Government's preparations are likely to be sufficient to deal with the level of disruption that could potentially be caused by the U.K. leaving the E.U. in a sudden and disorderly fashion, as is expected in the event of a no-deal Brexit. In undertaking our work, we were particularly keen to focus on the preparations being made to ensure the health system and vital supply lines would be protected from the effects of a no-deal Brexit and so able to continue providing medical services, food and other vital goods to the Island. We have also investigated issues surrounding border control, policing and the introduction of the settled status scheme. Overall, we have found that the Government's preparations have struck the right balance between understanding the risks presented by Brexit and preparing for them in a manner that does not create excessive costs, or disruption to existing ways of working. Preparing for Brexit has, however, already cost Jersey millions of pounds of taxpayers' money and if the U.K. does eventually leave the E.U. with a deal, some of this money and the preparations it has paid for will go to waste. The panel is satisfied that this has been an unavoidable consequence of the U.K.'s decision to leave the E.U. and that the Island's Government has tried to ensure that the potential for such waste is minimised. The deep uncertainty, caused by the triggering of Article 50 and the U.K. Government's handling of negotiations has meant it is impossible to be fully prepared for all of the consequences of Brexit, but the panel is in no doubt that the Government's response has been methodical and logical. Risks have been assessed and appropriate responses have been found to mitigate them. While we are all waiting in anticipation of the final outcome of the Article 50 process, we must not see the U.K.'s eventual exit as the end of the Brexit saga. It will, in fact, be just the beginning. It will be in the weeks and months after Brexit that the least likely, but most disruptive, risks could come to pass, so it is crucial that the Government is alive to them and is ready to act quickly. For this reason, the panel has recommended that the Brexit Ministerial Group should, at a minimum, meet on a weekly basis, in order to make a continuous assessment of the Island's situation and to be in a position to offer immediate responses to a potentially fluid situation. We have also recommended that the Government continues to work with the fishing and aquaculture industries to seek a solution from the French Government to the problem of border inspection posts. If unresolved, this issue could cause significant damage to an important business sector. In terms of being able to go about our work, as a panel, we were pleased with the access afforded to us by the relevant departments and the general willingness among officers and Ministers to provide us with evidence and answers to our questions. With this in mind and on behalf of the panel, I would like to thank those Ministers and department officers who have enabled us to undertake our review. I would also like to express our sincere gratitude to the Scrutiny Officers, who have supported us so diligently in our work. Personally, I would also like to thank my fellow panel members for their excellent work and dedication throughout the review. As I speak today, we still do not know the manner of the U.K.'s exit from the European Union. What we do know is that the Island is as well prepared as it is ever likely to be and that we must all be ready, as committed members of our Island's community, to continue working together, with all Islanders, to ensure that Jersey emerges from Brexit stronger than ever and ready to make the most of those opportunities that lie ahead. **[Approbation]**

The Deputy Bailiff:

There now is a period of 15 minutes available for questions to be put to the speaker. Does anyone wish to ask any questions?

7.1.1 Senator J.A.N. Le Fondré:

I could not resist the ability to ask the Deputy a question in his capacity as a chair. But he will be delighted, as I hope it is a very easy question, which is: would he join me in commending the work

of the high-calibre team that we have in place, who have been dealing with all the work on Brexit for the last, I will say 2 years, but if not longer ... in fact, longer, because obviously they were well prepared to issue a position statement on Jersey, I believe, on the day after the vote. **[Approbation]**

Deputy K.F. Morel:

Absolutely and that is one reason why I alluded to that in my statement. The manner in which the department has gone about liaising with Scrutiny and the reason I put it in the statement, I believe shows in itself that they have been prepared from the beginning and they did not feel they had anything to hide and, as a result of that, were able to work with us very closely. Yes, from the word go, I think Jersey has approached this in the right manner.

7.1.2 Deputy G.J. Truscott:

I would like also to congratulate the Deputy and his panel for an excellent piece of work. I do recall when Robin Walker, the Undersecretary of State, came to the Island, probably about 18 months ago, and I did ask him, my concern was that it would be so important for the confidence of the nation and Europe that Brexit should be delivered on time, because if it is not delivered on time, the uncertainty can cause a great deal of disruption in the economy.

[12:30]

Notwithstanding that, our Fiscal Policy Panel have recommended that we build our reserves to defend Jersey from the threats that Brexit may present. Does the chair agree with that view, that we should build our reserves?

Deputy K.F. Morel:

It is an interesting way to put me in the Minister for Treasury and Resources's seat, very briefly. I believe that it is right to prepare for poorer times and harder times. The difficulty at the moment is that the uncertainty, created by Brexit, in itself creates the potential for a tough time to be right on our doorstep. So, whether now is the right time to start adding funds to the reserves, I do not know, and I will defer to the Minister for Treasury and Resources' decision on that.

7.1.3 Deputy H.C. Raymond of Trinity:

There is some confusion with regards to port status. Our only access point is to St. Malo, but I gather that St. Malo is not deemed to be a port. At the present time, with the information that we are being given with regards to animals, we have to take them to Brest, or Le Havre. That was as of last week. I just wanted clarification, because there are quite a few people on the Island that have horses/donkeys/ponies that are taking animals to Europe, which at the present time they have been told that they cannot go through St. Malo, because they do not have the appropriate documentation to deal with them. Can I just ask that question, if that is clear?

Deputy K.F. Morel:

Yes and for the full definitive answer, I would refer you to the appropriate departments, in this case the Environment Department, or even the External Relations Department. But, it is our understanding, we did ask about this, is that unfortunately one of the consequences of Brexit is that animals, as soon as Brexit occurs, Jersey will be treated as a third country and domestic animals will have to go through a much more onerous process, which will last about 4 months, before they are then able to be shipped to France. So, any people who previously, before Brexit, took their animals regularly through the passport system, they will not be able to use that anymore and they need to be aware they will have to start making preparations, at least 4 months in advance of their departure with the animals to France.

7.1.4 Deputy J.H. Young:

In sharing with the chairman of the panel and in the Chief Minister's comments, which I fully agree with, the tremendous efforts made by our civil servants, who are often criticised unfairly, would he agree with me that many of those members of our team have had to go the extra mile and work unpaid hours and considerable disruption having to try and do their day jobs while they were doing investigations and support for the Brexit Unit? Would he agree with me that that is something which needs to be significantly recognised? Also I put the question, obviously none of us knows what now happens, how long is that position sustainable in the future where we can put people under pressure to do 2 jobs effectively and give up all time, obviously unpaid?

Deputy K.F. Morel:

I reiterate my gratitude and, yes, I do congratulate all the teams that have been involved in Brexit on the work they have done over the past 2 years. How long that situation can go on, I do not know. Unfortunately, the U.K. is inflicting this upon us and, to be honest, ask Theresa May how long it can go on for, because she is the only person who can probably give you that answer.

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

I thank the Deputy for his assurances. I do have one question. In paragraph 3, the Deputy says the panel 'examined documents and corresponded with departments, all with the aim of assessing whether the Government's preparations are likely to be sufficient'. Has the Deputy and the panel seen some of the doomsday scenarios that we are hearing in the U.K., if they leave with no deal: millions falling off the accounts, people not being able to trade, businesses leaving overnight? Has the Deputy seen any of this and could he comment on it, if he has?

Deputy K.F. Morel:

Thank you for the question. Yes, we have seen documents in terms of risk assessments that are absolutely focused on those worst-case scenarios. We have seen them from various departments, including Home Affairs - I do not know why it has just gone from me - and others. Excuse me for forgetting my words for a second; the Health Department being a very important other one. We were satisfied that they have those doomsday scenarios in their minds in their planning, but, obviously, you cannot plan to pay for all of that right now, which is why I was saying risk mitigation is all about the probability of things happening. We believe they have gone the right way about that. So, yes, we have seen those risk assessments regarding those scenarios.

The Deputy Bailiff:

Does any other Member wish to ask questions of the chairman? Very well, that brings questions to an end. We are now past 12.30 p.m., does the States wish to adjourn until 2.15 p.m.?

Senator L.J. Farnham:

I would like to suggest we keep going with the next statement and work on towards 1.00 p.m.

The Deputy Bailiff:

Well I am in the hands of the Assembly. Standing Orders require I ask at 12.30 p.m., but it is up to the Assembly whether we go ahead. Do I take it the mood of the Assembly is to continue with the second statement? Very well, there is now a statement to be made by the Minister for Home Affairs. Minister.

8. Statement by the Minister for Home Affairs regarding the Justice and Home Affairs Target Operating Model

8.1 The Connétable of St. Clement (The Minister for Home Affairs):

On 4th February 2019, the Department for Justice and Home Affairs published a draft target operating model, which set out a number of proposed structural changes. This included changes to the States of Jersey Police, the Customs and Immigration Service, Ambulance Service and the Fire and Rescue Service. These changes aimed to enable greater collaboration and co-operation between the services, to facilitate better gathering and sharing of information and intelligence, as well as promote more efficient and effective use of resources. The department consulted on this between 4th February and 6th March and received over 200 responses. I have been closely involved throughout the process. I have had regular meetings with my senior officers in the department, I have met with staff in the services affected and I have seen and considered all the responses to the consultation. It is clear to me that the staff in these services are engaged, open to change and keen to contribute to improving our front line services. It is also clear that there was concern about some aspects of the proposals. As you would expect, we have listened carefully to all the responses and have made important changes accordingly. I am personally grateful to everyone who took the time to engage in the process. The changes proposed combining the chief of police and the head of customs and immigration into a head of law and border enforcement. Concerns were raised about the size and scope of the role, the role title, perceived threat to police independence and potential conflicts between the role of the Agent of the Impôts and the chief of police. Concerns were also raised about a perceived erosion of the culture and identity of the Customs and Immigration Service, because many of the services it delivers are not related to law enforcement. I have considered these issues in detail and have decided to keep the 2 roles, chief of police and head of customs and immigration, separate. **[Approbation]** However, these services will continue to forge closer working relationships on law enforcement matters. The changes also proposed combining the chief fire officer and the chief ambulance officer into a head of fire and ambulance. Similar concerns were raised about the size and scope of the role, especially the potential impact on clinical leadership and oversight of paramedics. Again, this has been considered in detail. We will continue to combine the fire and ambulance services, because it will deliver operational benefits. However, in conjunction with the Health and Community Services Department, we have decided to create a new head of ambulance partnerships and health emergency planning. This role will sit in Health and Community Services. It will have the same seniority as the current chief of ambulance, it will provide clinical direction for the ambulance service, professional clinical oversight for ambulance colleagues and responsibilities for the Health and Community Services Department. These and other changes will be set out in more detail when the final model is published in the next few weeks. I do believe that these changes to the model have addressed the concerns that have been raised. I am pleased to say that these changes are broadly supported by the current heads of service. I would like to thank everyone who has engaged in this process, including the Education and Home Affairs Scrutiny Panel, the Deputy of St. John, Deputy Wickenden and the Connétable of St. Lawrence. Following my final approval, I will be taking these proposals to the States Employment Board on 9th April. We will then set in train the recruitment processes and bring forward for debate proposed amendments to the relevant laws as soon as possible. **[Approbation]**

The Deputy Bailiff:

There is now a period of 15 minutes in which questions can be asked of the Minister.

8.1.1 Deputy S.M. Wickenden:

I welcome the changes to the target operating model, regarding the chief of police role and thank the Minister for taking the time to listen to my many concerns over the last few months. Could the Minister please confirm that in the new, now final, proposed target operating model for the States of Jersey Police, that the chief of police, nor any of the senior officers, or their functions, have had their reporting lines directed into the senior management team of the Justice and Home Affairs Department, rather than to the senior management team of the police, as required under Article 17(1) of the States of Jersey Police Force Law, which states: ‘The chief officer has the command, direction and control of the States of Jersey Police and of each of its police officers’?

The Connétable of St. Clement:

Yes, I am absolutely pleased to confirm that. As I have said to many questions, I have been asked on the subject in this Assembly, the independence of the police chief and the operational areas of the States of Jersey Police are absolutely paramount. The reporting line for the chief of police, when he is appointed, which hopefully now will be in the next 2 or 3 months, will be direct to the Jersey Police Authority and to the Minister, as required by the law. Clearly, there will be communications and liaison with officers in the Home Affairs Department, for corporate and governance matters, but the operational independence will be through the Police Authority and through the Minister, as required by law.

8.1.2 The Connétable of St. Lawrence:

Similarly to Deputy Wickenden, I welcome the developments that I have taken from the Minister's statement today. I am pleased that some sensible changes have been made to the model, albeit that I still do have some concerns, which I will cover in detail during my amendment to P.24/2019. But I understand that the target operating model was worked on with the services of consultants and I would like to ask the Minister how much his department has spent on those services.

The Connétable of St. Clement:

Sorry, I do not have that information with me, but I will obtain it for the Constable.

The Connétable of St. Lawrence:

I would like to ask that the information is shared with all Members and not just with me, without Members having to ask individually, please.

The Deputy Bailiff:

That was a supplemental question of you, Minister.

The Connétable of St. Clement:

Yes, we will make sure that is done.

8.1.3 The Deputy of St. Martin:

The Minister is clear that he will not be combining the roles of the chief of police and the head of customs and immigration, but he is less clear on his proposals of combining the chief fire officer and the chief ambulance officer. I wonder if he could clarify that. In the frame of using the words 'efficient and effective', could the Minister also explain the reason behind creating a new head of ambulance partnerships, on top of those already existing?

The Connétable of St. Clement:

The new role in Health and Community Services is to ensure proper, professional clinical governance on the medical side of the ambulance service. The combined role is going to drive co-operation and co-ordination between the 2 services. It is going to promote more efficient and effective use of resources, training, buildings, vehicles and the individuals themselves, who will be working closely together. Firefighters are already medical first-responders and they will be able to develop their own skills in that area and perhaps respond to medical situations, where a full ambulance crew is not particularly needed. But, also, the ambulance staff themselves, the paramedics and their technicians, they can develop their careers too and there will be a greater career path for them. Can they, perhaps, be involved in rescues, which are currently the domain solely of the fire service? This is the sort of thing that we are looking to improve: co-operation, co-ordination and services to the public throughout the 4 services.

[12:45]

Connétable K. Shenton-Stone of St. Martin:

My question has been asked by the Deputy of St. Martin, so it must be something with the telepathy of us who live in St. Martin.

8.1.4 The Deputy of St. John:

I would like to thank the Minister for this contribution to the overall discussion, because it is a fairly major contribution. I would like to, of course, see the new proposed target operating model, before I can make a final judgment about the effect it is going to have. What I would like to ask the Minister if possible is: what risk assessments have been undertaken, across the services, to satisfy him that the new model is the correct model? Will he provide copies of those risk assessments to all Members of this Assembly?

The Connétable of St. Clement:

I do not have risk assessments *per se*, in the traditional sense, but what I do have, which is most encouraging and which is very important to me - and this would not happen if I did not have it - is the support of the officers, the fire chief, the police chief, the ambulance chief and the chief of customs and immigration. They are the ones at the front line, they are the ones who are going to have to make that work. But it is not only that, it is the staff working underneath them. I have had meetings with those too and I have been so encouraged, so encouraged by the conviction of these people to want change, are willing to make change to improve the services to the public. But they are so proud of the services that they provide to the Island. It really has been - I do not know so much of an eye-opener - but it has really been very heart-warming to meet these people, to understand that they want to get involved with this process to make things better. It really has been extremely encouraging.

8.1.5 Deputy R.J. Ward:

First of all, could I just reiterate the point made by the Deputy of St. John about seeing the new target operating model and perhaps it should be presented again to Scrutiny, given it has changed. In your statement you say that you are pleased to say that the changes are 'broadly supported by the current heads of service'. Can you expand upon what you mean by 'broadly supported' and perhaps highlight any areas that are not supported by current heads of service?

The Connétable of St. Clement:

Yes, absolutely. To be clear, the chief of police and the head of customs and immigration support keeping these roles separate and they support working more closely together. The chief ambulance officer and the chief fire officer support combining the roles and creating the new role that I have spoken about in Health and Community Services. Of course, there are other details which are going to have to be sorted, as time goes on. The police, for example, in their response to the consultation, they wanted us to have, not only a police chief, but a deputy chief officer and I can understand that. But I say, I do not know if that is the right structure today for the States of Jersey Police. Do they want the hierarchical model, or do we want a flatter model? But I tell you what, I will not make a decision on that until the new chief of police is appointed and let him have a major say in what the structure of his police force is going to look like. **[Approbation]** I think that is absolutely vital. There are concerns about the Business Support Unit and that is going to be so helpful, I think. It is a new model, so people are a little bit nervous about it. But I was with the acting deputy chief of police and the acting head of customs and immigration only yesterday and they were talking about a new computer model, a new computer system, to help in crime detection and investigation and they are saying they cannot afford it. But together, with the Support Unit providing the resources, perhaps we can and that alone will improve the services that we offer to the public. I really think the operating model, in my mind, is no longer a target operating model, it is an operating model and, of course, we will share everything with Scrutiny, as Deputy Ward has asked, but it is a living thing. It is going to change, it is going to adapt, it is going to move on. You put all these people in place and you find

that is not quite right. We need to, in the light of experience, move something. But the principles and bases are there and, as I said, I am really so encouraged and excited for the future of these services.

8.1.6 Deputy M.R. Le Hegarat:

What guarantees will the Minister give us that by amalgamating the fire and ambulance services that that will mean no reduction in staff?

The Connétable of St. Clement:

I am pleased to say that the operating model, as it is now in my mind, there will be no redundancies, whatsoever. But, I said before, if any one of the departments makes a robust case for increasing staff, then I will listen to that and if they are able to convince me, I will fight for that. No question about that. But there is no room, in my view, for any reduction in our front line services.

8.1.7 Deputy R. Labey:

I just wondered why the coastguard have been ignored. The coastguard are an enforcement body, they should not be subject to control by a commercial quango, should they?

The Connétable of St. Clement:

Do you know what, that is the very question that I have asked. One of these days it is something which I think that the coastguard should be involved directly with our emergency services. [Approbation] But I think there is a lot of work to be done on that. I was in Guernsey a few weeks ago and I was in their combined control room, which did include the coastguard. So, it is something which we will be looking at in the longer term. Also what I want to see in our joint control room is a mental health professional, who will really help the police, as well, for the work they have to do in that area.

8.1.8 Deputy K.F. Morel:

I was just wondering if the Minister had, or would share any concerns about the director general who brought these ... the person who brought the target operating model forward and appeared to have such a gung-ho attitude towards the importance of legislation, when he laid out those plans. I was just wondering if the Minister could respond to that.

The Connétable of St. Clement:

I do not recognise the director general, as described by the Deputy. The director general is well aware, as are all the civil servants in the department and I, that any legislative changes which will be required by the new model have got to be approved by this Assembly before they can be implemented. I have said that in this Assembly a number of times. As I say, I do not recognise the description of the director general, as made by the Deputy. I do think it is unfortunate sometimes - no, I think it is always unfortunate - when members of the civil service, who have got no right of response, are criticised in this Assembly. [Approbation]

8.1.9 The Connétable of St. Lawrence:

I understand that the Minister's department has committed to find savings from the department of £500,000 and I wonder if the Minister will advise us how that commitment is reflected in these changes.

The Connétable of St. Clement:

I am afraid that the Constable is a little bit out of date. We are looking for savings in the Government Plan - looking for, not confirmed or committed yet - to something over £600,000, of which £400,000 would come from the target operating model, another £200,000 from efficiencies in other parts of the service.

8.1.10 The Connétable of St. Lawrence:

Will the Minister explain how the £400,000 impacts upon the running of the department and the 4 services?

The Connétable of St. Clement:

Yes, through efficiency savings, by staff savings at management level, by combining the resources throughout the various services, including the business support model.

The Deputy Bailiff:

Deputy of St. John, there is a little under a minute left.

8.1.11 The Deputy of St. John:

Firstly, I would like to ask the Minister if he would provide the detail of the consultations he had with the staff and with the organisations involved in Justice and Home Affairs, as he has already promised to do so to the Scrutiny Panel. Secondly, he mentions, by inference, an amalgamation of roles within fire and ambulance and that concerns me, because coming from a background, a military background, you would always keep your ambulance personnel in reserve. You would not expose them, if at all possible, to risk, because they will not be there if they are the casualties ...

The Deputy Bailiff:

I am sorry, Deputy, you have asked over the time. We are now out of time.

The Deputy of St. John:

It is fine, I think I have made the point.

The Deputy Bailiff:

Well it was supposed to be a question, Deputy, not making a point.

The Deputy of St. John:

I was going to ask him to reassure me that ...

The Deputy Bailiff:

Well, I am afraid we are now out of time and so it will have to go unanswered. Very well ...

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is called for. The States stand adjourned until 2.15 p.m.

[12:55]

LUNCHEON ADJOURNMENT

[14:17]

The Deputy Bailiff:

Before the luncheon adjournment, Deputy Perchard raised with me a matter under Standing Order 12(2)(a), which provides that a Member, who gives a written answer to a question, must give an answer that is directly relevant to the question asked. She asked me to consider whether the answer to Written Question 168, answered by the Chief Minister, falls foul of that particularly provision within Standing Orders. If I am of the opinion it does, then I would be directing the Chief Minister

to file an amended answer. The question asks, in 3 paragraphs, for 3 particular items of information, specifically what consultation in respect of certain changes there has been, what statistical methods have been used to measure a person's economic benefit and what statistical methods are being used to measure their social benefit. In the answer, which runs to 2 paragraphs, there is no mention of consultation and there is no mention of statistical methods in either of those respects and it does not appear to me that the written answer addresses the question posed by Deputy Perchard. Accordingly, my ruling is that it falls foul of paragraph 2(a) of paragraph 12 and I direct the Chief Minister to file an amended answer to that question by 9.30 a.m. tomorrow morning, addressing the points raised in the original question. **[Approbation]**

PUBLIC BUSINESS

9. Draft European Union (Wines, Spirits, Milk and Dairies - Savings) (Jersey) Regulations 201- (P.14/2019)

The Deputy Bailiff:

We now come on to Public Business and the first item of Public Business is the Draft European Union (Wines, Spirits, Milk and Dairies - Savings) (Jersey) Regulations, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft European Union (Wines, Spirits, Milk and Dairies - Savings) (Jersey) Regulations 201-. The States, in pursuance of Articles 2, 5A and 6A of the European Union Legislation (Implementation) (Jersey) Law 2014, have made the following Regulations.

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

This is the first of 3 Brexit-related pieces of legislation this afternoon. I will take the first one, my Assistant Minister will take the second and another Minister will take the third. So, they are straightforward and I just wanted to take this opportunity ... I apologise, there will be a fourth, right at the end of this sitting, that I will be seeking the approval of Members to take, but I will deal with that when we get to that, probably some time tomorrow. I just wanted to start by thanking the Brexit Review Panel. I read their report overnight and I thought that it was a thorough and helpful report and I am extremely grateful for the support, but also the constructive dialogue that they have had with myself and with officials across departments throughout this process. As the chairman said this morning, we do not yet know whether the U.K. will be leaving the European Union at 11.00 p.m. on Friday, but we are prepared and these pieces of legislation today help us to ensure that we are absolutely prepared for that eventuality on Friday evening, or a later date. So, Members know that there has been a great deal of legislative change, preparing us for no deal on day one. This particular piece of change is about ensuring that there are appropriate geographical protections for wines, spirits, milk and dairy. That is currently provided under an order, ensuring those protections in the European Union are respected in Jersey. If there is no deal, the United Kingdom and ourselves will need to provide protection to the level of the W.T.O. (World Trade Organisation) agreement on trade-related aspects of intellectual property rights, known colloquially as T.R.I.P.S., and therefore these changes will provide that protection and unless we do make these changes and approve them today, there will not be that provision in any other law. So, I propose the principles of this legislative change.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles, kindly show. The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Bailiff:

Does the Economic and International Affairs Scrutiny Panel, Deputy Morel, wish to call in this matter?

Deputy K.F. Morel (Chairman, Economic and International Affairs Scrutiny Panel):

Thank you, no, we have reviewed it and we are quite happy with the legislation.

The Deputy Bailiff:

How do you wish to propose the matter in Second Reading, Minister?

9.2 Senator I.J. Gorst:

If I may, *en bloc*. Members will know from reading the amendments that Regulation 1 deals with wines and spirits and Regulation 2 deals with milk and dairies and, of course, Regulation 3 allows for these changes to come into force once an Order has been made, which may - as I indicated earlier - be as soon as Friday evening. Perhaps, we have all got our fingers crossed in that it will not be necessary, but it will be in place should it be so.

The Deputy Bailiff:

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

Senator I.J. Gorst:

If I may, thank you.

The Deputy Bailiff:

Is the matter seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All Members in favour of adopting the Regulations in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading.

10. Draft European Union (United Kingdom Exit - Alternative Investment Funds) (Jersey) Regulations 201- (P.15/2019)

The Deputy Bailiff:

The next is the Draft European Union (United Kingdom Exit - Alternative Investment Funds) (Jersey) Regulations, lodged by the Minister for External Relations. I ask the Greffier to read the citation.

The Greffier of the States:

Draft European Union (United Kingdom Exit - Alternative Investment Funds) (Jersey) Regulations 201-. The States, in pursuance of Articles 2 and 5A of the European Union Legislation (Implementation) (Jersey) Law 2014, have made the following Regulations.

The Deputy Bailiff:

Before calling on the proposer to propose this, I have noted that under Regulation 2 of the Regulations the reference to 'Article' throughout that Regulation should in fact be a reference to 'Regulation'. It is of no material difference, it is simply a misstatement of the correct word and, accordingly, I will in Third Reading be directed that that be amended automatically, which is the standard process for basic typographical, or mis-transcriptions.

Senator I.J. Gorst:

My Assistant Minister will act as rapporteur please.

10.1 The Connétable of St. Ouen (Assistant Minister for External Relations - rapporteur):

The Draft European Union (United Kingdom Exit - Alternative Investment Funds) (Jersey) Regulations are proposed in order to ready Jersey's alternative investment fund legislation for Brexit. On either the 29th March, or 12th April, this year the United Kingdom will likely leave the European Union. Jersey operates a financial services legislation independent to the U.K. and E.U. (European Union) systems. But, nevertheless, certain amendments are needed to ensure the continued function of Jersey legislation. Currently, Jersey's alternative fund legislation is designed to reference a piece of E.U. legislation in this area, known as the Alternative Investment Funds Manager's Directive, or A.F.M.D. However, on exit, the U.K. is creating its own separate alternative funds regime. The regime is identical, but will be independent of the E.U. This replication by the United Kingdom is

referred to as onshoring of E.U. legislation. Going forward, Jersey's legislation needs to be able to reference both the old E.U. regime and the new U.K. regime. This will allow us to meet our regulatory requirements in both the E.U. and the U.K. financial services authorities. These amendments create that change. These amendments do not make any fundamental policy changes, they merely ensure the continued functioning of the legislation post-Brexit. This will ensure the smooth running of our regulatory framework, regardless of the outcome of Brexit. The draft Regulations make amendments to certain financial services laws. They ensure the continued function of some of our most important financial services laws, including the Financial Services (Jersey) Law 1998, the Alternative Investment Funds Regulations 2012 and the Alternative Investment Funds (Jersey) Order 2013. Members will know that the Regulations will be brought into force by Order on a time and date when the Minister for External Relations may appoint. This provides the flexibility to bring the Regulations into force whenever necessary; the 29th March or 12th April in the case of a no deal, or later in the case of a delayed no deal, or a Brexit implementation period. In conclusion, I propose the draft Regulations to the Assembly as a crucial element of our Brexit preparations. These proposals are the result of significant thought and analysis in reaction to a complex event, Brexit, and I recommend them to this House.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? Members in favour of adopting the principles kindly show. The *appel* has been called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

[14:30]

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				

Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

The Deputy Bailiff:

Again, Deputy Morel, do you wish to call in?

Deputy K.F. Morel (Chairman, Economic and International Affairs Scrutiny Panel):

No, thank you. We have also reviewed this legislation and are quite happy with it.

The Deputy Bailiff:

How do you wish to propose the Regulations in Second Reading?

10.2 The Connétable of St. Ouen:

The Regulations are technical in nature and, if agreeable to the Assembly, I would like to propose them *en bloc*. While I am speaking, I would also like to thank Deputy Morel for his diligence in these Regulations; they are fairly complex and we appreciate his efforts.

The Deputy Bailiff:

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

The Connétable of St. Ouen:

Yes, I would like to propose the law in the Third Reading.

The Deputy Bailiff:

Is it seconded in the Third Reading? **[Seconded]** Does any Member wish to speak on the Regulations in Third Reading? I would just note that these are now slightly amended to correct the references to Articles, which should be referenced as Regulations in Regulation 2. All those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted in Third Reading.

11. Draft Restriction on Smoking (Warning Notices) (Amendment for U.K. Exit from E.U.) (Jersey) Regulations 201- (P.16/2019)

The Deputy Bailiff:

The next item is the Draft Restriction on Smoking (Warning Notices) (Amendment for U.K. Exit from E.U.) (Jersey) Regulations, lodged by the Minister for Health and Social Services. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Restriction on Smoking (Warning Notices) (Amendment for U.K. Exit from E.U.) (Jersey) Regulations 201-. The States, in pursuance of Articles 1, 1G and 2 of the Restriction on Smoking

(Jersey) Law 1973 and Article 5A of the European Union Legislation (Implementation) (Jersey) Law 2014, have made the following Regulations.

11.1 The Deputy of St. Ouen (The Minister for Health and Social Services):

I bring forward these proposed Regulations that will ensure the ongoing operability of our existing smoking regulations in the event of a no deal E.U. exit. Amendments have been made to the current Regulations to ensure effective evidence based combined health warnings continue to exist on all tobacco containing products. The proposed changes will replace the current picture warnings, accessed under licence from the E.U. and replace them with a new Australian image library for use across Britain and its Crown Dependencies, by permission of the Australian Government. Officers across departments have worked to ensure the best possible position on these draft Regulations, but they have been challenged by restrictive timescales and the depth of available information on the U.K. preparations for a no deal Brexit. The amended Regulations are, therefore, not perfect but do allow Jersey a position to work from and improve as information clarity emerges through the U.K. Government, as they proceed towards a revised E.U. exit day. I would ask the Assembly to support these Regulations now, but they can be repealed, in the event of an E.U. withdrawal agreement being reached. Alternatively, in the event of a no deal exit and with further information from the U.K. on the detailed use of this new image library, the Regulations could be amended for further clarity. Our intention, in these proposed Regulations, is to adopt a similar approach as the U.K. Department of Health, which is to transition to a new combined health warning. However, the approach that we are taking at present is different, in some respects, as our legislation is different to that in the U.K. In particular, our existing law is focused on restricting the importation of products that do not bear the appropriate warning, rather than - as in the U.K. - on the sale of non-compliant products to the consumer. I wish to make clear it is not my intention to implement the proposed changes in a manner that unnecessarily forces suppliers to bring forward the importation of stock. It is acknowledged that dialogue and information from both the tobacco industry and government departments would be essential in setting the commencement date to prohibit importation. This could, for example, allow the same 12-month period for the sell through of existing products, as has been allowed in the U.K. regulations. Therefore, I propose the principles to the Assembly and I ask for the *appel*.

The Deputy Bailiff:

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

11.1.1 Deputy M. Tadier:

I am not sure to what extent the comments I am going to make are directly germane to this part of the debate, but given that we are talking about the rules and regulations for in the immediate future regulating what kind of images appear on packets of cigarettes that are sold in the Island, I wonder whether it might be helpful for the Minister to tell us what his medium to long-term plan is for tobacco sales in general. Because, it seems to me, that he, as Minister for Health and Social Services, is continuing to allow to be sold in the Island products, which he knows are entirely harmful for consumption. It seems that in debating a relatively minor issue about what images to put people off from smoking really does skirt around the issue of whether, or not, we should continue to allow tobacco to be sold, full stop, in the Island. So it might be helpful to know what the Minister's long-term goal is in deciding whether or not to support these relatively minor changes. Can the Minister for Health and Social Services confirm that there is absolutely no health benefit whatsoever to smoking, or therapeutically, yet we continue to allow cigarettes to be sold on a profit basis; and whether, or not, the money that gets brought in, in terms of duty from cigarettes, outweighs the cost that is incurred to the whole of our health service and the police service and the cleaning services when it comes to the collection of cigarette butts from the streets and the treatment of lung cancer.

Senator I.J. Gorst:

Sir, I expected you to interrupt the previous speaker.

The Deputy Bailiff:

I was coming perilously close to doing so.

11.1.2 Senator I.J. Gorst:

Well I am pleased I am not alone on that point. He makes excellent points, of course, which are and should be considered by this Assembly, but I would suggest not during a piece of legislation which is making amendments to ensure that we are still able to put images which comply with E.U. Directives, should the U.K. leave the E.U. without a deal. Therefore, I would not wish for the Assembly to go down the rabbit hole today of making any changes, or amendments, to this. This is simply ensuring that we are able to largely continue as we are to comply with those Directives. Members will, of course, be pleased to note that the United Kingdom Government has this afternoon now lodged for debate in the United Kingdom Parliament statutory instruments tomorrow to change the date.

11.1.3 The Deputy of St. Ouen:

I am grateful to Deputy Tadier for his wide-ranging thoughts. It really is a far bigger debate than I feel we can have today, or indeed that I have prepared for. But, of course, tobacco products are legal products. It is no part of my policy to ban the sale of legal products, without a firm mandate from this Assembly. But what is happening and is well known, is that through continued health education, the incidence of smoking is decreasing, particularly among younger people and that is a very pleasing thing to note. So, we will continue, as a health authority, to have to deal with the ramifications in people’s health of smoking in years past, but if the trend continues we should fortunately see the effects of smoking reducing. But, of course, some people still do smoke and that health education must continue to warn them of the risks. What is now proposed is to continue that means of warning people, by alarming them with the publication, or the printing, of these horrible photographs on the side of cigarettes and other tobacco products. I think I would, therefore, propose the Regulations and call for the *appel*.

The Deputy Bailiff:

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

POUR: 38		CONTRE: 2		ABSTAIN: 0
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham		Deputy R. Labey (H)		
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				

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

The Deputy Bailiff:

Deputy Le Hegarat, does your committee wish to call this in?

Deputy M.R. Le Hegarat (Chairman, Health and Social Security Scrutiny Panel):

No, thank you.

The Deputy Bailiff:

How do you wish to deal with the matter in Second Reading, Minister?

11.2 The Deputy of St. Ouen:

The Regulations are technical, being amendments to the previous Regulations dated 2011. May I propose them *en bloc*?

The Deputy Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on the Regulations or any of them? All those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading, Minister?

11.3 The Deputy of St. Ouen:

Yes, Sir.

The Deputy Bailiff:

Are they seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

11.3.1 Deputy M. Tadier:

Part of the reason Members might have raised their eyebrows as to why I voted against, is that I think we might have taken this opportunity, as an Assembly, when essentially we are following a directive from the E.U. regarding their tobacco advertising and in this case it is advertising it effectively on behalf of government and the health departments to shock people to stop buying cigarettes. That is ostensibly the reason for these adverts on packaging. I think it might have been more helpful if we had have paused and rather than just automatically rubberstamping and saying we will now make our

own provisions for this, if we had said: “What is our policy more widely when it comes to smoking?” Because, quite frankly, I am not sure that putting images on tobacco packets, which are being sold to people, who are already smoking, is the best way of deterring people from buying, or continuing to smoke. There is certainly some anecdotal evidence that people become very desensitised to the images on packaging, even though it is quite gruesome, because they keep buying them and the addiction to the nicotine is far more powerful than any shocking ability of the particular images that are there. That is why it is so difficult for individuals to give up smoking. It might be better if we just had plain packaging, or if we had no images, or if we decided that we were going to use those shocking images not to show to smokers, but to show to people who were not smokers and perhaps who were of an age younger than that. I question the whole logic of just rubberstamping something which is potentially ineffective, anyway. I think it has got to the point - and I am not a smoker myself ...

The Deputy Bailiff:

Deputy, I do have to I think interrupt you; I have given you fairly wide range. In fact, when one is choosing to speak in Third Reading, your ability to speak is limited to the adoption, or not, of the statutory instrument in front of you in the form that now is in Third Reading. The principles and what we should be doing more generally, is not a matter for Third Reading.

Deputy M. Tadier:

I will just say that I think what we are passing in front of us as a whole does not seem to serve any particular function either of what we would want to be doing in terms of the spirit of the Regulation and, therefore, in continuing to vote against this in the Third Reading, should not be interpreted in any way that I do not think that we should be stopping people and educating people, but that we are not doing it sufficiently effectively. Ultimately, we need to get to a position whereby we do not allow products that we know to be very harmful to be sold, on our watch, in order to allow people to make lots of money for their own private gain while there is so much misery being caused to our own constituents. That is not a position that I want to have anything to do with, especially when we ban products, which are much less harmful, even therapeutic, but do not let people have access to them.

[14:45]

Deputy R. Labey:

I think Deputy Tadier neglected to mention the plea that any health warnings on cigarettes in Jersey should be printed in Jèrriais. **[Laughter]**

11.3.2 The Deputy of St. Ouen:

I can, but note all that Deputy Tadier has said and to say that I would share his ultimate wish that smoking does not take place and it is a product that is not used in this Island. But, these Regulations are part of a suite of legislation that is necessary to prepare the Island for a no deal Brexit, and it is not the occasion in which we can reconsider our whole tobacco strategy. Therefore, I ask that the Assembly support the legislation in Third Reading.

The Deputy Bailiff:

Those Members in favour of adopting the Regulations in Third Reading, kindly show. The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 42		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.Y. Mézec				

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

12. Jersey Law Revision Board: appointment of member (P.19/2019)

The Deputy Bailiff:

The next item is the Jersey Law Revision Board: appointment of member, lodged by the Chief Minister and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with the provisions of Article 2(1)(a) of the Law Revision (Jersey) Law 2003, to appoint Connétable M.K. Jackson of St. Brelade as a member of the Law Revision Board.

12.1 Senator J.A.N. Le Fondré (The Chief Minister):

I will keep it very short. I am delighted to propose the Connétable of St. Brelade as a member of the Law Revision Board and I thank him for putting his name forward, along with the other Members that did.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? All Members in favour of adopting the proposition kindly show. Those against? The proposition is adopted.

The Connétable of St. Brelade:

I thank Members for their confidence.

13. Consolidated Fund: increase in States expenditure in 2019 (P.20/2019)**The Deputy Bailiff:**

The next item is the Consolidated Fund: increase in States expenditure in 2019, lodged by Deputy Southern. Before asking the Greffier to read that proposition, I would draw Members' attention to the fact that, hopefully, the Bailiff's ruling in connection with potential conflicts, or otherwise, has been circulated to Members and they have had the opportunity of looking at it. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, to request the Council of Ministers, in accordance with the provisions of Article 9(2)(c) of the Public Finances (Jersey) Law 2005, to take the steps necessary to bring forward a proposition to increase the maximum amount of net States expenditure from the Consolidated Fund in 2019 above the limit set in 2015, so that additional monies can be made available to fund public sector pay claims, on account of there being a serious threat to the social well-being of the Island which requires an immediate response.

13.1 Deputy G.P. Southern:

I address the Assembly for the second time on this particular issue and with a new, although significant, way of going forward. The basic thing is that I have just come from a demonstration where I have seen 300-plus teachers and others say: "Our treatment has not been fair." They feel that they have been disrespected by the process that is occurring, whereby the States comes to the negotiating table and says simply: "There is no more money." That, in my mind, is not negotiation. It is negotiation in name only, it is negotiation in bad faith. What I am trying to do, is put an end to that situation, so that both the public sector workers and the States Employment Board can get around a table and negotiate an agreement. We have never been in a position where our teachers have gone on strike. They are not revolutionaries. They are not radicals. They are decent, hardworking members of our society doing their best, increasingly a more demanding best, to deliver services for our society; yet we treat them with disrespect. Why do I say we treat them with disrespect? Because, effectively, for the teachers in particular, there has been very little negotiation going on at all and very little talking. I took a week off last week and did no work for once, just read some trashy novels and I am really glad I did, because it would have spoiled my holiday when I found out when I got back what had been happening. Lo and behold, I heard the Constable of St. Ouen, on an interview on BBC radio, saying such things as being asked: "Have you spoken to the teachers?" What was the answer: "Well, no, we have not spoken to the teachers. We are waiting for this proposition to come through, before we spoke to the teachers." I am thinking: "Hang on, what is going on here? That is ridiculous." The Minister then went on to dig a hole even further for himself when they said: "Are you going to talk to them?" and some time later he arranged an emergency meeting with the union representatives of the teachers for Monday, I believe, so after this debate; but prior to that, had not spoken a word to them about the offer, about negotiations. It should not have happened. Now, I look at these 2 propositions, one I brought back in December of last year, P.137/2018, which called on the Minister for Treasury and Resources to provide a revised Medium Term Financial Plan for 2019 in

which the maximum amount of States net expenditure from the Consolidated Fund is increased above the limit set in 2015. The argument we have had is that these limits were set 4 years in advance. The whole process took that long and yet we were supposed to be bringing stability to what we had. Today's proposition, P.20/2019, takes a slightly different approach, to request the Council of Ministers, in accordance with the provisions of Article 9(2)(c) of the Public Finances (Jersey) Law, to take steps to bring forward a proposition and increase the amount of net States expenditure from the Consolidated Fund in 2019 above the limit set, in order that additional monies can be made available to fund public sector pay claims. Not unreasonable and not unreasonable claims at that. The claim for 2018 and 2019 is for a cost of living rise. Not an increase, large, or small, but just keep pace with the cost of living. That is all it was. It seems that we cannot do that. The comments on the proposition P.20/2019 seem to divide into 2 things; (1) why are you bringing this again? I am bringing it again, because last time I brought it, it was defeated by one solitary vote. Some people were not here to vote, some people abstained from voting and I would follow up the Deputy Bailiff's ruling on conflict of interest and say the one thing that the population demands of us is our vote. The single most important thing we have. I would urge everyone, at the end of this debate: vote, whichever way you wish, but vote. Let us have none of that people not being present for the vote. I keep coming back to this issue of false negotiation, pretend negotiation, negotiation in bad faith. I am reminded, again, we are in exactly the same position we were 4 months ago, except that we now know that, yes, the teachers, the civil servants and other groups are prepared to go on strike in order to try and get what they see as a fair day's pay for a fair day's work and to match inflation. Here we have, 25th March, only yesterday, a letter from the States Employment Board which says - and it talks about the civil service claim initially - "We understand that Prospect want to see a higher offer in respect of 2018 and 2019, however, our negotiating team have explained to them, through the officers of the Jersey Advisory Conciliation Service, that there is no more money on the table for those years." Here it is again, through the Advisory Conciliation Service, through J.A.C.S: "We explained". Not negotiated, not talked about an offer, not talked about trying to find agreement; "we explained to them there is no more money." That is a ridiculous position to take and one which has frustrated and upset the public sector workforce for too long now. The other thing that we do know is that they will take action. If we cannot find some resolution to this *impasse* between our employees, our public sector and ourselves, then we are facing the prospect of month, after month of continued industrial action; whether that will mean strikes, whether that means closure of schools, we do not know. But they will not give up, they are not going away, they are desperate to find some resolution. We should be as desperate to do so. When I look at this situation, I think of how did we get here? How have we got to a situation where we are quite happy with strikes on our Island? That is unheard of, certainly in my time on the Island. When I think back to some of what we are told are the greats, the Senators who governed us previously and I thought: "Yes, the likes of Senator Walker, Senator Horsfall, Senator Jeune, who was once in charge of Education. Senator Shenton, Constable Le Feuvre, again, someone who took charge of Education way back in my days as a union representative". The mere thought that our teachers were threatening to go on strike would have immediately got people around the negotiating table straight away. They knew that this is no way to go forward, with conflict unresolved. In pretty short, sharp action they would have made sure - and not giving things away - that hard negotiations, but real negotiations, were going on to resolve and come to a conclusion. Because the last thing we need on this Island, ever, is to have a rolling strike. That should be intolerable to us. We should do everything we can to stop that. Senator Walker was in charge of the post office back then. They threatened to strike, he was straight in there with a beer and sandwiches, no messing around, with a negotiating stance and it worked. In the time of Constable Le Feuvre, there was talk of issues that might lead to strike; they were quickly solved by coming back to the negotiating table and negotiated properly. I am not talking about giving away our money, great chunks of it, I am talking about negotiating hard and fair about what is the acceptable solution with our public sector workers.

[15:00]

It seems to me that one of the things I have got to prove is that what we have got is a serious threat, I am told, to the social well-being of the Island. The States Employment Board, in their comments: “Fundamentally disagrees with Deputy Southern’s assertion that the current position of active pay negotiations with the States workforce constitutes a serious threat to the social well-being of the Island, which requires an immediate response.” Note, the current position of active pay negotiations. Note, the previous statement yesterday: “Our negotiating team have explained to them that there is no room for manoeuvre.” That is active? No, it is not. It is an insult. “We remain [they continue] in active negotiation with many of our pay groups. The S.E.B. recognise that there has already been strike action from one teaching union and another is planned for Tuesday 26th March [today] teachers having rejected the offer made to the workforce. Strikes are regrettable, but the Board must balance a whole range of competing priorities while ensuring a fair offer is made to the workforce.” The workforce are saying this is not a fair offer. This is yet another pay cut, after not just one decade, but 2 decades of below level offers and imposed settlements to pay claims that have been going on for the last 2 decades. The teachers, the public sector workers, are saying enough is enough. We cannot put up with this any longer. It says that its offers do demonstrate a balance and it says that this allows us some flexibility, which is not available in the 2018/2019 offer, given the cash limits. Again, here we come back to the cash limits and we took this decision, already done. Already done? What we had was a surplus at the end of 2019 of £185 million. We put £50 million in the Stabilisation Fund and the rest we put in the Consolidation Fund. It is sitting there. We took that decision, this is how we want to divide things up. Where has that money come from? I will tell you where it is not going to, it is not going into the pockets of our teachers, of our nurses, of our public sector workers, of our radiographers. Remember, civil servants are not just people pushing pens, they are radiographers, they are physiotherapists, *et cetera*. They are doing vital, front line, tasks in many cases. They suggest that my feeling that this is a serious social issue, is knocked into a hat by the uncertainty of the times we are in when we are talking about Brexit and that would be a real serious threat to the social stability of the Island, but not 2 strikes; 2 strikes, apparently, do not count. It goes on: “Deputy Southern argues that there can be no prospect of genuine negotiations, because there is no money in 2018/2019 and that the unions will not discuss 2020 until that position is rectified.” Why not? We have an agreement to debate, talk about, negotiate a 2-year deal. There has been no agreement to negotiate a 3-year deal, at all. That 3-year deal does contain a little bit of leeway. It says: “Given the expected 3.1 per cent R.P.I. (retail price index) raise, we are prepared to go to 1.3 per cent above that.” But that - should things go horribly wrong and Brexit does something horrible to our economy and inflation goes up through the roof, which it looks as if it is threatening to as it is - then that offer is capped. Yet again, we could end up with something below inflation on this third year of the deal. When one looks at the figures - I do not want to argue the figures, because we would argue back and forth with one side saying this and the other side that this means - but look at the numbers you have been given. Those numbers are from the top of each and every scale, they are maxima, so they look big, but they are not the median, or average, wages that are being paid and, therefore, the rises appear to be absolutely big. The comments finish: “The Board acknowledges Deputy Southern’s concern, but believes he is misguided and misdirecting himself as to the issue at hand.” Misdirecting himself; how does that happen? Those of you who know me, I think, would look at that and think many things of me, but misdirecting myself? I do not think so. Being misguided; equally, I do not think so. They then continue: “The Board continues to negotiate actively and to reach out to key workforces, such as teachers, in order to resolve the current *impasse*.” But it cannot resolve the current *impasse* unless it puts some extra money in the pot. Not an enormous amount but, nonetheless, something must be put in there. In dealing with the civil service pay, it comes out and fairly straightforwardly says what it has done. The original S.E.B. pay mandate for 2018/2019 in respect of civil servants was structured to address pay comparability issues and a choice was made by S.E.B. to make the lowest offer to civil service unions. So, we have got a package, which we are supposedly negotiating and as part of

that, civil service, you are going to, effectively, have your pay not necessarily reduced, but increased by the smallest amount in order to pay some increases elsewhere. What a guaranteed way to set one of your major unions up against what you are proposing. You are going to get least. They then go on: "In the light of this, at the start of negotiations, all public sector unions were asked at the first meeting if they wanted to receive the final offer." The new offer that they are talking about. "All parties were clear that there was no point in going through the motions of negotiation, if there was no room for manoeuvre; hence, despite protracted discussion, including through J.A.C.S., no improved offer was made in respect of 2018/2019." There you have it in one. All sides agreed there was no point in pretending to negotiate, because there was nothing on the table and yet here we are with the States Employment Board saying we can negotiate, let us negotiate, we are actively negotiating. No, we are not. This is not negotiation. It should be negotiation; that is the only way to get respect back for this Chamber, for this Assembly. Finally, I would say, in particular of the teachers, but other groups, as well, because I know people, who are civil servants, who are doing all sorts of front line jobs, every single one of them in the public sector, with very few exceptions, is doing their absolute utmost, is doing additional hours over and above what they are contracted to, to make sure that the job gets done time and time again. If we are to lose the goodwill of our workforce now, then I think we lose it for ever. The consequences of that will be a deteriorating service, as people do not do the extra mile to make sure that services get delivered, because they look to themselves and say: "It is not worth it. I am not respected for what I do." That is the message that we have got to get over, that they do have respect, that we are negotiating properly and that we do respect them. Please, when you come to vote on this proposition, bear that in mind when you vote. **[Approbation]**

The Deputy Bailiff:

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

13.1.1 The Connétable of St. Saviour:

It is just a little bit of clarification here. I am with the Deputy all the way for this. As is well known, I have nearly all the schools in my Parish and I have been contacted by a lot of teachers. I am also on the Board of Governors for Grainville and I know the amount of hours they put in, which they are not actually paid for, but they do it because of the children. But I have also been a person who has been going into the hospital recently, for no other reason than I fell over, but I have been well looked after and I know the hours that they are putting in and I would just like to make sure that everybody will benefit if we release this pot of money, and not just the Education Department - although I know that they desperately do need it.

13.1.2 The Connétable of St. Martin:

I would just like to say that having grown up with industrial relations being a hot topic of conversation at the dinner table, throughout my childhood and I hate to admit this, but I have probably spent almost 50 years hearing about and discussing negotiating skills, I have been so saddened by the sorry state of affairs which we find ourselves in. We should never have reached this *impasse*. From the start, those negotiating on both sides should have rolled up their sleeves, either physical, or metaphorically and met face to face. There is no substitute for this. I think that we have been shown loud and clear that you cannot direct pay negotiations at arm's length, by the internet, through emails, or a few meetings over several months. One of my concerns is that if this proposition is passed, that this would represent a one-off payment by the States to public sector workers, without bringing about the structural changes that may be needed to pay States employees what they deserve. We need a commitment from the Ministers that they will re-evaluate this situation and be prepared to make long-term changes necessary, to ensure that there is no longer a need for strike action in the future. Given that a number of new and well-funded oversight groups and policy boards have started to spring up at the Chief Minister's behest, it does seem, at least, that there is still money in the States

pot. I have not taken this decision lightly and I have spent hours deliberating what the right thing to do is. I have woken up at night and I know a few others have, because it is quite a worrying situation to be in. I have looked at the pros and cons intelligently. I am not caving into populism and I feel I am being responsible and I am looking at the wider picture and to the future. We do have money for a multitude of projects, we should use it wisely. We need to learn how to negotiate for the future and we need to show our public sector that we really do appreciate them, we value them and we respect them. On this occasion, I really do think that there are clear grounds to release funds and I will be supporting this proposition. **[Approbation]**

13.1.3 Senator J.A.N. Le Fondré:

In his proposition, Deputy Southern asks the Council of Ministers to take money from the reserves in 2019 to make public sector pay claims on the basis that there is, and I quote: “a serious threat to the social well-being of the Island.” Obviously, I am going to be trying to answer both parts of Deputy Southern’s proposition and I will be beginning with the pay situation first, but I wanted to try and address some of the remarks he has made in his speech thus far. I am slightly confused, because, firstly, in his speech, he talked about the various times under various Senators and in fact going back to the Presidents of different negotiating regimes and how it had all been worked out. But then, later, he referred to 2 decades of issues. That is one thing, I think, we have made clear to Members; that we have been trying to resolve, in various pay groups, a lot of legacy and outstanding points and I shall refer to that shortly.

[15:15]

The point I disagree with him on is the comment that we have not been negotiating fairly, that we have not been rolling up our sleeves. I would agree that we have been negotiating firmly, but that is different to not being fair, and there is a difference. The other point I would say - is that obviously the position and particularly for the Connétable of St. Martin, for example - is that negotiations as it happens is that the States Employment Board does not negotiate directly. It is the officers and the negotiating team that direct. Certainly, it is my very clear view and I think the briefings we all receive and the updates we all receive, that they have been meeting very regularly, face to face, or by phone with the relevant bodies. It is not a case of the odd email as we have always understood it; it has been regular meetings and regular updates. But the point I think I need to make a correction on, is Deputy Southern, for example, said ... he did acknowledge that we have moved and he acknowledged that there is more money on the table in 2020; but he said that the offer had been capped and the short answer is it has not been. I would be very welcome if he wants to demonstrate to me by ... quickly if he sends me an email I will get it looked into, but it is certainly our clear understanding that the offer is September R.P.I. plus 1.3 per cent. That is the offer. That is not capped under any ... there are no caveats to that; that is what the offer is. Whatever the R.P.I. is it will be plus 1.3 per cent. I just wanted to get that clear, because, sometimes, some of these things run on perceptions and then things get slightly out of kilter, but let us be clear, as far as the States Employment Board are concerned, the 2020 figures are not capped, they are R.P.I. plus 1.3 per cent in the areas that we are talking about. Now, to return to my speech, following last year’s election, obviously, the new States Employment Board inherited what can be described as a challenging environment in terms of public finances. our public services and our employee relations. Again, I reiterate the point, it is not about today, or tomorrow, as in Wednesday, it is about next year and looking ahead. We know we have got deficits, if we do nothing, of around £30 million plus a year, which would very happily wipe out the reserve that Deputy Southern has referred to. That is not a sideswipe at the last Government, because the legacy issues that we are tackling go back many years, in fact Deputy Southern indeed has referred back to 20 years. We have inherited a Medium Term Financial Plan that was agreed by the previous States Assembly, with an agreed allocation of funds for pay, and that M.T.F.P. represents the same responsible approach to public finances that has been pursued by successive governments since the financial crisis. I reiterate again, in 2008, the world changed and we still see the

reverberations of that. We inherited a series of issues in the effective running of our public services that also go back many years. So, for an example, underinvestment in our Island's infrastructure has left us with a deteriorating Fort Regent and other government buildings and a rising bill for basic repairs and maintenance. Underinvestment in the government systems has left us with outdated and inefficient finance and H.R. (human resources) systems, that do not talk to each other and I.T. (information technology) infrastructure in serious need of replacement, at considerable cost. We inherited an outdated and unfair pay and reward system, which our predecessors had tried to resolve in 2017 through the workforce modernisation proposals, but they were overwhelmingly rejected by union members last spring, although there were 4 small groups that did vote to accept the offer and it was implemented for them. At the core of the legacy pay issue is inequality in pay between employees in different pay groups, in roles of equivalent value. In summary, civil servants have long enjoyed a pay premium, which I have always understood to be 4 per cent, over many of their colleagues, especially manual workers and nurses. So, in my simple terms, if somebody is on one grade as a manual worker, or as a nurse and there is an equivalent one in the civil service, the civil service will automatically get 4 per cent more. That is as a result of a fragmented and inconsistent pay and reward system, which has grown over decades. Let me be very clear - and that does go back to fairness - there is absolutely no justification for paying some employees less than others for work of equal value. The unions themselves all accept that principle. It has been S.E.B.'s priority, since we were appointed following the election, to sort this out once and for all, and we have sought to do this in a measured and reasonable way by directing a higher proportion of the money available to the pay groups which were left furthest behind. We made the highest offer, which was a 2-year deal, to around 950 manual workers and they accepted that offer in December. So, the current negotiations have been with the remaining groups. Now, we have made the second highest offer to around 1,000 nurses and midwives and while members of the Royal College of Midwives accepted that particular offer, it is very clear, as we know, that those in the nursing unions rejected it. Their 2 key issues were standards of living and the closure of the pay gap between nurses and midwives and equivalent civil servants, working in health and community services. So, we held further detailed negotiations with the 3 nursing and midwifery unions and restructured our offer from 2 years to 3, and to pay - as I have alluded to - the September 2019 R.P.I. plus 1.3 per cent in January 2020. On the present forecast, that would mean an increase of 4.4 per cent on 1st January 2020. Now, on top of that we also offered to close the pay comparability gap completely, again with effect from 1st January 2020, by giving people in some grades further consolidated increases at an additional cost of just over £1 million a year. That would increase the 3 year offer to 17 to 18 per cent for some grades of nurses. That is how bad the disparity has been. So, that is S.E.B. working to address important issues of concern, within an acceptable cost envelope and over a reasonable period of time. So, we are delivering on promises that have been made to nurses previously, to resolve issues that go back at least 15 years and on which previous governments have not ultimately acted. Now, as we know, nursing and midwifery unions are currently consulting with their members and we should know the ballot result within the next couple of days. We also negotiated with the Fire and Rescue Service Association, the Jersey Police Association and the Jersey Prison Services Association. Because those groups are relatively well paid, in the context that we are dealing with, we had offered them 2 per cent consolidated in both 2018 and 2019, plus 2.1 per cent in unconsolidated one-off lump sums over the 2 years. Now, as with nurses, we increased our offer to them as a 3-year deal of R.P.I. plus 1.3 per cent, payable on 1st January 2020. That brings them 2 things; that is a consolidated increase of 8.6 per cent over the 3 years and when you add in the one-off lump sums that takes it up to about 10.7 per cent over the 3 years. Now, the associations would obviously prefer the whole offer to be consolidated, but we have been very careful to explain the offer preserves the balance between fair and reasonable total pay levels and the need to carefully manage ongoing costs to the taxpayer. Now, I am pleased to say that the police - and that is around 235 staff - have accepted S.E.B.'s pay offer with an emphatic 88 per cent vote in favour and that is with three-quarters of members voting. That is basically the offer that has been made to teachers, as well. But, anyway, prison officers and fire

and rescue associations are still consulting their members. We have made the same offer to head teachers and deputy head teachers and we are also holding detailed discussions with them about the creation of a new leadership pay structure for that important group to be brought in from the 1st of January 2020. Discussions are progressing well and on conclusion of those negotiations we expect that the National Association of Head Teachers will consult its members and obviously then we will know the outcome. As I said, we also made that same 3-year offer to teachers and I think as the point has been made and that has been made from the point of view of the next meeting which will be, I believe, next week, we are very concerned and very prepared to look at other issues around structures and conditions. I think we have demonstrated that in some of the other pay groups. But members of the 2 teaching unions have rejected the revised offer and are now taking industrial action, as we know. Now, that is hugely regrettable and it is not where S.E.B. wishes to be. I reiterate, when you put it all together, with consolidated and unconsolidated, that is 10.7 per cent over the 3 years. On top of that, 3 out of 4 teachers also receive supplementary allowances, worth between £2,500 and £15,400 a year. Finally, civil servants. As I said, S.E.B. has been seeking to direct money to where it is most needed and pay for civil servants - and there are a small number of exceptions, let us be clear - has outstripped that for other groups for some years. That is why we have offered civil servants the lowest increases and it is not because we do not value them, but because we value all public servants equally and we should reward them equally. The offer was 1 per cent consolidated in each of 2018 and 2019, plus 2.1 per cent unconsolidated offered to teachers uniform services and we are acutely aware that is below the cost of living. That is, again, why we have offered civil servants the same R.P.I. plus 1.3 per cent, which we have offered the other pay groups, payable from 1st January 2020, which also then assists, in our view, the 2018/2019 position, as well. Now, civil servants have made it clear they want at least R.P.I. for 2018 and 2019 and they are considering industrial action, potentially in pursuit of that claim. It is obviously very disappointing that civil service unions, alone, refuse, as I understand matters, to put this new improved offer to their members for them to decide. S.E.B. has a duty to use taxpayers' monies and funds responsibly and should not be coerced by the threat of industrial action to act against the best long-term interests of our Island. We believe the offers we made are reasonable and are a significant investment in our employees. Just to put some further numbers on that and apologies for the deluge of numbers: over 3 years that cost is £57 million in additional pay. The increase in the recurring pay bill between 2017 and 2020 is £34 million and the amount we have brought in and put on to the table, as a result of the flexing to introduce 2020, is £19 million alone. That is a very clear shift from where we were in December. So, we have moved significantly on pay with that revised 3-year offer, so we are not paying lip service to public sector pay rises. We are paying many millions of pounds of taxpayer money to fund them. There are a few issues, because they do feed into the kind of undercurrents, or the arguments that go around this whole issue. So, we hear frequent references by unions and by some other Members, who support the proposition, that we will not find more money for public servants, but we will find money for interims and consultants. Now, they were brought in to do a very specific job of work, at a critical time, to help reform the public service. They are fixed term, they are short term, they are necessary and when that job is finished, the interims will go. I will give you a couple of examples. We were at risk, serious risk, of breaching G.D.P.R. (General Data Protection Regulations) obligations last year and that is data protection legislation. We would have done so, if we had not brought in interims to get us up to speed and over the line. That cost us £600,000. That is one of the figures, I believe, in the figure identified as belonging to interims. But, the cost of the penalties, if we had not done that, would have run into many millions and that is an illustrative example, that certainly I can understand, that identifies some of the legacy issues that we are all trying to unlock. As we know, last year, it became clear that despite everything that the independent Jersey Care Inquiry found and recommended, we had not acted fast enough to protect the Island's children, so, again, the Government brought in interims to bolster our capacity and capability and it is they who are driving our Children's Services improvement plan. We have had to bring in interims and consultants in finance, in I.T., in H.R. too, all to help us to resolve legacy issues that we simply had not sorted out

for ourselves. I think, probably, many Members, if they think about it, will understand that. So, I would suggest that the use of those interims is an investment, it is an investment in our future, but it is a one-off investment. It is not a recurring sum of money. It is not the same as a recurring financial obligation, which is what higher pay rises represent.

[15:30]

Deputy Southern does propose that we raid the reserves to meet union claims for higher pay rises, but you cannot fund increases in recurring costs from a one-off pot of money. Only last week, the Fiscal Policy Panel advised us to replenish reserves, not to draw money from them, in order to give us greater resilience against external threats to our economic well-being. They advised us, in order to achieve those surpluses, we need both to cut expenditure and to increase revenues, and they also forecast it is going to grow more slowly over the next 3 years, which itself could affect public sector revenues and expenditure. Added to that internal economic challenge, we are facing very real external threats too. I know Members have sometimes already alluded to it, but Brexit does, as of today, remain unresolved. There is considerable uncertainty about the potential impacts on our economy, jobs, public finances and public spending. That is a real threat; it is not just made up for the convenience of this debate. At the same time, we face a renewed constitutional challenge about public registers of beneficial ownership and that does threaten to undermine financial services on which our Island's economy, like it or not, does substantially depend. For the avoidance of doubt, I obviously support the finance industry. But while we are working on how we deal with that matter, it would be foolish to pretend there is no risk. So, those 2 issues - that is Brexit and beneficial ownership - do have the capacity to become crises, real emergencies, and those - not public sector pay - are what represent a serious threat to the social well-being of this Island. This Assembly should ensure, in my view, that we have the sustainable public finances and strong reserves to support our Island through difficult times and choppy waters ahead and I really do urge Members to support the Government and the States Employment Board in its continuing efforts to resolve the longstanding inequalities in public sector pay. I do want to conclude by saying the following. During the course of the last debate and immediately after, some Members wanted to be sure that we were negotiating and called on us to find an additional offer to put to the workforce. We were moving at that point and we had negotiations happening and we have continued to do so, as I continually try and stress and the States Employment Board continuously tries to stress. But, by opening up 2020, we have brought another £19 million to the table and we have accelerated certain other issues, such as addressing the pay disparity between certain groups that I have referred to. Particularly for new Members, but for all of us, this is an incredibly difficult subject and I certainly did not come into this position wanting to end up in the middle of an industrial dispute. But I do have to balance off the aspirations of the public sector against the needs of the wider Island and it is not fun, it is difficult, but that goes with the territory as Chief Minister and as a States Member and that is what we are here for. But I reiterate, we are dealing with some issues that go back 15 years, or more, and we are dealing with them as part of that package. We have moved our position and we have put more money on the table and yet have managed, at the same time, to maintain our fiscally responsible position. Those are not just words; in times of uncertainty that is the tough thing we have to do. That is why I really do urge Members to reject this proposition and I will not be supporting it. **[Approbation]**

13.1.4 Deputy M.R. Le Hegarat:

It is just to make it clear that my position, as of December 2018, has not changed. I feel, as an ex-employee of the States of Jersey in 2018 up until April, when I was voted in as a Member of this Assembly, that it would be morally indefensible for me to vote, or to debate, in this proposition. I know that is unpopular, but it is my conscious and it is my moral guidance and that is the way it will stay today and I will leave the House. **[Approbation]**

13.1.5 Deputy R.J. Ward:

I will not be leaving, because I think it is my current role to vote on behalf of my constituents, many of whom are public service workers. **[Approbation]** I would like to start off by saying *merci* to the Constable of St. Martin and our French lessons that we take at the Alliance Française obviously paying off now. I will not extend it to *gilets jaunes* ... Well, here we go again, discussing a way to resolve the issue of public service pay; stuck in a time warp that has repeated itself annually for about 10 years now; at least 10 years. It occurs to me that we could really make some States Employment Board pay debate bingo cards, because, let us be honest, we have all heard the arguments before and we have seen it all before. There are some differences this time; a larger Communications Unit to spin the S.E.B. case to the media, States Members, the wider public and eventually those workers it affects directly. I think that the order of this spin is important, because it is clear that States workers are the very last consideration in this process. There are other significant differences. A few weeks ago, last Tuesday and today, we had our public sector workers on strike. An unprecedented piece of Jersey history that shows the failure to undertake meaningful negotiations and shows a workforce that is driven to the end of its tether. Another key difference is that we have enough Members in this Assembly with the foresight to address this issue and I hope they will vote in the correct way today. You can also get to the tearoom without tripping over an officer and it is not pantomime season. So, what would be on these bingo cards? You might want a pen and you can play along. We will hear that there is no money; well not for all public servants, there is for a select few, those that we have to attract with top-notch salaries to help us to restructure our workforce, because we cannot do it on our own, to cut jobs and maintain pay restraint. I am not even going to mention the money that gets burnt in projects that we have seen over the last few Assemblies, or the creative accountancy of the States finances that can find cash when it is needed, plus the growing cost of agency staff. Or the £40 million that is here now that we could use. We will hear that pay rises, that are consolidated, have to be paid for every year and so will cost too much; so you can never expect a consolidated pay rise as it will raise costs. Instead, you may get a one-off payment to go and buy yourself something nice, just like the private sector bonus and we can see the model that is being used here. So, you can expect to see the real term value of your income steadily drop. Now, let us get on with the One Gov project and really inspire the workforce. We will hear that pay rises awarded are fair and even generous, targeted at the lowest pay groups to kindly allow - kindly allow - equal pay for work of equal value. Where do we start with this? We are in the theatre of absurd statistics, of half-truths and the politics of divide and conquer. This is disgraceful and we should be ashamed that this is happening. We will hear that some Members are here to represent taxpayers, who foot the bill for these rises. Well, here is some news for you: States employees pay tax too, although I am entirely sure it is true of the well-paid consultants. We will hear how much better our States workers are paid than the private sector in the U.K. We will need to trust the validity of the comparisons being made, as they are not clear, they are not explained and no due process is given, and they are contrary to the data produced by our own Stats Unit. But, in One Gov we trust. We will be told that these public sector workers, on strike today, are valued, just not enough for a pay rise that increases the standard of living, or even maintains it. We will be told, at a time of uncertainty, we have to tighten our belts and be strong and stable; well, we have heard this somewhere else and that mantra caused real chaos. At the same time, we are told that we have a strong economy and that Brexit is an excellent opportunity for Jersey, so even if times are good, do not expect a pay rise. In addition - the last one - is pensions will be mentioned. So, let us take a section of our workforce, who have planned for their future and devalue that too, in the long term creating greater need on our social security from those who have paid into a pension throughout their entire career. Negotiations? Well, before entering this Assembly I was involved in negotiating pay for teachers, along with other public sector workers and year after year we submitted pay claims based upon sound data that reflected the views of members and we were ignored. Delay after delay, impossible discussions, talking to officers only and not the S.E.B., who were pulling the strings. When times were good there was no money. When times were bad there was no money. There have been years of real-term pay cuts, pay imposition, not negotiation and the farce of workforce modernisation that wasted millions and ended up with a read-across of grades that

destroyed the very process it had been set up to solve. The truth is simple; this is a political decision, as it has always been, to cut public sector pay, to devalue our services, as those making these decisions only value the well-paid private sector workers. It is narrow sighted and it has failed this Island. We talk about a possible recruitment crisis; well, let us be clear, it is already here in schools, hospitals, our wider health service, and we will come to the civil service as the movement to the private sector continues. If you watch the public hearings we have had with the post-16 review and they are in the public domain, so I can talk about them, the heads of just about every single school on this Island has said they have a recruitment crisis. Not only is it a recruitment crisis in terms of finding a teacher, but even getting a field to get the best teachers for our young people and for the future of our Island and for the future education and skills of a workforce that will be looking after so many of us, hopefully into the future, as we live long and useful lives. We all use and rely upon our public services. Those of you who believe the dodgy statistics need to really consider the long-term future of a workforce that contributes to maintaining the very fabric of our society, pays tax, supports our local economies and has the right to vote. Today, we have an opportunity to end the conflict with our own workforce; to offer the possibility of real negotiation, to address and resolve this issue. Given the poor view the public has of this Assembly and of politicians, which I find very sad - that is not why I came into this job - I hope that you have the sense to represent your constituents and vote for this proposition. Bring an end to the public service strikes, show real value to our public service workers and now let us look ahead at the way that we can deliver quality services into the future that we all desperately rely on. **[Approbation]**

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

I am pleased to follow the last speaker, because he talked about representing his constituents. This Island has approximately 61,000 workers, in all shapes and sizes, in all types of professions; 7,000 are employed by the States. That leaves approximately 54,000 in the private sector, many of whom have not had a pay increase for 3, 4, 5 years. I have had parishioners come to me saying: "I have not had a pay rise, I work in the finance industry, the only pay rise I have had is if I get a promotion, or if I get a bonus." I shall not respond to the chuckles at the back, because they are not worth responding to. I represent everyone and what I want to see is what is fair. It is the fairness that I wish to speak about. We value, very strongly, those who work for the States. I am most grateful to them for the work they do and I have become very reliant, in my current position, on a large number of individuals at Broad Street and elsewhere. I wish we could pay enormous pay salaries, but the reality is the money has to come from somewhere.

[15:45]

I am not prepared to look parishioners in the face and say: "I am sorry you have not had a pay rise, but do not worry, in a few years' time you will have a tax increase, to pay for the pay rises that we are putting forward at the current time." Because, that is what will happen; it will increase, as it were, the fixed costs of running government and somewhere further down the line that money will have to be raised and the only way is to increase taxes. We have seen the F.P.P. report that says: "Yes we are doing well, we have a significant strategic reserve, but it needs to be bigger." I do not want to take an easy, short-sighted route; that is not in my nature. I wish to take a long-term view and a stable view and ensure that we have got a prosperous long-term future here on the Island and to do that I urge Members to reject this proposition.

13.1.7 Deputy J.H. Perchard:

Many public sector employees have faced pay cuts, almost every year, for around 16 years. This has meant that what they could previously afford is no longer affordable. Slowly, their quality of life has diminished, due to this widening gap between what it costs to live, rent, buy food and what they actually earn. To be fair, resolving teachers' pay is not the only work that needs to be done in order to fix what is broken in education. There are huge problems around workload, teacher absence due

to illness, as a result of being completely overworked and the need for consistency in terms of the professional development and support provided to teachers. However, over time, wilful ignorance has meant that the teaching profession has been misunderstood, undervalued and viewed as somehow less worthy of professional status than other professional industries. This attitude is pervasive and is reflected in the position taken by the S.E.B. As in the rental caps debate, I wish to try to draw out some of the underlying assumptions and beliefs that should lie at the heart of this debate. The fundamental question, of course, is one of value. How much do we truly value the work of the public sector? To pit the private sector against the public sector in the ways that have been continually attempted is divisive, unproductive and childish. Not only is the source of some of the data ambiguous, but stating that one group should remain deprived, because another one is also deprived is ridiculous. **[Approbation]** If it is the case that the pay in the private sector is comparably bad, then surely we should be saying: “Look, everyone is suffering from hard economic times. The States of Jersey, however, do not believe in allowing our employees’ quality of life to decrease, simply because we have not budgeted for their salaries.” By the way, how have we gone so long without budgeting for consolidated pay increases? That is, surely, just bad governance. If it is true that there are similar problems in the private sector, then we, surely, should be leading by example. We should be demonstrating that we do not tolerate paying people a wage that means they cannot afford to pay rent, pay off a mortgage. We believe our employees should be free from the shackles of financial insecurity and anxiety. We have the power to lift everyone in society into a position of financial security, by leading by example. Depriving one group, because another is also suffering is not a logical rebuttal. It is like saying because one school does not have up-to-date textbooks, that another one should not either. They both should. On the idea of paying for excellence, the States of Jersey has clearly demonstrated that it does believe that talent must be attracted by competitive salaries. We know that works. We have seen first-hand the lengths Jersey will go to in order to attract the very best people for roles, through offering certain salaries. However, when we are talking about teachers and nurses, for some reason, the philosophy of paying for excellence falls away. The hypocrisy here is that teachers and health professionals are specialists. How many careers require you to have to have a specialist degree, in a specific subject? It is very easy to forget that undergraduates require 3 years of rigorous academic training before they can even qualify to train as a teacher. Science teachers become scientists first; geography teachers become geographers first; maths teachers become mathematicians first; English students become kind of bookish professorial types first. The science degrees carried out by those who become science teachers are no different from those carried out by a science undergraduate, who go on to become biochemists, physicists and a million other things. On top of this, you do tend to find that many teachers have postgraduate degrees, because the type of people who eventually enter teaching often start out as academic types who love their subject. After 3 years of academic study, they carry out up to 2 years of specialist teacher training, during which time they study pedagogical theory, education policy, child development, psychology, behavioural science, adolescent mental health, learning what to look out for in children who may be at risk of self-harm, mental ill-health, or suicidal thoughts. They learn how to deal with disclosures, which is when a child comes to report something that suggests they are at risk of harm. They have training that enables them to spot signs of physical, emotional, or psychological abuse. On top of all of that, they have specialist subject-specific teaching practices to learn. Where else do you find such specialism that is met with such reluctance to pay for it? The S.E.B. clearly does know - as demonstrated by the wave of recent recruitment into the States - that if we want excellence, we have to pay for it. We have. We have paid huge sums to individuals with certain skills, certain experiences and certain training, to reform the operational structure of our government. We have to also start acknowledging the credibility of teachers and nurses with specialist training and the value of their work. A recent survey of local teachers showed that they work an average of 72 hours a week, almost 3 times that of the 25 hours that is written in their contract. This means they work evenings, weekends. I can tell you first-hand that many work through most of their holidays. While, of course, there are comparable roles in other industries, where this level of extra work is expected, it is obvious

that such expectations are typically placed on senior executives, who are remunerated accordingly and not on the front line staff on average salaries. I think I have made quite a good case for paying teachers more, but that is not what they are asking for. They are asking to be paid enough; enough to eat, enough to have shelter, enough to be healthy, enough to stay in the classroom while having all of those other things. Enough to live, while the cost of doing so continues to increase. If we want excellence, we have to pay for it. I urge the Government to resolve the pay dispute, as a matter of emergency and I will be supporting the proposition. **[Approbation]**

13.1.8 Deputy J.A. Martin:

Sorry, Sir, about that. I had to let the Deputy of St. John in. Is it a pleasure to follow the last few speeches? I have been told if I do not agree with the last speaker, I am not only out of touch, I am childish and pitting one part of society against another is simply ridiculous; everybody should be calling for more pay. Let me inform the Deputy, who has just spoken, half of every piece of tax collected from all of the workers, all of our citizens, half goes to pay for public sector pay. I need to give the Deputy and other Members and people in the gallery some real history lessons here. Deputy Southern brought up 2 decades today of unfair pay. In his proposition and in the last proposition, he talks about the last 10 years. Does anybody remember 2008? Banks were collapsing all around the world, we were in financial ruin. In Jersey, we were losing money from our investments left, right and centre. I said this in the last debate. We had some practical talks with States employees across the board: "We will have to shed jobs, or we will have to freeze pay." They said: "Freeze the pay." Now, another little history lesson, the Deputy of St. John then, Deputy Rondel, Phil Rondel, brought a proposition, in 2009, after it was agreed to freeze pay: "Let us give States workers across the board £400 pay this year. It will cost about £3 million." That got scuppered by Deputy Southern, because he did not think it was enough. He brought an amendment to that to give every worker £1,250 across the board. The Deputy of St. John's was £3 million, so work it out for yourself, 4 times. We had that proposition on the table. No money. The world is financial chaos, but Deputy Southern says: "More money for the workers" when the workers were saying: "No, keep the jobs, keep the jobs." It is really disappointing that we have people standing up, who are not Reform, but they are saying today ... and let us really get down to what this debate is about: tax more and spend more. This is really the only way to do it. Oh, the Deputy behind me laughed, but has anyone read the manifesto of Reform? They absolutely do want to tax more and spend more. They want free doctors. They want to treble what we pay towards consultation for doctors. I was going through some of the 'nice to haves' this morning, just in question time. We have got things here that are not costed, but they are wanted. Let us go for the written question on higher education over the last 4 years. It has gone from £9 million last year to a £15 million estimate this year, not costed, not funded. It is funded at the moment from underspends, going forward not funded. In questions, the Chief Minister was asked can he provide more free childcare, or more subsidised childcare, not costed. We have had an excellent report from my Scrutiny Panel, on mental health. That has got free G.P.s for people with mental health, that has got build a new Orchard House, that is millions and millions of pounds, but all are good things. I am not saying they are not good things, but we have not had the money, so when people say: "Oh, we have not had pay", that they have not had respect over years, of course things happened in 2008, 2009, 2010. In 2013, we had the highest unemployment in Jersey. The bill of social security income support was 3 times what it is now. It is going down slowly. I got a mixed message, as well, from Deputy Southern. When Deputy Southern has to stand up here and quote his heroes as being Senator Walker and Horsfall, I really wonder what is going on. He goes down the post office, that lovely Senator Walker, he would crack open a bottle of beer and he would settle it. He does need to remember that he is trying to probably talk in mid-1980s to 1990s when we did have loads of money. As Senator Shenton used to say: "Loads of money, give them more money, give everyone more money." We are not there. We have not caught up. The Deputy behind me also said: "Oh and it is capped. If we go into 2020, it is capped and inflation could go rife and Brexit could happen and it looks like it is going to happen, we have all these uncertainties, but do not worry about

that anyway. Release money from the Consolidated Fund, because we are in a state of unrest and it is a threat to the welfare of Jersey.” No, Brexit is a threat to the welfare of Jersey. That is why I asked Deputy Morel this morning, did he see the papers, literally - he did not put in the report - that if this goes belly-up what it could mean, how many people would desert this Island very quickly? It could even be worse than that. Then we have the threat: the U.K. Government will not give up. They are trying to stop people investing in Jersey, because they think they are going to go back to London. London is worse than Jersey, I can assure you, but they will not stop them. Look at L.V.C.R. (low value consignment relief), their small businesses in the U.K. said: “Oh, they have got a really good deal going for people in the U.K.”

[16:00]

They stopped us having that, so we do have so many outside threats. Deputy Southern wants to give everybody more money. When I first brought my proposition, my very first proposition as Minister for Social Security, Deputy Southern worked out that certain benefits had been frozen in certain years and we should have a lot more money. This is what I am saying, keep spending your money you do not have, give more. It is Reform. It is that typical left Labour policies, tax them more, spend more and they can laugh behind me, and Senator Mézec can laugh, but he has got a chance to speak and refute everything I say. He can even refute his own manifesto, if he likes, but that is written. The Deputy says I have not read it. No, I would not be signing up to something ... why would I read something that I will not be signing up to? Absolutely. I have been asked to join Reform over the years. My politics are totally different and I will never be whipped into answering this is where I should go. I have to go back to where you think your politics are, because this is not just a little bit of money for now. We are halfway settling. We were told people will not be talking, one side was saying we would not talk and the other side was saying they would not talk, we are all sitting on our hands to see where this goes today. I ask you really and truthfully to look at your conscience and see if you want to have your politics; taxes will go up. I am not saying taxes will not go up, because there are lots of things I have just mentioned that are really good things to do, absolutely good things to do, but they have to be thought through, you have to take those out there with you, those other 55,000 workers, who are paying the majority of the States workers' pay, half of their hard-earned taxes go to all that pay. You have to take all them with you, otherwise you think that was a demonstration today in the Royal Square? You would not get into town. You really cannot have your cake and eat it. You have to decide which way your politics are and that is what this vote is about. Turn the tap on now, just a little bit more, just do this, just do that. It is not really about that. This is about your politics, spend what you do not have, spend what you did not have in 2008, 2009, 2010 and 2011, make up the money now while these threats, as I say, are coming over the water, there is chaos in the U.K. Parliament. Well, the Parliament has taken over. I think that says it all, but it is absolute chaos in the U.K. We do not know what Brexit is bringing. We do not know what the U.K. are doing to us, but just spend money we do not have. It is a bad day. I cannot support this and I am very sorry to the public sector workers, because I know they do a good job, of course, but I still think so do the other 55,000 people, who are out there, who are paying for it. **[Approval]**

13.1.9 Deputy S.J. Pinel:

The Chief Minister has carefully set out the S.E.B.'s clear rationale for what we have done over the course of the negotiations with each of the pay groups and, equally importantly, why we have done it. With regard to this proposition, I wear 2 hats: sitting on the S.E.B., that of the employer, and also that of the Minister for Treasury and Resources. As Minister for Treasury and Resources, I take my responsibilities as the guardian of taxpayers' money very seriously. The S.E.B. makes decisions on behalf of Government about how much we should pay our employees and how that should be structured. As Minister for Treasury and Resources, I have the responsibility for signing off that expenditure and I do so not just for the Government, but for the whole Assembly, because we, as the States Assembly, working together, are answerable to those who elect us and for the financial health

and prosperity of this Island. I would like to take a few minutes just to emphasise the key points in our considerations from a financial perspective. In making a key decision today, it is vital for colleagues to focus on the facts and not to be side-tracked by the clear emotions around the pay negotiations. In the current M.T.F.P., the previous States Assembly established a framework for public sector pay, which was appropriate to the Island's economic circumstances over the 4-year period and appropriate to our local labour market. In 2017, the Government pay bill was £359 million, excluding medical consultants and States Members, but not including pension and social security contributions. This is about half of the government revenue budget. The cost of the offers, currently on the table, is £57 million over 3 years. The consolidated pay bill will be £344 million higher in 2020 than in 2017 and £19 million of that is accounted for in 2020 alone. These are not small sums. Financial probity, consideration for businesses that need to control their own costs, in uncertain times, responsibility to our taxpayers and doing what is right to properly and appropriately reward our employees. The books for 2019 have to be balanced. The Fiscal Policy Panel, in their report published last week, in fact recommends that the Government should move from balancing the budget to running surpluses over the 2020 to 2023 period, though the flexibility to respond to changes in the cyclical position. They said that the Government should consider implementing revenue-raising measures, or expenditure cuts, now, when the economy is above trend, to increase the ability of the public finances to support the economy in a future period of below trend output. They also forecast a slowdown in the economy in these uncertain times, as referred to by the previous speaker. These are significant issues and the S.E.B. must consider them alongside our responsibility to our workforce when we make pay offers. We have to break through the legacy pay issues, to make adjustments to achieve equal pay for equal value. This cannot sustainably be achieved by going to the highest common denominator, or paying across the board increases that leave all the unfair differentials still in place. To do that would be unaffordable, unsustainable and would distort the Jersey labour market costs for taxpaying businesses. It would burden all taxpayers with paying for higher wages for public sector workers and impose unjustifiable costs running far into future years. As Deputy Southern knows, there is currently a healthy balance on the States Consolidated Fund. This is the Island's current account, but a current account where someone has to give permission to spend from it. In this case, that someone is the States Assembly, through the medium of the M.T.F.P. We can only spend what has been approved in the M.T.F.P. Members will be keenly aware that we have to work to balance the books under the current M.T.F.P. and this should be focused not just at the S.E.B., or the Treasury, or the Council of Ministers, but of the whole Assembly working together for the common good. The £30 million to £40 million budget deficit, that is forecast from 2020, would only get wider if we made higher pay awards to our employees and that would make the job of balancing the books even harder, let alone generating surpluses. What we are dealing with is a disagreement with our employees over what the final level of the pay offer for 2020 would be, to satisfy them that they have been sufficiently compensated for lower pay rises in 2018 and 2019. A disagreement is not an emergency, or a crisis. What we have is a mixed pay round, where some groups have accepted our offers and others are considering them. We have a divergence of views, in some quarters, about what we are doing to make historical anomalies right. S.E.B. has approached difficult choices with resolution and the determination to resolve matters quickly and then to move on, hence, for 2018 and 2019, offers are carefully focused to resolve the biggest issues, paying the highest increases to those who were left far behind and correcting longstanding anomalies over just 2 years, rather than more slowly. S.E.B. has shown great flexibility, by loosening the purse strings when it is prudent to do so, from 2020, when new budgets can be set and so that departments know what they have to spend to service the diverse needs of our Island. The S.E.B. has also shown that we are prepared to invest in our people. It is worth repeating that the total costs of our offers over the 3 years is £57 million and the additional recurring cost is £34 million. We can cover these costs through the funding already approved to 2018 and 2019 through efficiencies and through funding approvals that we will seek in the Government Plan. We do not need and should not seek to access reserves. They are one-off monies, which should not be used for recurring expenditure. Our reserves

are there for a reason and that is to protect our Island's long-term interests in the face of serious threats to our economic well-being. Pay disputes with public sector employees are not the type of threat for which we have prudently set money aside. As the Chief Minister has already said, we have 2 very significant threats, that should focus all our minds at this time: Brexit and the attempt to impose a public register of beneficial ownership on our financial system. Just as we need to keep calm and keep a careful eye on these real and emerging threats, we need to keep calm and manage our way through the difficult pay negotiations, so that our future and that of our employees is well-managed and secure. We can only achieve this as a Government and as an Assembly through continued careful financial management, even if our measured and carefully considered actions are unpopular with some. I urge Members to vote against this proposition.

13.1.10 Deputy M. Tadier:

I feel like I am listening to a public broadcast announcement in the 1940s from the Ministry of War when I hear words like: "Keep calm and carry on." In some ways, I think that is where the politics of this Assembly are stuck. It is certainly decades behind, in many ways and centuries behind in others, but we are not here to talk necessarily about that. Although it is regrettable that we have to be in this situation today and it is also regrettable that teachers and other people have come down here, when they could be otherwise productively employed and in the classrooms with their students, I think it is good for at least one reason and that is because it affords them the rare chance to come into their Assembly - this is the people's Assembly - and I know that it is probably not very often that they have been here, they may not have been here ever, but they get to see who it is that purports to represent them. People like to get up to their feet and say: "I am the representative of the people and in my constituency I talk to the public" and we have heard some of that going on already today, but it also shows the quality of some of the speeches that are being made. It is not my place to comment, necessarily, on the quality of some of the speeches, but I can read the faces of some of the members in the gallery, of those who are within my line of vision and I can imagine that I can hear their heads shaking and if they could show approbation, or displeasure, I am sure that they would be doing so. Just as a point of reference, I think this is unfortunately what we get in Jersey when we have low turnouts at elections and it is probably a cyclical problem, it is that you get bad Government and bad representation often when you have low turnouts and people do not engage. I would like to congratulate, nonetheless, a very good speech that stood out for me already, which is that of Deputy Perchard from St. Saviour. She speaks with passion, she speaks from the heart and she spoke without forgetting her roots. I think she is a good example of when you speak from the heart, but also when you have had a good education and you have been through the system and when you have taught yourself, you can speak from experience. She also touched on one of the underlying issues that underpins these kinds of debates, it is the politics of the race to the bottom. We have seen that in the speech, I think, of the Constable of St. John, so when you have one Member saying: "It is only right that we pay our public sector workers the cost of living, because that is the real world in which they live." They are not immune from those pressures, they still have to find their money to pay the bills, to pay the rent, or to pay their mortgages. If they are getting below inflation every year, then that is necessarily going to affect their ability to carry out their jobs, ultimately.

[16:15]

What I am concerned about is that, on top of that, you get this divisive argument that is trotted out, trying to pit the public sector against the private sector and you get the arguments and I think sometimes they are spurious arguments. I had to chuckle to myself on BBC Radio Jersey when they allegedly ... they apparently received a tweet - I am sure they did receive a tweet - which says: "I work in the private sector and have not had a pay increase for 18 years" and they read it out as if that was absolutely, verifiably, true. I am sure that either came from one of the trolls; I hope it did not come from somebody working in the States Communication Unit. If it did, they might have been doing that off the clock. But this is the kind of the nonsense, somebody who has not had a pay

increase for 18 years, I think, is probably fanciful, but where there are issues in the private sector, it is not for us, as Deputy Perchard said, to set that as the lowest mark which we want to attain to, because, ultimately, we are the ones as a Government and as a community, who have to pick up the bills when people and families are underpaid and when they do not have enough to live on. It is even more important in that context when you have austerity, which is going on outside, when you have wages that are below a living wage, that we have the safety net of the States and that we have the safety net of the community and public services, because it will be the likes of your teachers, your social workers, your nurses who are picking up the pieces for the families, where the parents might have to work that second job and they cannot spend the time, they cannot often put a sufficient breakfast on the table, either because they do not have the money to pay for it, or because they are not there in the mornings. It is these teachers who are picking up those pieces and making sure they carry on. As has been said, they are often doing that over and above. When the Minister for Treasury and Resources talks about the £359 million of recurring spending that we spend on the public sector, that does not take into account all the goodwill and the free hours that are given out. When the Chief Minister talks about equal pay for equal work, there is a sense in which that happens already, because when free hours are put in, whether it is by nurses, or by teachers, or by other public sector workers, they all get paid the same, they get paid nothing and that is because they do it for the goodwill and the love of the job. But, as Deputy Southern has reminded us, we are at a strong risk here of losing that goodwill, possibly for ever, or for protracted period of time and the Island, as we know, works on goodwill in so many ways, whether it is to do with our public sector workers, or whether it is to do with our communities. I think we take away that goodwill at our peril. There has also been a false conflation, I think, of 2 arguments. One is that we need to reform the public sector and we cannot reform the public sector, unless we hold off at this point for the pay negotiations, which are effectively for last year. I think by conflating those 2 issues, first of all, I think the Government is being disingenuous, because what we should be doing is saying: "Let us get last year sorted" and that is the strong message I am hearing from the trade unions. They are not saying: "We do not agree that there needs to be some change in the future, we do not disagree that there is talk about levels of pay needing to be equalised. We are happy to talk to you about that, but can we please concentrate on the first issue that we were dealing with earlier, which is to make sure that we can get our cost of living, pay increase for the year in hand and then we will quite happily sit down and talk to you?" It is unfortunate when Deputy Martin makes this personal. I think that is very unfortunate. There is clearly something going on there and I am not sure what it is, but there is an irony when she is clearly slamming party politics and suggesting that this a left-wing conspiracy, to try and increase taxation, because I have seen in this Assembly that it is the supposed independent Members of this Assembly who are whipped the hardest. Some of them are whipped so hard that they cannot even be here today, because they get ill and they cannot come to work, even though they might have been here last time. We know what happens in teachers' jobs: that sometimes they get ill and that sometimes that illness is due to stress, but they have to go to work, because if they do not go to work, first of all, their colleagues are going to pick up the pieces for them and have to work extra hard. They might also be punished under the current regime, so we get ill people going into work. Some of the Constables look incredulous when I say that, but this is the reality. This will be happening in her Parish, possibly in her primary school at St. Lawrence, it will be happening in the many schools in St. Saviour. You get people going to work, not giving their best, under pressure and it is because of the policy of austerity, which is making these things worse. They may not be nice things to hear, but this is the reality. The constituents of St. John, who might be coming up to the Constable and saying: "I am in the private sector" or: "I am retired now. Why should I be paying for my taxes to increase?" First of all, we do not know that taxes are going to increase. Deputy Southern is not asking for new money, he is asking for money that is already there. We know that there is some £185 million already in the Consolidated Fund. He is asking that that could be used for negotiation purposes. He is not asking for a specific amount to be allocated for that, he is just saying: "Let us have proper, open consultations." When he referred to the old greats, if you like, of Senator Walker, or whoever they

were - and I think he also mentioned Senator Dick Shenton, the first - it is not because he necessarily agrees with all of their politics, but he can pay a compliment in the right context and say they knew how to negotiate, they knew how to get around a table and having meaningful negotiations. It seems to me - I hope I am wrong - that we have got a new administration that has come in and I am not just talking about the Government and the politicians, but the civil service and the Chief Executive, who is almost gunning for confrontation, that it is his way and that he has to control everything. Certainly I have seen an element, as an Assistant Minister, where I know that we do not fund our public sector across the board sufficiently, so in my very small corner of the ministerial area, I know already that we have been underinvesting in arts and culture and that we need to put more money on the table. This is a microcosm, if you like, with the negotiations that are going on within my department and with these arm's-length bodies, trying to negotiate money that they should already be having, but they are having their arm twisted behind their back, saying: "We need to find out what the future of the arts is going to look like, before we give you any more money now" and that is clearly not a good way to do things. What we are seeing is a concentration of power away from this Assembly, from the elected representatives, towards bureaucrats, who are not ultimately elected. You can understand, within that context, the political context, that the public sector workers who are watching this, some of whom who are very well-educated, it has to be said, know exactly what is going on and that their frustration is to be heard. It does not help the Constable of St. John's constituents if at the same time as the public sector are not getting their pay increases if they go to the doctor, or they get an appointment for the hospital and the waiting lists are getting longer, because they cannot get the staff up there, or if, in fact, the teacher at the local school is no longer there, because they have had to take time off sick with stress and they have got a replacement teacher, but it is upsetting and they do not get the stability. The Chief Minister also talks about economic stability and this is where the dogma comes in and we get references back to 2008 saying that is when it all changes, but the problem is in 2008 the lessons were not learnt. It is still business as usual, we are still going down the route of austerity and we are trying to superimpose a private model onto what is a public sector to run society. We have seen this across the board now. We have seen it with Ports of Jersey, we have seen with the States of Jersey Development Company, we have seen it with what used to be an in-house Housing Department, which was underinvested in for decades and then we privatise it, effectively at arm's length, so that we can pay the directors more. In fact, that was not a choice, that seemed to happen by stealth, no longer a political decision, and the people at the bottom get paid less. The real risk here today is not just one about the short-termism, about whether public sector workers get the R.P.I. I believe this is much more fundamentally about the future of our public services and what we can expect and what we want as a society in Jersey. Earlier, when I was talking in the Square, there is a well-known quote from Oscar Wilde, which says: "What is a cynic?" and it is a quote from one of his plays, where 2 characters are talking. The answer, which we all know, is: "A man who knows the price of everything and the value of nothing." But, there is a second part to that, which is often not quoted and the counterpart says: "And a sentimentalist is a man who sees an absurd value in everything and does not know the market price of a single thing." There is a risk we can get stuck into that dichotomy there, but, of course, while I suspect that there are no shortage of cynics in our society and some of them may be the ones who control the purse-strings, I would argue, when it comes to our public sector, I would suggest they are not cynical, or sentimental. I think that they know the value of the public service, because they are the ones providing those services on the front line on a daily basis, as I have said, often going the extra mile, often to their own cost. We should not compare with the private sector, because, as has been suggested, some people in the private sector might get a bonus, or they might not. That is not possible in the public sector. When a teacher takes a child, who has severe challenges, whatever they might be, and they take them and get them a pass in a subject which they were only expected to get lower than a pass in, I think that is something which is celebrated and which has a great value and the teacher is not rewarded in any financial way for doing that, because the achievement is reward in itself. But, that does not figure on the graph that was circulated by the Chief Minister earlier, but they are not sentimentalists either, because they

know that they also have to live in the real world and I think we are at a tipping point. If this was just a one-off and there was genuinely a crisis and we said: "There is no money" they might be willing to accept this, but this is the culmination of years of neglect, of years of underinvestment and years of below inflation pay increases and difficulties with recruitment and having to work in suboptimal conditions. I would suggest that, in supporting Deputy Southern's proposal today, what we can do is set up the right atmosphere to rekindle that proper negotiation that should have been taking place. There is a partnership, but talking of a partnership is completely meaningless if it comes in a context of years of neglect and an unwillingness to negotiate properly. What I would suggest, it is much better to support Deputy Southern here, to allow the negotiations to take place. It is quite clearly within the parameters of what is allowed under the law, because this is a situation in which we will have extended periods of civil unrest, schools being shut and I do not think that serves anybody. The alternative I do not think is desirable, or imaginable, because what we will see is a withdrawal of goodwill, we will see a work-to-rule culture, which just will become standard. Why should public sectors workers work for hours that they are not asked to do within their contracts, or they are not paid to do? You will get people turning up to schools at 8.15 a.m. and leaving at 3.30 p.m. You will see the bare minimum and then that will affect teachers and that will have a consequence on the private sector, so let us not continue down this road of a false dichotomy of public bad, private good and a race to the bottom, but let us try and value our public services and move forward in a spirit of partnership by supporting Deputy Southern's proposals today. **[Approbation]**

The Deputy of St. Martin:

A point of order, Sir.

The Deputy Bailiff:

Before this point of order, Deputy, during the course of your speech - and I did not interrupt and perhaps I should have done sooner - you mentioned the possibility of individuals being whipped to the extent that they were off ill when they were here on the last occasion. Now, 2 Members have been registered as being off ill today and other Members have sworn oaths, supporting the fact that they are genuinely ill. I am assuming you were not intending to impute the integrity of any of those Members, were you?

Deputy M. Tadier:

No, I was not, Sir. I was not. I am suggesting that just being whipped in the party political sense by a party that does not exist might be enough to make anybody ill, whether they are in the Chamber, or not.

The Deputy Bailiff:

Very well. I will assume then that you were not directly imputing that, Deputy. Do you have a point of order there?

The Deputy of St. Martin:

I think you have covered the point I was going to raise, Sir.

13.1.11 Deputy I. Gardiner:

I have been told by more experienced politicians that sometimes the decision on which way to vote is very tough, because I will be conflicted in my feelings and information. On my second day within the States, I am faced exactly with this scenario. I have received emails from parishioners and I have had conversations with teachers, civil servants, nurses. All of them do important work.

[16:30]

All of them work in stressed environments. All of them should be treated with respect and be rewarded for their work. They have brought forward a very good case for a pay rise. I have listened

to the States Members, Senators, Ministers, and I would like to share with you 3 of my main concerns. According to the Fiscal Policy Panel, we need to have at least 30 per cent of G.D.P. (Gross Domestic Product) or G.V.A. (Gross Value Added) in reserve, in case our economy, our finance industry, will collapse. Thirty per cent in Jersey it is £1,400,000,000 - and I will be happy to be told if that is wrong - and taking into account strategic stabilisation and the money that we have in the Consolidated Fund, it might be touching £1 billion, dipping into our rainy day funds, into our reserves, it is to risk to provide for the poorest, most vulnerable members of Jersey in short, medium and long term for the possible disaster of the Brexit. I hope it will not happen, but it might be and we do need to care for our vulnerable people, including senior citizens, mental health and whatever health has been mentioned. These are the first concerns that I genuinely have. Second, in an uncertain situation, I would like to have some certainty. I have emailed yesterday and asked what will be the approximate cost, the total cost, if you go to an imagined scenario that we will meet all demands and the answer that I received, I will read it as it is: "The demands of pay groups vary enormously and the cost of implication of each demand cannot be determined at this time." I am really cautious to say, let us release the funds without knowing how much money it will cost us. I can say, let us release the funds, but let us wait for the Brexit and we will not have a guarantee that these funds will be used for the pay rise. I would like to have some certainty, would we need an extra £3 million, £9 million, something that I would be able to address and get and understand it and not just let us release the funds in this uncertain situation? The third one, I have participated in a demonstration for better pay back in February, because the offer, in my perspective, was too low and the Brexit perspective was much more optimistic than now. The 1st March offer, on the table now, costs £57 million over 3 years in additional pay costs across all sectors. This offer gives some stability and great uncertainty. We talked about the private sector, but private sector does not have this pleasure. If I would be running a business and I run a business, I would be completely postponing the pay rise negotiation until after Brexit. I will be really pleased if Brexit works out in our favour and benefits Jersey and we can increase pay to our hard-working nurses, civil servants and teachers in 6 months' time when we might have some certainty. As an elected politician of the Assembly, I am responsible for the good governance of public funds; £57 million of pay rises of taxpayers' money and we need to use these taxes to benefit all Islanders, especially poorest, most dependent and vulnerable. I am trying to establish what I feel is a fair balance between wages of public servants and needs of all dependent sectors across Jersey and available funds that we are having now. It is kind of a very strange balance, based on the 3 points that I mentioned. I am still not decided. I continue to listen to States Members and obviously for the closure and I would like to hear how my concerns can be addressed and this will help me to find the balance to vote, as best as I can, to ensure and reward our working public working servants and keep Jersey economically secure from the worst effects of a hard Brexit that might happen.

The Deputy Bailiff:

Before calling on the next speaker, I inform Members that we have a distinguished guest in the public gallery, who has just joined us; Deputy Yerby from Guernsey, who chairs the Guernsey Overseas Aid, accompanied by Mr. Simon Boas. **[Approbation]**

13.1.12 Deputy C.S. Alves of St. Helier:

I am appalled, embarrassed and ashamed that we are here once again. I stood outside today in the Royal Square and listened to those who made speeches. One thing that was said was that only those who have worked in our public sector really know what it is like and one speaker invited States Members to work for a week as a teacher and not just up until the bell rings. As an ex-teacher, I would highly recommend it to those in here who have not worked in our public sector before. There are Members in here, who have no idea of the volume on which the public service relies on the goodwill of its workers in the form of unpaid hours, due to unrealistic workloads. The fact that unions often suggest working to rule as an option just shows how reliant the public sector has become

on our goodwill. This does not happen, to this extent, in other sectors. The recent publication of our Scrutiny report into mental health services on the Island was damning. There is no denying that the mental health of Islanders is getting worse. Referring to Written Question 133 of 2019, asked by my Scrutiny colleague, Deputy Pamplin, showed 6 days taken between January last year and February this year for mental-health related reasons across all departments; 20 per cent of these days was from the Children, Young People and Education Department and 47 per cent from the Health and Community Services Department. These are 2 departments with some of the most highly qualified individuals on this Island. I looked up on the gov website, the approximate numbers of days lost due to stress alone is 9,000 working days. What do we think will happen to these numbers of mental-health sick days if we continue to devalue our workforce? This takes me on to recruitment; recruitment was also highlighted as an issue for the Health Department in that mental health report. This is not isolated to the Health Department, this is across the public sector. In the last 3 years alone I, personally, know of 6 teachers, who have left the Island to work at international schools across Europe and the rest of the world. These teachers had families, who they have taken with them. I also know of teachers and other public sector workers who have left the profession altogether. Why? Because in the private sector they have choice and they have competition. I know of individuals, who have come out of university with a degree and gone to work in a trust company, for example. They then, after a year, have moved to another trust company, doing the same job, but where they are paid more. As a teacher, or a nurse, or any other specialist professional in our public sector, you do not have that choice. When I was a teacher, I was paid what I was paid and whether I moved, or not, I was still paid the same. Let us not forget, the majority of our workforce are marginal-rate taxpayers and all workers pay social security contributions. This means that whatever pay offer we give our workers we are, potentially, getting a third of that back in tax and social contributions; that is a third. The rest, I am sure, will be spent on ever-increasing utility bills, rent and other essential items. **[Approbation]** The Chief Minister, himself, today, mentioned during question time: “We need stability for our social workers and our workforce.” If recruitment is bad enough right now, it will only get worse. If this continues, not only will strikes continue but we will lose our workforce and lose stability. I urge Members to support this proposition. **[Approbation]**

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

I would like, first of all, to disassociate myself from some of the remarks of previous speakers, who seem to imply that this *projet* is a Reform Party proposition, that it is all about tax and spend, because I do not think it is. I would like to specifically disassociate myself from remarks Deputy Tadier made, which appeared to me to be criticising institutions like Ports of Jersey, States of Jersey Development Company and Andium Homes. He seemed to suggest that it was all about high pay for executives, whereas what these arm’s-length bodies appear to me to be able to do is to move nimbly and effectively towards their goals, being untrammelled by some of the difficulties that people working in the public sector have to deal with. However, I would like to associate myself with the excellent speeches made by former teachers, who have a much more recent experience than me of what I still call the chalk face, which shows how long ago it was that I stood in front of a class. Deputy Perchard, I think, for me, made the salient point on this score. If there were and across the board belt-tightening, such as some speakers have referred to, occurred back in the early 2000s, then there might be some grounds for opposing this *projet* and I would be persuaded to support S.E.B. (States Employment Board). But what is sauce for the goose is sauce for the gander. When I last spoke on this subject, I referred to a gold rush as consultants and highly-paid executives came to Jersey, to pick up jobs in the upper echelons of the civil service. I am afraid that makes it difficult for me to believe the argument of the Minister for Treasury and Resources that there is no money, because there is money if the States wants to bring over highly-paid executives to take on roles in Jersey. While that is going on, of course the teachers and the nurses and the social workers feel that there are simply 2 rules; a rule for the upper echelons of the civil service and a rule for the others. I have spoken, also before, about the ability of the Council of Ministers, or their executives, to increase

spending on things like communications, where we have a Communications Department that I gather has more people working there than for the Island's newspaper and yet we have not got enough money to spend on our teachers. That is clearly a broken situation, it is one which makes it impossible for me to support S.E.B. Some teachers treat teachers as professionals and specialised professionals, who have the same standing in the society as lawyers and bankers. That, of course, does not happen, not just in Jersey, but it does not happen in the British Isles at all, really. One way, I think, we can address the cultural problem, with regard to teachers, is to pay them better because certainly when you pay someone better they have more respect in the community and they feel more self-respect. I do not buy the argument that there is no more money. I do not buy the argument that teachers are properly paid. I think they should be paid more. I think they should be paid above inflation. I think a well-paid career is clearly an incentive for people when they go into further education. People need to go into further education to become teachers, not just because they have a passion for teaching, which I believe all the teachers who were in the square at lunchtime have, but because they want to be properly remunerated for the job they do. They do not want to be at all apologetic when they are asked what they do and they say: "I am a teacher" because you should be able to say: "I am a teacher" and people should raise their eyebrows in respect at what you do. I think it is a very sad day that we have a teachers' strike. Not much has been said about the enormous disruption of daily life for thousands of Islanders today and nobody, I think, yet has apologised from inside the Assembly. I certainly want to apologise to all the families, who have had their lives disrupted today, by the lack of an education for their children, because it should not have come to this and S.E.B. really should have found a solution through negotiation before we had this debate. **[Approbation]**

13.1.14 Senator S.Y. Mézec:

I am pleased that the situation has improved since earlier, where, for quite a prolonged period of time in this debate, there were only 25 Members sat in here and if one had left we would not have been able to carry on with the debate, as we would have gone inquorate; this at a time where we are debating the social well-being of the Island and threats to it, is a situation I find astonishing. But I suppose you cannot blame it when you get the quality of contribution like what we had from Deputy Martin, who did her ridiculous scare story about these reds under the beds, who will nationalise your grandmother and tax you at 3,000 per cent and then admitted, at the end of it, that she had not even read the manifesto, which she was claiming to be an expert on.

[16:45]

Here we are in this Parliament making important decisions on the things that will affect the lives of the people who have put us in this privileged position and some people do not even do their research, before contributing to debates. It is absolutely astounding, although I will say that I thought the contrast with Deputy Perchard's speech was a good one, given what a beacon of light that was in this debate and I hope to hear more of that sort of thing in future. At various points in this debate, however, the elephant has managed to creep into the room, in that there have been references to 2008. Deputy Martin referred to it in her speech, I think Deputy Tadier did as well, but I will quote the Chief Minister who, I think, said it best. He said and I quote: "In 2008 the world changed" and he is absolutely right, it did change in 2008. I remember it very well, I was still at school then. In fact, I was still being taught by some of the teachers, who I saw in the Royal Square, at least one of whom is in the public gallery here. What happened in 2008 was that a small number of rich and powerful people trashed the global economy and we went into a massive recession, the price of which ordinary people are still paying today. I ask: who caused that recession? Was it the teachers? Was it the nurses? Was it the other public sector workers, who are to blame for the situation we find ourselves in, 10 years after that event? No. Have the people who did cause that crisis paid for it? No. They, to this day, still find themselves making more and more money every year, while the economic standard of living for the rest of us gets worse. In fact, in the last 10 years in Jersey, the number of people earning above £1 million a year has quadrupled, whereas the poorest people in Jersey have

seen their standard of living decline. We find ourselves in one the richest places in the world with the rise of food banks and zero-hours contracts. Ten years after that global financial crash. I ask Members this simple question - and it is not a rhetorical question, I want them to actually think of the answer - how much longer does this go on for? In 10 years, life for the ordinary working person has not got better. In many instances it has got worse, while the wealth has been generated and we have generated wealth in Jersey in that time, particularly in the last few years. The proceeds of that wealth generation have gone to a small number of people, at the very top, while everybody else, who sees themselves in a more precarious position than they were before, with pay which is lower in real terms, many of whom are working harder than they were before have not felt the benefits of that. How much longer can that go on for? Where does that trend lead? Do we take another 10 years of this? Do we say to our constituents: "Sorry, it is too tough. We are not able to deal with this. I am afraid you are going to have to have another 10 years of this, where your standard of living does not go up, because we are not prepared to make the decisions to do that. Because of that crash 10 years ago, caused by a small number of very powerful people, you will continue to have to pay the price for it and we will not do anything about it." The simple fact is that that trend cannot carry on for ever, because there is an end point. That end point, eventually, is one person owns everything and everybody else owns nothing. That is the trend. At some point, we have to reverse that trend. We have to say: "What can we do to rebalance things, get things back in order to where they should be?" I say that day is today. By voting to support Deputy Southern's proposition, to do what we were elected to do, which is to support the people that have put us in this position, to try to make their lives better, by opening meaningful negotiations. We are not even stipulating what that offer should be at the end of it. We are just saying: "Let us have honest and open negotiations that are not just a tick-box exercise" as they have been up until now. Deputy Southern, I think very well described the contrast there was with previous committee presidents who were very well-regarded by Jersey's trade unions, because they knew they were treated seriously by those people. Even if they did not always get what they wanted, they knew they would get a fair hearing. That is the way this ought to be in a democracy. Of course, we get the usual games, the divide and conquer games. Best espoused by Deputy Martin, as she did in the last debate, quite disgracefully, I think. But also by the Constable of St. John, who pit this against the few thousand States workers versus the 54,000 private sector workers, as if we are 2 different species, as if our lives are not interconnected and intertwined in that way. I find it particularly angry, especially when there is talk about who has to declare interests in this debate. None of my immediate family work in the public sector, but I have friends who work in the public sector. I have got very close friends, who work in the private sector, but their partner works in the public sector, so let us not even look at this as individuals. Let us just look at this as households. How many households are there in the Island where one earner is in the private sector, one is in the public sector? You seek to divide these people, betray them as they are some sort of enemies. How we have to hold down the public sector, because those poor people in the private sector with their bonuses, with their health insurance and all the other benefits many of them do get, many of them do not get that, and that is why they ought to be supported and you do not help them by holding the head down of people in the public sector. It is economic illiteracy to think that is how you improve people's lives. Deputy Martin spoke about what Deputy Southern said in the immediate aftermath of the financial crash, when some were calling for greater pay rises and Jersey faced years of recession after that. What a great tactic that would have been if we had said right at the very start that we act economically responsibly and we look after people then perhaps we would not be in the situation we are in today. Today offers us an opportunity to start reversing some of that. I ask Members to reject this politics of division, this economic nonsense, but more importantly political nonsense that suggests that we are not one Island and one community, whose happiness and success depends on one another and how we are inextricably intertwined, whether it is because we know people and care about people who work in the public sector, but because we benefit from public sector services at that time. But let us look at the situation right now with the public sector pay negotiations where at the start we were simply talking about negotiating previous years and magically

something else has appeared on the table in the run-up to this debate. It is this idea that we can include, as part of this negotiation, a pay rise for 2020, which will be R.P.I. - whatever that is, and we have got no idea what it will be - plus a little bit extra on top. If you want to talk about economic imprudence, surely it is offering a pay rise that you do not even know how much it is going to cost. Surely, we should be talking about what we do know, which is what the cost of living has been in recent years and let us not pre-empt discussions about what pay we will be giving in 2020, when we have not even got our Government Plan sorted yet. We do not know how much money we will have available to spend in our public services. What if situations end up being not as we would foresee, R.P.I. ends up much higher than it otherwise would have been, we have got to stay true to our word and offer that pay rise and all of a sudden we have got to find a huge bunch of other savings, because of the envelope we will have agreed in the Government Plan, without knowing what that means. It is a foolish thing to do. Those issues should be separated out. It does not put us in a good position and it strikes me as blackmail. "Do not go on strike, because, do not worry about it, there is a nice big pay rise coming up for you in the future." When that is clearly not a sensible way to move forward when we are talking about historic pay rises. That is all I wish to say in this debate, to highlight those issues that we have an opportunity to reverse the trends that have seen life for too many of our Islanders get worse. There is, at some point, going to have to be that realignment and I say to Members, who are thinking of voting against this today: if it is not today, when will it be? Will it be at the next round of strikes? The round after that? How much more disruption do we have to take in the meantime? I urge Members to support the proposition that Deputy Southern has put forward, so we can find ourselves in a place where we can have a meaningful negotiation with our valued public sector workers, those who we ought to - not just say we value - but, show we value, by voting for this proposition. **[Approbation]**

The Deputy Bailiff:

Ladies and gentlemen, in the public gallery, I am afraid you are technically strangers to the Assembly and Standing Orders requires that you make no audible approval, or disapproval, of anything taking place within the Assembly. That is Standing Order 173(4): "A stranger while in the precinct of the States must not express audible approval, or disapproval, of the proceedings of the States." That is part of the Standing Orders, if I could just bring that to your attention.

13.1.15 Connétable J. Le Bailly of St. Mary:

We have heard about public sector pay being at odds with the private sector. The private sector want a pay rise also, but they are not getting it. Because the private sector are using the public sector as a level to keep pay down. If the 55,000 workers in the private sector had a pay rise, they could help fund our public sector increase, based on increased taxes, which they would pay, including goods and services tax. We need to play catch-up in order to put the pay back to the level where it should be, to match the level when these people took those jobs years ago. I will support the Deputy's proposition to put extra money on the table for negotiation.

13.1.16 Deputy M.R. Higgins:

I have not got a prepared speech and, as I have gone through, I have been making some notes, most of which are disagreeing with what various speakers have said. Let me just make a number of points. I said in this Assembly, on many occasions, the States is a bad employer. I believe that to my very core. I have been here 11 years and before that I worked in the public sector, first of all as a lecturer in economics, law and banking at Highlands College for 18 years. We were treated badly then. All I see are things are repeating themselves now. They have learnt no lessons at all. We were lied to, and I mean 'lied' by the Education authorities and the people engaged in the negotiations and I honestly believe that many members of the teaching profession, the nurses and everyone else, believe they have been lied to by the existing States Employment Board. Nothing has changed. We say we respect people, but we do everything in our power to show them the opposite. I have always believed

in leadership. Leadership in the sense of having a vision which you try to encourage people to adopt and go forward. This States and Government of Jersey have no vision and is showing no leadership. A lot of the things that are happening are being driven, behind the scenes, by senior civil servants. One of my criticisms ... by the way of the Chief Minister, I like him. Personally, I like him. However, he is not the most charismatic person I have ever come across. [Members: Oh!] However ... no, sorry, Sir, I am going to say some nice things about him.

The Deputy Bailiff:

I think personal comments about other Members is not really appropriate.

Deputy M.R. Higgins:

I was going to say he is very diligent and he believes in what he is doing, but I disagree with him. The point is, we have all the negotiations going on behind the scenes. There was no, I think, political direction. The Chief Minister, when he came in, basically said: "I will accept everything the previous Chief Minister has agreed to. Some of those things I am grateful for, because he knows what I am talking about. In a specific area, it was important it went ahead. But, in other areas, adopting the same Medium Term Financial Plan and the restraints, I feel, was a mistake. I think this Government coming in should have looked at the situation itself and then tried to deal with things. Not just automatically accept something that was imposed by a previous Assembly. Why do I believe the States are a bad employer? We have seen it time and time again when it comes to complaints; people making complaints and how they are badly treated. How people, if they are facing disciplinary actions, are badly treated. When it comes to pay, again, how they are badly treated. I will give you an example. When we were at Highlands, we were forced into an arbitration after 2 years without pay. We did not want to go to arbitration, but that was the agreement, so we went to it. Then one of my colleagues pointed out that if such and such a thing happens and the arbitrator gives us, as lecturers, fractionally over a particular figure, that it would cause quite an increase in salaries for various members. We went to the Education Department and said to them: "Do you realise the implications of this?" They had not, but when they did, they said: "Oh well, that is the way it is. If that is what the arbitrators do, we have to live with it."

[17:00]

They then spent the next 4 years saying that the lecturers were overpaid, far more than their colleagues in the U.K. and tried to do everything within their power to claw it back. That is just one example of what I think was dirty dealing, dirty tactics and I do not think anything has changed. Today, for example, I have been questioning the vice-chairman of the States Employment Board about the involvement of the Communications Unit with F.O.I. requests. I have sent him emails, so he can see some of the correspondence going on behind the scenes. In fact, every States Member has been sent them. Have a look at them. So, we are being told on the one hand that they are not doing these things, but they are. This is happening with the public sector unions. I think we are treating them badly. We have always treated public sector employees badly. I want to lay to rest some of the other comments that are coming here. We are told we cannot give pay awards, because we have got no money. If you think back a few months, we are told there was no money. Today, we have been told we are giving them an extra so many million, but there is no money in the future. I have been here 11 years. I have heard so many Ministers for Treasury and Resources, they are more like magicians. They have got no money, but they are pulling out rabbits, with bundles of money, which they give to their pet projects. It depends on how you look at it. We are not getting all the facts. As States Members, we are kept very much in the dark. I do believe that we can fund the public sector pay rises. I want to bring them onside. Let us get rid of all this rancour, all this anger. We need their goodwill. The Island, in the future, is going to face, for example I talked about it before, a change in our workforce. We are going to have artificial intelligence, robotics, all sorts of things which are going to impact on employment in this Island. We need our teachers to help prepare our youngsters

for this future. Not drive them away. Not cause them to leave the profession. It is amazing how many teachers do leave teaching, because they need to support their families and they either go into the finance industry, or elsewhere. They are well trained people, who are mobile. Now, in addition to that, there are shortages, we know, of nurses and yet if we do not pay them properly how will we retain them and how will we recruit new ones? There is a shortage, almost worldwide, for professional medical people. We should not be doing what we are doing, it is counterproductive. We are causing serious damage to the Island and I do beg States Members, look beyond some of the things we are told. We are told, for example, the F.P.P. says that we need to put about £600 million away and increase the size of the strategic reserve. They say we have got to put money into the - sorry, I have forgotten the name of the fund, the middle one - Stabilisation Fund. I do not disagree with that, but the way the Government is talking about this pay rise is we have these deficits going forward, we have got to put money away. In fact, there will not be any more pay awards, so you might as well go and change your jobs, because there will not be any further pay rises. Equally, we have put into the ... well, the Government brought their Strategic Plan putting children first. That is going to cost money; hospital, putting medical things first. There is going to be no money for that, we are going to have to put it into a fund. So, do not believe automatically what, for example, we are being told here today. I have gone through the F.P.P. paper line by line and there are some interesting little comments there. What got me was the one that said: "The finance industry could go with Brexit." One of the reasons is the City of London may poach our business, right. In the past, we have been told the finance industry is loyal to here. We have to do everything we can to protect it, but it could go and therefore we need this reserve. Well, instead of putting it into a reserve why are we not investing? We talk about diversification. There is a proposition I am bringing forward to the States, that instead of South Hill being turned into expensive housing, which no one can afford, we should build a hotel there. Why? Because - OK, we do not control our tourism - but we have a beautiful Island and everything else, why are we not investing in our own industries, so if finance goes then we have got jobs for our people? Some of you may say: "Well, they will not take up jobs in hospitality, they do not want to know." If there are no finance jobs, they will be taking any job they can get and we need to prepare for that now, because it will be too late if they suddenly decide to go. So, what I am trying to say is, the future is uncertain, but it does not mean to say you do not take decisions and what you do not do is destroy the goodwill of the people, who are the backbone of what is going on in this Island. That is our public sector workers. I will also say that all the comments about the private sector; I fear for the private sector. Many people are in extremely low paid jobs. Something else the F.P.P. mentioned, it mentioned about the number of people who are not contributing to tax revenue in lowly paid jobs. Care workers. They keep on saying we have got to put money aside for old age and for dealing with the elderly population, dementia and all that type of thing. We have got some serious problems and we need to address them. But, we do not deal with problems by bludgeoning our public sector into submission. You show leadership, you show vision and you try to take them with you. So, I am fundamentally opposed to the policies of the S.E.B. and this Government and I do believe that we should give the negotiators the ability to negotiate properly, which they have not in the past, because they were just saying: "There is no more money, there is no more money, there is no more money." So, I will just say that I would like to see that happen. I must say I was ... well, some of the speeches, I will not say, but they say leopards do not change their spots, but there is certainly one Member of this establishment who has and for all the values they have espoused in the past, they have just totally gone the other way and I just find that totally reprehensible and shows lack of principle. So, I do hope that Members will support Deputy Southern's amendment. Let us give our public sector just reward for what they do and try not to lose their goodwill, because we need it and we need it desperately. **[Approbation]**

13.1.17 The Connétable of St. Brelade:

We have heard much emotional rhetoric about certain areas of our public sector workers and I do not disagree with much of what has been said. But, I do feel that it is unfortunate that we have arrived

at this situation of debating public sector pay in this Chamber. My understanding is that the present argument really boils down to the fact that there were no R.P.I. increases in 2018 and 2019. Both Deputy Southern and the Chief Minister have been, I think, a bit economic about the bottom-line cost of rectifying this in addition to what has been offered. My question, therefore, and I would ask Deputy Southern in his summing up to answer it, is how much, in gross figures, does he predict it would cost to resolve this present situation? I would also ask him to let Members know what he thinks the consequences may be on other groups in the public sector who have already settled. I am sorry to be adopting a business-like approach, but, to me, in negotiations we need to be blunt. We have been doing a lot of talking. Let us have the bottom-line figures and the stark reality is that we do need these figures to be able to move on. So, I look forward to hearing Deputy Southern summing up.

13.1.18 The Connétable of St. Ouen:

I see Deputy Higgins has left the Chamber, which is unfortunate. I do take issue with his statement that there will be no further pay rises going forward. That is not the case. We have never said that. We will look very carefully at future years and we will look very carefully at R.P.I. and we will make sure, to the best of our ability, that public sector workers do receive R.P.I., if at all possible. So, I strongly refute his suggestion. I would also like to make the statement that S.E.B. have made generous offers to our employees. They are very close to inflation for some, if you take the cash element into consideration and in some groups they are slightly ahead of inflation. I would also like to make the point that in terms of teachers, I have a teacher in my family. I fully understand the work that teachers do and the commitment they give to this Island. It is greatly appreciated and I think every Member in this Assembly will feel the same way. However, just to make the point that teachers in the private sector this year will receive a 1 per cent pay rise and they will be making the same commitment as those teachers in the public sector. In terms of where we are, we have made offers to some groups. Some groups, including teachers, rejected those offers and we are waiting for the outcome of other groups, including nursing and midwifery. I hope this describes where we are at the moment. I should make the point that we are in active negotiation with all unions and also the point that in terms of movement, let us be fair, S.E.B. has moved. We have put £19 million on the table and in fairness and in reflection of the unions, they have not moved in our direction, their demands have remained the same. The proposition that we are putting cuts across these negotiations and makes our lives a lot more difficult. I have to say we do regret the strikes and, on behalf of S.E.B., I should like to take up, I think it was the Senator's, proposition. I apologise to the general public for the inconvenience this has caused. It is not our desire to do this and if we could have avoided it, we would have done. In terms of the most recent strike, we did invite the unions to get round the table last Friday, but the earliest date they could do this was next Monday, which conveniently, of course, is after this debate. Members will have to recognise that the Board does have to balance a range of competing interests, while ensuring a fair offer is made to the workforce. The offer made demonstrates the thought that the S.E.B. has given to achieving this balance. They represent a movement from the 2-year offer to a 3-year offer, which includes 2020, the first year of the new Government Plan. This allows us to show flexibility, where it is prudent to do so and in terms of predicting inflation, we have got a prediction which we believe to be reasonably accurate and we believe that it is a responsible thing to do. At our briefing last year, we have shown how much we are investing in the 2018 and 2020 offer. It is £57 million over 3 years, with an ongoing cost of £34 million. These are not small amounts and they have to be found within the public purse and from tax income that we get. I would like to advise that S.E.B. has worked carefully to direct money to readjust our pay structure for all pay groups. We know they have fallen out of kilter over the years and if we do not now we will never achieve equal pay for work of equal value. The Government should set the tone in this respect. This is why we are taking tough decisions, some of which, as we can see from today, are unpopular. But we, in S.E.B., believe it is the right thing to do. This latter point leads me to a message, which you need to be aware of, our responsibility to the whole Island and not

just to our workforce. The States workforce, according to independent statistics, is the best paid sector after financial services. Our people are paid more than construction, retail, tourism and hospitality, all of which are important sectors of our economy. But, picking up on what has been said today, that does not mean to say that we do not represent and do not value the contributions of our teachers and all our public servants make; of course we do. They are all part of our community, we all live in the same Island, we all have to work together, but we have to be responsible as well. With the uncertain climate we are in and the last few days have clearly made it only worse and we should be ensuring that we run surpluses to replenish our reserves. What we should not be doing is dipping into our reserves to pay for business as usual issues, which ultimately is what pay rewards are. The uncertainty, which I refer to, is something the Board has been made deeply aware of. Our thinking and our direction to our officers tasked with progressing the mandate the Board has given us. There is a potential for a real crisis, such as Brexit and I think we have all seen how this has played out on U.K. TV. Nobody knows where it is going to end up, nobody knows what the consequences are going to be and nobody knows what the impact on our Island will be. It could be nothing, or it could be disastrous; we do not know. We could find ourselves having to use our reserves to, say, fund the public sector and bear in mind the size of our pay bill, which is £350 million. Our reserves would not last too long if we were trying to fund that. We have also seen other threats to the Island, in the form of our colleagues in Westminster wanting to try and pass legislation for our financial services industry. This, again, is not good. It would have a tremendous impact on our financial services industry and I know that, for some people, the financial services industry is a blessing and a curse, but it is what it is. It pays for an awful lot of things that happen in this Island. We need it and we need to nurture it. We cannot judge our public sector pay in isolation; it has to be examined in the context of all the issues that face our Island. We, in the Assembly, have been tasked by our constituents, to ensure that we do the best possible job for the whole Island, including taking some hard decisions, decisions that some might see as unfair to their particular interest group, or view. Making these choices is what we are here to do and the Board makes no apology for making the decisions it has made. We believe that we have directed fair and reasonable offers in the context, not just what is affordable, but also what is right, including using some efficiency savings which have yet to be realised. You cannot provide an open chequebook, you have to be prudent. We have to ensure that our public sector expenditure lives within its means, in order for the financial security of the whole Island.

[17:15]

To conclude, I would like to remind you of a few key facts. The offers made by the Board are reasonable. Over 3 years they will cost us £57 million in additional pay and an increase in the recurring pay bill for 2017-2020 is £34 million, including almost £19 million for the 2020 offer. S.E.B. has moved significantly on its pay offer, with this 3-year revised deal and Members will know we are constrained by the M.T.F.P. and the only way we could find more money was to look when the M.T.F.P. finished and use that money to make pay offers. Looking back to previous years is not helpful, as the financial climate at the time was very different. As has been said earlier, yes, the major financial crisis that hit the world in 2008 was caused by a small number of very wealthy and at times, very greedy people. However, it has had a major impact, because I was in the finance industry at the time, I know what the impact was on the finance industry. People in droves lost their jobs, including me and I had to stand there and make 20 of my colleagues redundant as a result of this crisis. So, people in Jersey, some have benefited from it, but there are an awful lot of people in the financial services industry, who were chucked out on their ear and have had to find jobs elsewhere, at much lower pay. So, it has not been without pain for us. This is why, I think, when we look at the other crises that face us as an Island, we have to be cautious. We cannot spend our reserves when we know there is a very uncertain future ahead of us. Maybe, when the future becomes more certain, we can loosen the purse strings and maybe we can redress some of the past amounts of pay that have not been paid on the civil service. To conclude, I would urge colleagues to reject the

proposition, giving the real improvements we have made through negotiations and also the substantial financial commitment that this offer represents to our purse. [Approbation]

13.1.19 Deputy J.H. Young:

Having been newly elected to this Assembly, only last June, I asked myself when I started to hear about this situation - which took me by surprise that we had not settled with our staff - how did we get in this situation? Because, I do not believe any of us would have wanted to arrive at this. Looking around, there are a couple of clues and I was told: "Well, we have got a law, we have got a Public Finances Law, that sets financial limits that are binding on you until the end of that plan period." Which, in effect, on the last elections meant is that, at the elections that took place in May 2018, new Members, who were elected, were bound, unable to respond to policy changes for both financial years 2018 and 2019. This seems to be absolutely wrong, in principle. It is almost as if to say ... particularly when we are on a 4-year cycle, so that means 2 years out of it. That is the law and of course what are we doing; we are getting rid of the law and we are putting a more sensible one in place. So, here we are, if you like, with a residue of the old law and Deputy Southern has brought forward a proposal, which uses an opportunity in there to make an adjustment on the grounds of well-being and, of course, well-being is one of those things; it is not just about finances, it is about social, it is about economic, sorry, and environmental. Of course, those principles, I think, we are going to be seeing them and discussing them when we bring the Public Finances Law in. It is a really important principle. So, he is doing, I think, what is a sensible plan and he is not saying: "Here is the money, these are the figures." He is saying: "Council of Ministers, look at this. Make a judgment. Give yourselves some flexibility as to how you might deal with it." Now, also looking at how that deals with the law and I thought, well, what are the policies and I dug out - you know I am a bit of a geek on this, digging out old reports - Draft Medium Term Financial Plan Addition for 2017-2019. September 2016 this was, published by the previous Council of Ministers and presumably approved by this House and obviously I had this at the time, because I stood unsuccessfully in the Senatorial by-election at that time and I was doing my research and it did not work. But what do I see? I see a paragraph in the summary, page 18. I am going to read a couple of words, because it notes how we got here. Workforce. It says: "We have been applying a policy of pay restraint across the public sector since 2012, to help keep the public sector pay bill within agreed limits. The policy will need to be maintained for the period of this plan [that is till 2019] and will contribute to the spending target." Then it goes on: "Our emphasis will be on using the 6 per cent staff turnover rate to manage vacancies, which means driving it out and reducing headcount naturally, as staff leave." Now, that is policy. Now, the Chief Minister, in his remarks, said: "It is a legacy business." Well, it is a legacy that I did not vote for and I do not want to and I do not feel bound to. There may be other Members, who were present at the time, who have a different view but, in my case, I think ... sorry, I am dropping my pen all over the place. Of course, I hate this divisive debate between public sector and private sector. We are one community. Senator Mézec summed it up perfectly. I do not think there is a family in Jersey where these 2 sectors are not intertwined. I will be honest, in my case I have got 2 young members of my family, both teachers. I hear all about the rough times they have had and, of course, I remember there was a policy, again, I think it was a previous Council of Ministers: "Let us cut salaries of newly qualified teachers" it says; just at the time newly qualified teachers. What is that like? Deputy Perchard and Deputy Alves told us all about what it is like. You are in the class. You are a young person, you have not got your full range of classroom skills, you have not got your lesson plans and find you are besieged with extra work, or marking and all the rest of it. Then you are checked for every minute, under observation and what do you do? You finally get to the promised land and you get some decent salaries. Oh, well, no, I am afraid it is not quite like that. Of course, I have done some part-time teaching. I could not cope with teaching the youngsters, but I did teach in further education once, part-time. Believe you me, it is hard, really hard. I think that tells me we need to look after our people. So, this comparison between private and public sector, I think, is really a fruitless one. Personally, this is a political policy view. I do not welcome the idea of austerity

being used as a policy tool, in order to deal with economic issues. I think the 2 work in parallel. I listened to one, or 2, of the other speeches; again, I am not going to pick up names, but it is really sad when people make comments without looking back through the statistics. I looked back and I was asking myself what is the proportion of private sector employees to public sector in our figures? The statistics report 2016: 54,220 in the private sector, 7,700 in the public sector. That is the relationship. Then I asked: what does our Statistics Unit say about the change in average earnings between those 2 sectors? If you look up the June 2018 Statistics report, they are very helpful there, because they give us those figures from 1999 to 2018. So, we have got 19 years' figures, so it is not just this snapshot of we have checked it out this year and there is 1 per cent difference, or 0.5 per cent. It takes a long view and I think that is important, because all the economic reports I have ever read said the 2 sectors track each other. During periods of recession one sector goes ahead, during periods of economic boom the other one goes ahead and so on, and overall they catch up. That is understandable, because if we had no decent public sector services here, I ask what would be the attraction for private sector employees to come here and be based here. It is part of our Island offering that we have quality public services and I think that has to be recognised. It has got real economic value and I want to keep them. But, going back to the trends in our Statistics Unit, what do they say? Well, the public sector increase in average earnings over that period is 79 per cent. In the private sector it is 93. So, I cannot do any more. I just wish when we have these debates, for me, where do I go to when we get all these figures bandied around? I look at our own Statistics Department's reports. So, I think that is really something that I would encourage all Members to do and make the judgments on it, because I accept, at the end of the day, it is a political choice here. This is probably about as strong a piece of politics as it gets in Jersey and there is that choice. But I think I would ask Members to make the choice on those, bearing in mind those policy facts. I have already spoken about the teachers. We want to retain them and I do think at the end ... obviously, the strike is horrible. I have been involved with strikes many years ago, in the dim and distant past and they are very divisive and very damaging to society. When I stood out and listened to people today, I heard real passion, I heard anger, but I also heard determination. I plead with the States Employment Board, because it is a horrible job they have got, find a solution, please. Find a way forward, because I am as puzzled as Senator Mézec why we need to bring in 2020, which is not known. Why we need to start to bring it, because the issue is 2018/2019. I can see why people want to know where they are, moving into an unknown and uncertain future. It seems to be a simple matter to me. So, to me, I would very much like the Board, please, to find a way of finding that flexibility, trying to find a point where people can all live with each other and we can move on. We want to maintain Jersey being a fair society and let us deal with 2020 in the Government Plan, because we have got massive challenges and we will be having massive debates about tax and spend then, I really do believe we are. So, I think that is the place to have it, that debate and not now. We really should try and find a way of resolving this. So, on that basis, I am going to support the proposition.

Senator I.J. Gorst:

I call for the adjournment.

The Deputy Bailiff:

The adjournment is called for, yes.

Deputy G.P. Southern:

Can we go on? I would prefer to finish it tonight, Sir, if we could. I do not know what ...

The Deputy Bailiff:

It is a matter for the Assembly. The adjournment has been called for. It is approximately 5.30 p.m. and it is appropriate to take a stocktake of the mood of the Assembly at this point. I have only one person at the moment indicating a desire to speak. It would help if Members, who have not yet

spoken, who wish to speak be given a rough indication as to that. Perhaps, if those intending to speak could push buttons and let us know. No, this just determines, so that people are informed.

Deputy M. Tadier:

I think it is worth going the extra mile and maybe putting in a bit of unpaid work, staying a bit later.

Senator J.A.N. Le Fondré:

We go through this many times and we know we have got other business tomorrow, anyway, so I would support the call for the adjournment.

The Deputy Bailiff:

Well, there is a proposition made for the adjournment, is that seconded? **[Seconded]** Those in favour of adjourning now, please show? The *appel* is called for. If Members could return to their seats.

Deputy M. Tadier:

I presume there is no debate on this, Sir?

The Deputy Bailiff:

Good try, Deputy Tadier, but no, this is just an adjournment decision. Very well, I will ask the Greffier to open the voting. The voting is to adjourn now until tomorrow morning.

POUR: 26		CONTRE: 19		ABSTAIN: 0
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Senator S.Y. Mézec		
Senator S.C. Ferguson		Connétable of St. Clement		
Senator J.A.N. Le Fondré		Connétable of St. Peter		
Senator T.A. Vallois		Connétable of St. Mary		
Connétable of St. Helier		Connétable of St. Martin		
Connétable of St. Lawrence		Deputy G.P. Southern (H)		
Connétable of St. Saviour		Deputy K.C. Lewis (S)		
Connétable of St. Brelade		Deputy M. Tadier (B)		
Connétable of Grouville		Deputy R. Labey (H)		
Connétable of St. John		Deputy S.M. Wickenden (H)		
Connétable of Trinity		Deputy of St. Mary		
Connétable of St. Ouen		Deputy J.H. Young (B)		
Deputy J.A. Martin (H)		Deputy K.F. Morel (L)		
Deputy of Grouville		Deputy of St. John		
Deputy M.R. Higgins (H)		Deputy J.H. Perchard (S)		
Deputy S.J. Pinel (C)		Deputy R.J. Ward (H)		
Deputy of St. Martin		Deputy C.S. Alves (H)		
Deputy of St. Ouen		Deputy K.G. Pamplin (S)		
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy S.M. Ahier (H)				
Deputy I. Gardiner (H)				

The Deputy Bailiff:

Accordingly, we will adjourn until to tomorrow morning.

ADJOURNMENT

[17:29]