

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 16th JULY 2019

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[9:33]

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

VOTES4WOMEN

1. Statement by Deputy J.A. Martin of St. Helier

The Bailiff:

I have given permission for the media to be present for the very first part of this Assembly meeting this morning, in order that Deputy Martin can shine in the full glory of the media. Deputy Martin, you wish to say something.

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

I would really like to thank Deputy Doublet, the staff at the Greffe, all the women in politics and other groups that put together Saturday's march. It was a fantastic turnout [**Approbation**] and with all ages there. One hundred years ago, on 12th July 1919, women got the vote. But there were many active women, long before this, fighting for the vote. In 1866, a group of women, suffragists, headed by Barbara Bodichon, with the help of others, started a petition for the vote on the promise of a debate in Parliament in the U.K. (United Kingdom) from the step-daughter of John Stuart Mill M.P. (Member of Parliament). Barbara got 1,500 signatures on a petition, with no online voting help. She took her petition to Henry Fawcett and John Stuart Mill, who then drafted an amendment to the second Reform Bill that would give women the same political rights as men and presented it to Parliament in 1867. It was defeated by 196 votes to 73, so there was not much support for that. Suffragists were supposedly a more peaceful movement and they could include support from men, which is probably highly sensible. The suffragettes were more militant and excluded men, but they had been fighting from that 1867 debate, 50 years later, with nothing happening. Their motto was 'Deeds not words'. Women were put in prison, force-fed. Some were even branded as mad and that they were suffering from a form of hysteria and in extreme cases put in a lunatic asylum by their husbands, or their fathers, just for being members of these movements. It was not easy to speak out 100 years ago. We really do owe a debt of gratitude to all these people who started this and enabled us to get the vote. There was a movement in Jersey called the Jersey Political Association, formed in October 1918, which was headed by Caroline Trachy. This mirrored the movement in the U.K., which gave women the vote on 6th February 1918. Some women got the vote here on 12th July 1919, but in both Islands it was limited to women over 30 and of means, which basically meant middle class and anything upward. There was no opposition in the States to giving women the vote, but the decision not to empower younger women to vote was contested. After women got the vote, Caroline Trachy tried to stand in St. Helier in 1922, but was prevented from doing so. Caroline again started a petition in 1924 and got 671 signatures to change this position and this was passed on 21st March 1924. However, there was a further problem; women had to have their property affairs separate, it was their husband's and it prevented many of those who wanted to stand from doing so. In Jersey, we did lower the voting age to 21 in 1930 and gave everyone equal voting rights in 1945. The first woman elected to the U.K. Parliament was a Constance Markievicz. She was a member of Sinn Fein that did not take a seat. The first woman to take a seat in the U.K. Parliament in 1919 was Nancy Astor. She had a diverse background, really, for being the first woman in the U.K. Parliament; she was 26 when she arrived in England. She was born in America. She was already divorced and then she went on to marry Viscount Waldorf Astor. When his father died, the Viscount had to take his seat in the House of Lords, so his wife stood for his seat in Parliament and was elected in 1919. For 26 years, until 1945, many years before we had woman in this Assembly. We waited until 1948, when Ivy Foster was elected in St. Helier No. 1. In the last 100 years have things moved fast enough? I would say no. I want to go back to the Jersey 1919 debate, when the forward-thinking Constables of St. Helier and St. Mary - the then Constables [**Laughter**] - wanted to ... they are both very forward-thinking men today, but this was 100 year ago. They brought the amendment to lower the

age to 21. In this debate, Jurat Lemprière said: “A boy knew a great deal about politics from his early years, but with a girl it was different. Her attention being generally given to household duties. A young man who talked politics to a girl he walked out with would have found the subject was not very well received.” This was in 1919. Did these attitudes change much in the next 50 years? Not much. When I was in school in the 1970s, a Dr. Martin Cole produced a sex education tape called *Growing Up* in 1971. The content was claimed to be outrageous, because they had too much sex in it. But it was his opening comments in the video and his description of the genders that was much more offensive to many. He said: “Women were designed for giving birth to children, while men were better going out to work and giving birth to ideas.” 1971. In 1960, women started campaigning for equal pay, along with other rights and we are still doing this. Only a few weeks back, the BBC published its pay. There was not a few pounds in it, there was hundreds of thousands of pounds; all the men were being paid more. The U.K. have had 2 women Prime Ministers, but they have not been treated as equals. You need to watch the documentary *The Thatcher Years*, it is 5 parts on BBC Two. What they had that lady doing in factories, she is winched here, she has to break this.

[9:45]

They would never have asked a male M.P. to do this, especially a Prime Minister. Theresa May, if no one had anything to say that they wanted to discuss, they would start talking about her kitten heels and where did she get her outfit from. How many times have you had a reporter say: “Oh and there is the Prime Minister, or the Chief Minister, he is wearing a suit from M&S, or it might be Savile Row”? Nobody does, because nobody cares. It is not an issue for men and it should never be an issue for women. We must recognise we have come a long way, but we must keep on working on this together, men and women, as we do not want to waste another 100 years until we reach true equality. **[Approbation]**

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

2.1 Welcome to His Excellency the Lieutenant Governor

Thank you, Deputy. I now invite the media to withdraw. Turning to the Order Paper, can I first welcome on Members’ behalf His Excellency. **[Approbation]**

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

3. Nomination of a member of the Planning Committee

The Bailiff:

Under F, the Appointment of Ministers, Committees and Panels, nomination of a member of the Planning Committee.

3.1 Deputy R. Labey of St. Helier (Chairman, Planning Committee)

I would like to nominate Deputy Lindsay Ash of St. Clement to join the Planning Committee. Deputy Ash is analytical and authoritative and not a little amusing, which will come as a welcome break sometimes in the serious and important work that the Planning Committee do, so I commend him to the House and nominate him please to do so.

The Bailiff:

Is the proposition seconded? **[Seconded]** Are there any other nominations? Then I declare Deputy Ash is elected to the Planning Committee. **[Approbation]**

Deputy K.F. Morel of St. Lawrence:

If I may, the Minister for Economic Development, Tourism, Sport and Culture has openly not tabled an answer to this question. In his answer, he says there is no answer and I was just wondering if you may have a look, because he is deferring his answer to October, but I wonder whether that is appropriate practice, or not, because it happens in all the questions that I have asked him.

The Bailiff:

Thank you, Deputy, I will consider it and come back to you later on.

QUESTIONS

4. Written Questions

4.1 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING RECRUITMENT TO THE HEALTH AND COMMUNITY SERVICES DEPARTMENT: (WQ.303/2019)

Question

Will the Minister –

- (a) state the number of staff, if any, who have been recruited in the last 12 months in the Health and Community Services Department with responsibility for any form of governance or risk-management;
- (b) provide, for any such recruitment to roles that were newly created within that period, the business cases for such roles; and
- (c) provide, in relation to the roles of Medical Director for Quality and Safety and of Governance and Performance Manager, the following information?
 - (i) When the roles were recruited;
 - (ii) The job descriptions;
 - (iii) The Tier levels;
 - (iv) When and where the roles were advertised; and
 - (v) The recruitment process that was followed for their appointment.

Answer

- (a) There have been no staff recruited within the last 12 months in the Health and Community Services Department with a responsibility for any form of governance or risk-management. However, the department has engaged two interim consultants to assist the department in terms of risk and governance.
- (b) The pay level for the first consultant meant that the prescribed P59 process, which involves approval from the SEB, was followed. Such interim posts do not require a full business case, but the P59 document for this appointment noted: ‘This is a consultancy role to provide expertise and support for a limited period given the current level of risk being carried by the department. The consultant will also assist the organisation with implementation of appropriate measures to manage and reduce risk and improve governance.’

The pay level for the second appointment was such that it did not require P59 approval and the appointment was made under the delegated powers of the Director General at Health and Community Services.

(c) i) The role of Associate Medical Director for Quality and Safety was filled on 1 July 2019. The role of Governance and Performance Manager has been performed by the second interim consultant referred to above since 1st April 2019.

ii) The Associate Medical Director for Quality and Safety is responsible for leading the Quality and Safety Care Group delivering the objectives of the Quality and Safety agenda across the whole of HCS.

The Interim Manager is tasked with: developing and co-producing a risk and governance framework and integrated performance report for HCS; assisting corporate teams in developing oneGov information dashboards; developing Care Group information dashboards; validating and interrogating HCS performance and operational data and acting as operational lead for information support to the HCS Executive Team.

iii) The Associate Medical Director for Quality and Safety role is positioned at Tier 3 in the HCS structure

iv) The role of Associate Medical Director for Quality and Safety was advertised internally as part of the TOM (target operating model) w/c 1 April 2019 and the closing date for expressions of interest was 12 April 2019, with interviews taking place on 23 April 2019; the role consists of additional Programmed Activity (PAs) for an existing medical consultant.

v) The normal States of Jersey recruitment process was followed for the appointment to the role of Associate Medical Director for Quality and Safety. The interim manager post was filled from 1st April with the postholder interviewed by the then Head of Health Modernisation.

4.2 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE REFUSAL OF LICENCES BY THE HOUSING AND WORK ADVISORY GROUP: (WQ.304/2019)

Question

Will the Chief Minister provide, for each of the past 5 years, the number of licences that have been refused by the Housing and Work Advisory Group or the Population Office, broken down by sector and by essentially employed and non-qualified posts?

Answer

The Population Office have issued since 2015 quarterly statistical reports giving the number of applications received by sector, and the percentage granted.

These reports are published on:

<https://www.gov.je/government/departments/customerlocalservices/pages/populationofficereports.aspx?ReportYear=2019>

Summary Table – Permanent Registered Permissions

	Permissions applied for	Permissions refused
2018	953	417
2017	822	426
2016	740	329
2015	918	458

Further information on sectoral permissions is included in the published reports – with the final report in each year providing the full breakdown by sector of applications for the full year.

4.3 DEPUTY L.B.E. ASH OF ST. CLEMENT OF THE MINISTER FOR INFRASTRUCTURE REGARDING EXTERIOR MAINTENANCE WORK ON STATES OF JERSEY BUILDINGS: (WQ.305/2019)

Question

As there was scaffolding up around the Official Analyst's building in Pier Road for several weeks for roof repairs, will the Minister explain why the exterior of the building was not painted during the same period; and will he commit that, in future, consideration will be given to undertaking such work when scaffolding is erected around public buildings in order to make the use of scaffolding more cost effective?

Answer

Prior to scaffold being erected for planned works to a building an internal department survey of condition is undertaken to identify whether additional maintenance works can be brought forward to utilise the scaffold. In many cases works are brought forward but in some cases works are not deemed necessary at the time or there are budget restraints, which require us to prioritise works. In the case of the Official Analyst's building the roof membrane and plant replacement/removal was essential to enable the internal refurbishment of the building. The internal refurbishment in this case is the priority as at present it is outdated and not fit for purpose. The internal refurbishment is being phased over three years for both funding and logistical reasons. Priority was given to the internal working environment rather than the buildings aesthetics.

4.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RECRUITMENT OF SOCIAL WORKERS: (WQ.306/2019)

Question

Will the Minister –

- (a) advise whether he or his Department maintain any record of social workers who live in the Island, but work in the U.K. and who therefore commute regularly and, if so, state how many social workers he or his Department are aware of;
- (b) provide details of the number of applications received from experienced social workers who have an address in Jersey, but who are currently working as social workers in the U.K., which were rejected by the Jersey social worker recruitment process and, in broad terms, the reasons for any such rejection; and
- (c) indicate how he proposes to resolve the current shortfall in permanent social workers in order to reduce the amount spent on agency staff and to ensure continuity of care for the Island's vulnerable children?

Answer

- (a) The Minister maintains no record of social workers living on the island unless employed by the government. Records of social workers and their home addresses will be held by the regulatory body they are registered with such as the local care Commission or the Healthcare and Professionals Council (HCPC).
- (b) There is no collated record to allow reporting of where applicants for the post of social worker reside. The service has received applications from qualified social workers and some of these have been successful in the application. A high calibre of staff is required to work as a social

worker in Jersey. The recruitment process for social workers irrespective of domicile is robust and some individuals are considered to be ‘unappointable’ to the role. Factors taken into account include application form and personal statement, previous experience, competence, evidence gathered during the recruitment process and previous references. Having a role elsewhere is not a guarantee of success in securing a post in Jersey.

- (c) In March 2019 the service launched an innovative and professionally challenging recruitment campaign called ‘Let’s Be Honest’, this has been supported by attendance at English recruitment fayres which has generated significant interest and an increase in the number of applications being made to the service, 57 interviews been carried out and 21 offers have been made to candidates. The area of recruitment and retention remains a high priority for the service. In addition all the places (15) for the new on island social work degree at Highlands College in partnership with Sussex University have been filled with a start date of September 2019. The first cohort of students will graduate in 2022.

Recognising the importance of staff training and development in retaining staff we have entered a partnership with the Social Care Institute for Excellence (SCIE) to develop a practice model for social work in Jersey along with practice and action learning. A number of staff have also successfully completed an accredited qualification in systemic practice delivered by the Centre for Systemic Social Work in London. The training and development builds on the importance of relationship based practice and continuity of care for children and young people.

4.5 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE CONSULTATION TO BE UNDERTAKEN FOLLOWING THE ADOPTION OF ‘CATS: ADDITIONAL PROTECTION WHEN INVOLVED IN ROAD TRAFFIC ACCIDENTS’ (P.30/2019): (WQ.307/2019)

Question

Will the Minister advise on the estimated timeline for the consultation to be undertaken follow the adoption of ‘Cats: additional protection when involved in road traffic accidents’ (P.30/2019)?

Answer

The Deputy noted in his proposition that *“The direct financial implications of this proposition relate to the consultation process proposed, which can be absorbed from departmental budgets. However, if it is decided to amend legislation, then it is likely that there will be a number of resource implications for the Police and Parishes, as well as a potential cost to the Public if a cat licensing system is introduced”*.

The Proposition did not provide or allow for any resource to implement the States decision in the event it was successfully adopted, merely asserting without any prior consultation with the Department that it could be absorbed from existing budgets, without any reference to staff time whatsoever. A result of this is that the work naturally has to be accommodated within other Departmental priorities.

As it was decided by the Proposition *“to request the Ministers for Infrastructure and the Environment to consult on how cats could be given additional legal protection in the event of death or injury in a road traffic accident involving a motor vehicle, with the consultation to include consideration of the Road Traffic (Jersey) Law 1956, the Animal Welfare (Jersey) Law 2004 and other legislation as appropriate”* [Emphasis added] it is inevitable that legislative options need to be properly examined.

However, I am pleased to advise that detailed scoping work has been commenced by officers from Transport in conjunction with representatives of the Environment Department (which incorporates

the States Vet's office), the Sates Police and Law Drafting, to review the options available prior to any wider consultation.

While good progress has been made in the scoping, at this point during the development progress it is too early to be able to commit to a timeline, as there remains a number of unknowns to be resolved. Once the scope has been fully determined I would be happy to advise the Deputy of the estimated timeline for the consultation on 'Cats: additional protection when involved in road traffic accidents' (P.30/2019).

4.6 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR INFRASTRUCTURE REGARDING PERMANENT EXEMPTION PERMITS ISSUED BY DRIVER AND VEHICLE STANDARDS: (WQ.308/2019)

Question

Will the Minister state how many (Permanent Exemption) P30 permits have been issued by the Driver and Vehicle Standards Department in each of the last ten years; and will he further state the physical width of the vehicles that were given permits during that time, breaking those results down into vehicle numbers in each of the following sections: 2.3m-2.35m; 2.35m-2.4m; 2.4m-2.45m; 2.45m-2.5m; 2.5m-2.55m; and above 2.55m?

Answer

Below is a table detailing the last eight years issue of P30 permits (we do not have figures for 10 years)

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
	-	-	-	-	-	-	-	-
<u>Total P30's</u>	487	485	427	450	480	502	548	525
<u>Bus Single</u>	97	117	80	92	98	80	80	83
<u>Double Decker</u>	2	8	6	7	15	12	12	12
<u>Plant Vehicles</u>	27	29	31	28	28	29	32	34
<u>Motorhomes</u>	2	1	4	7	9	14	28	21

Unfortunately the information requested regarding widths is not easily collatable as it is kept on individual records.

4.7 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE PERFORMANCE APPRAISAL OF THE CHIEF EXECUTIVE OFFICER: (WQ.309/2019)

Question

Further to the presentation of 'Chief Executive Officer: Performance Appraisal' (R.80/2019), is it the Chief Minister's assessment that collection of third-party evidence from 18 respondents is sufficient for such an appraisal and whether accounts should in future be sought from a larger number of sources; and furthermore, is it his assessment that those in senior positions were able to speak freely when providing such evidence, given that they are likely to be accountable to the Chief Executive under the States' new governance system?

Answer

I am comfortable that the 18 third-party respondents was sufficient to contribute to the overall report and the work done by the individual contracted to conduct the appraisal. The 18 respondents contained a mixture of key stakeholders.

I sought advice from the independent assessor on the number of people that should be involved, and actually exceeded the number originally suggested.

All respondents replied anonymously to the independent assessor, with the Chief Executive unaware of those who had been contacted and their responses.

4.8 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROVISION OF HOUSING IN THE HORIZON DEVELOPMENT: (WQ.310/2019)

Question

Will the Minister, as shareholder representative –

- (a) explain why the States of Jersey Development Company continues to advertise the Horizon Development as ‘lock up and leave’ (i.e. a reference to investment for capital gains only);
- (b) advise what consideration, if any, has been given, in light of the housing shortage (especially for those seeking starter homes), to ensuring that a proportion of developments such as this are allocated at affordable purchase and rental prices;
- (c) advise what discussions, if any, have been undertaken with the Company regarding the prospect of properties within the Horizon Development being left vacant, in light of the Government’s aim to improve the quality and affordability of housing; and
- (d) undertake to review the current arrangements to ensure that greater emphasis is placed on the provision of affordable housing for Jersey residents in the Company’s role and functions?

Answer

The responses to the questions are as follows:-

- (a) The advertising of ‘lock up and leave’ is not intended to be a reference to “investment for capital gains only”. It is meant to highlight that the maintenance of the units is undertaken by others and that down-sizers, who may have extended periods of travel outside of the Island, can do so knowing that their homes are secure and are being maintained in their absence.
- (b) As shareholder representative my responsibility is principally for the governance and oversight of the Company. The determination of housing policy and how it should be implemented and delivered through individual schemes, rests with the Ministers for Housing and Environment.
- (c) Buy-to-let investors have purchased approximately 54% of the pre-sold units at Horizon and all except five of those units have sold to local investors. These purchases will have been made based on a certain projected rental yield being achieved. Therefore, it is considered very unlikely that these investment properties, owned by local individuals, will be left vacant.
- (d) The States established Andium Homes as its key delivery vehicle of affordable (Category A) homes for rent and sale, whilst the States of Jersey Development Company was set up to be the States property development arm, with a focus on commercial development (office and residential). However, the latter can also be a delivery vehicle for affordable homes as demonstrated on the recently completed Jersey College for Girls development. As such, a review to ensure greater emphasis is placed on the provision of affordable housing for Jersey

residents by the Company is not required, but they will be expected to continue to co-operate and co-ordinate with Government to identify the optimum, financially viable opportunities to deliver on the States priorities in respect of affordable homes.

4.9 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE EXTENSION OF THE MAINS DRAINS SYSTEM TO THOSE AREAS OF THE ISLAND NOT CURRENTLY SERVICED: (WQ.311/2019)

Question

Will the Minister –

- (a) advise whether he will seek for inclusion in the forthcoming Island Plan an extension of mains drains, as a phased programme, to all areas within the Island that are currently not serviced;
- (b) commit to negotiating with Jersey Water with a view to achieving a similar extension of the fresh water mains system over the period of the forthcoming Island Plan; and
- (c) if he is unable to make such commitments to accommodate these projects within the ten years of the next Island Plan, explain why he is unable to do so?

Answer

- (a) The Waste Water Strategy which I took to the States in 2014 is the principal policy document highlighting where my department should invest in terms of liquid waste infrastructure. This Strategy does cover extensions to the drainage system, however capacity throughout the system needs to be increased first. The approval of this strategy has enabled us to fund a new sewage treatment works as the old plant is coming to the end of its useful life and cannot cope with any additional flows or extensions. I visited the site of new sewage treatment works last Friday and construction is well underway with a completion date for the plant in 2023.

As well as a new treatment works it was highlighted that the existing drainage network also needs increased capacity before a mains drainage extension programme can take place. In order to achieve this increased capacity in the foul sewer network we need to carry out schemes to prevent water infiltration together with surface water separation schemes, this will take a number of years to complete.

Since 2014 when I took this proposition to the States we have now increased our connection rate to 91% of properties. I am very pleased to see this increase.

The Island Plan is an overarching plan for the Island which will advise us on where additional waste water flows may arise from.

We do not currently have funding for network extensions however I have requested additional funding in the next government plan to progress a foul sewer extension programme.

- (b) Officers of my department do liaise with Jersey Water and other utilities on a regular basis to discuss the possibility of using shared trenches to reduce costs. However it is not always feasible as sewers are required to be laid on a gradient whereas pressurised water mains and other utilities can be routed in many different ways.
- (c) As previously explained we would like to expand the network, however we will need to free up capacity in the existing foul sewer network first and also await the increased treatment capacity at the new Bellozanne sewage treatment works. It is expected to take up to ten years for all of these works to be achieved.

Notes:

Connection rate for properties of 87% in 2014 compared to the 91% today. Connection rate has increased due to new developments not foul sewer extensions. Cost of new STW 79.9 million.

We will need to prioritise network extensions according to environmental gain, network capacity and cost per property as unfortunately this can be very costly with the average scheme costing in excess of £30,000 per property.

4.10 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE WAITING TIME FOR NON-URGENT MRI SCANS: (WQ.312/2019)

Question

What is the waiting time for non-urgent MRI scans –

- (a) for public patients; and
- (b) for private patients;

and, if there is a difference between the two, will the Minister explain why?

Answer

The current average waiting time for a non-urgent public MRI scan is 12-14 weeks

The current average waiting time for a non-urgent private MRI scan is 7-10 days.

The average waiting time for an urgent MRI scan for both public and private patients is less than 24 hours. With urgent MRIs there is no distinction between private and public patients – all cases are prioritised according to urgent clinical need.

The main reason for the big difference in the public vs private non-urgent MRI average waiting times is demand. There is much less demand for private MRIs and this is reflected in a quicker turnaround time, which results in a short waiting time.

Private scans are predominantly performed out of normal working hours – before 9am and after 5pm. This means that public patients do not compete with private patients for scans. When resources permit, additional public MRI sessions are undertaken at weekends, which has reduced the average waiting time from 20 weeks in 2018 to the current 12-14 weeks.

HCS continues to invest in its diagnostic services. At present, one MRI scanner – replaced in 2018 – is operational as the older unit is being upgraded. By October 2019, Jersey will have two top-specification MRI scanners that will produce superior diagnostic images and work more efficiently. When both units are operational it is anticipated their efficacy will mean public waiting times should continue to fall, although at the same time the demand for new examinations and more complex clinical work is a growing pressure.

4.11 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROSPECT OF JERSEY JOINING THE U.N. GLOBAL COMPACT ORGANISATION: (WQ.313/2019)

Question

Will the Minister consider joining the U.N. Global Compact organisation in respect of Jersey investments in order to promote the sustainable investment of Jersey investment funds; if so, when does she plan to apply to join; and if not, will the Minister explain why not?

Answer

The UN Global Compact is a voluntary initiative seeking participation, predominantly from businesses and their leaders, to support a principles-based framework, adopt sustainable and socially responsible policies and report on their implementation. The Compact's role is recognised by the United Nations General Assembly and has additionally been recognised in a number of other inter-governmental contexts, including by the G8.

The States of Jersey already adhere to many of the principles of the U.N. Global Compact organisation, and publish a responsible investment policy that encourages our investment managers to consider the Environmental, Social and Governance ('ESG') risks when selecting the investments that make up our portfolio.

A number of our external managers who carry out the investment of our portfolios have already signed up to the Global Compact charter and are registered participants (e.g. PIMCO, Legal and General, Baillie Gifford).

The Minister feels that the current investment arrangements pay appropriate heed to our obligations as a responsible investor without committing the States to the US\$20,000 annual contribution, required to be a Global Compact register participant.

4.12 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING CARBON DRAWDOWN INTO THE SOIL IN JERSEY: (WQ.314/2019)

Question

What actions, if any, is being taken to support carbon drawdown into the soil in Jersey, particularly in respect of the work being undertaken by Jersey Hemp and in relation to the recycling of carbon and nutrients from waste food as an alternative to incineration?

Answer

Carbon drawdown into soil is one of many strategies under consideration to achieve the States Assembly aim of carbon neutrality for Jersey by 2030. As requested by the Assembly, the Council of Ministers will bring forward a plan to the Assembly by the end of 2019, setting out how Jersey can achieve this ambitious target.

Existing measures exist to improve soil quality. The current Government of Jersey (GoJ) Rural Support Scheme (RSS) encourages sustainable food production and best practice. The RSS introduced the LEAF (Linking Environment and Farming) scheme into the island and subsidies paid to farmers are conditional upon the provision of 'goods', such as increasing soil organic carbon, via reducing tillage and the use of high yielding cover crops. Approximately 12,000 tonnes of soil improver produced at the La Collette green waste facility is recycled onto agricultural fields. Growth, Housing and Environment officers are collaborating with Cranfield University to establish more accurate baseline studies of soil organic matter across the island and to identify and implement additional measure to increase carbon sequestration into soils.

Whilst the concept of recycling food waste seems feasible, further research is needed to fully determine whether such schemes are practicable in a Jersey context. Basic information is needed, such as energy consumption, costs and mass balance, before waste management technologies or methods can be endorsed or selected. To date, there is little information available in respect of food waste recycling, including the operation underway at Jersey Hemp, to allow a decision to be made. Additionally, strict regulations are in place that regulated the recycling and composting of food wastes, primarily to prevent the spread of microbial pathogens that may be present in food wastes such as meat. These regulations necessitate licences to be granted by the GoJ States Veterinary Officer, which include conditions that cover; transport of raw food waste, composting requirements

(temperatures and periods), analysis of animal and human pathogens by accredited laboratories, location of composting operations and restrictions on where finished products can be used.

4.13 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE JERSEY PROGRESSION QUALIFICATION: (WQ.315/2019)

Question

Will there be any changes made to the structure, use and validity of the Jersey Progression Qualification at Highlands College and, if so, will there be any effect on student outcomes?

Answer

There are no plans to change the structure of the JPQ. Its purpose remains the same as detailed in the qualification specification:

*“The primary purpose of the **Jersey Progression Qualification** is to enable young people aged 16-18 to develop the knowledge and skills, commensurate with the school leaving threshold of level 2, that will enable them to progress to the industry standard qualifications in a technical, professional or academic subject area. Students that have yet to achieve a result at level 2, continue with English and maths at GCSE level alongside the Jersey Progression Qualification.”*

Its validity remains the same in that it is increasing students’ chances of progressing more quickly to advanced levels of study. Seventy percent of Highlands College full-time students are now studying at advanced level and the college pass rate in 2018 was 97 percent. In 2015, one third of full-time students were on advanced programmes.

4.14 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE SUBSIDY FOR THE PURCHASE OF ELECTRIC BIKES: (WQ.316/2019)

Question

Given the reported decrease in the sale of electric bikes following indications from the Minister that the subsidy would be re-introduced, will the Minister state when a scheme to provide a subsidy for the purchase of electric bikes will be confirmed and indicate the amounts of subsidy that will be made available?

Answer

I can confirm that I have instructed the Department to look at re-establishing an e-bike subsidy scheme, and work has begun. However, there have been no official announcements on the launch of a scheme as its details are not yet finalised, and it is being considered in the wider context of the sustainable transport policy and climate emergency policies.

As work progresses, there will be engagement with retailers and an opportunity for expressions of interest.

As I am sure Members will understand this is a work in progress and so, not to prejudice this, I am unable add any more at this time. There will be announcements in the media, when the scheme is ready to be launched.

4.15 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING RECRUITMENT TO THE STATES OF JERSEY POLICE FROM U.K. POLICE FORCES: (WQ.317/2019)

Question

Will the Minister advise –

- (a) how many States of Jersey Police officers have been recruited from U.K. forces in the last 2 years;
- (b) how many of any such recruits transferred due to links to the Island of either themselves or their partner;
- (c) what the cost to the Government was for them to move to the Island, if any;
- (d) what training they were provided, if any, and the cost of any such training; and
- (e) how many of any such recruits are still in the Island and, provided that specific individuals cannot be identified, what roles these people fill?

Answer

a) and b)

Within the last 2 years the States of Jersey Police (SOJP) have employed five Police Officers from the UK on Licence. The SOJP have also employed one Police Officer from the UK who had local residential qualifications through his married partner. This Officer has been with the SOJP for eighteen months.

c)

Each recruit can claim up to £8,000 to help them and their family with the cost of relocating to the Island. Payment is subject to the production of receipts. In exceptional circumstances, £8,000 can be exceeded but this is considered on a case-by-case basis.

d)

Training for transferees is in the form of a one week Induction Course which is run in-house by the SOJP Learning & Development Team. Transferees receive training on Jersey law as well as on the SOJP. Transferees are also subject to a tutorship and mentoring period in Community Policing.

e)

Five out of the six recruits who transferred within the last two years are still employed by the SOJP. Four of these officers work within Community Policing and one works as a detective constable within Crime Services.

4.16 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE IMPLEMENTATION OF PROJECT HORIZON: (WQ.318/2019)

Question

Will the Minister advise –

- (a) who initiated and implemented ‘Project Horizon’ (regarding a new operational model for the States of Jersey Police);
- (b) how much the project has cost;
- (c) what consultation was undertaken with staff at all levels within the Police prior to its implementation; and
- (d) how long the project was in operation?

Answer

a)

Project Horizon was initiated by States of Jersey Police's (SOJP) former Acting Deputy Chief Officer who was the most senior serving officer at the time. The review was recommended and supported by the Force's Senior Management Team. It came at a time when SOJP recognised it was not well placed to meet its 2019 budget and that more fundamental changes would be required to do so.

b)

The total cost of Project Horizon was £268,301. Of this, £157,241 was for external technical (consultancy) support and the remainder comprised recharges for internal police officers, staff who worked on the project and some minor purchases.

c)

A plan for workforce communication and engagement was developed and implemented. This enabled officers and staff to understand, comment and contribute to the proposed changes. Given the limited time available to implement the changes and therefore meet its 2019 budget, key decisions around the design, methodology and delivery of the new operating model were taken by the former Acting Deputy Chief Officer and the Senior Management Team.

d)

The project was divided into two parts; design and implementation.

The design stage of the project started in February 2018 and concluded in July 2018. Workforce modelling (including developing new shift patterns) were developed from July to September 2018. Project Horizon recommendations were formally adopted by the Force's Senior Management Board in September 2018.

Implementation started in late September 2018 and was temporarily paused in May 2019.

It was paused because there were insufficient police officers available to fulfil core operational response functions. This was due to a combination of the reduced establishment of 190 FTE police officers, sickness rates, officers otherwise not fit for frontline duties, and other abstractions such as annual leave, time off in lieu (TOIL) and training. The impact of these shortages was affecting officer well-being, morale and retention. The decision to pause implementation has subsequently been supported and validated by the independent report from Her Majesty's Inspectorate of Constabulary (HMIC). The Force will need to review its resources, plans and introduce new training before the implementation can be re-started.

4.17 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE RECRUITMENT PROCESS FOR THE NEW CHIEF OFFICER OF THE STATES OF JERSEY POLICE: (WQ.319/2019)

Question

Further to the advertising of the post of Chief Officer of the States of Jersey Police and to the Minister's response to Oral Question 153/2019, in which he stated that "*independent technical advice*" will be provided to the interview panel, will the Minister state what salary band will apply to the position and confirm that the technical advice will be provided from outside the Island and not from the Director General or anyone else from the Department of Justice and Home Affairs?

Answer

I can confirm that the salary that will apply to the position of the Chief Officer of the States of Jersey Police will be a negotiated spot salary in the range of £93000 – £140,000 (tier 2 equivalent).

I can also confirm that the technical advice which will be provided to the interview panel will be provided from outside the Island and will not be provided from the Director-General or anyone else from the Department of Justice and Home Affairs.

4.18 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE EMPLOYMENT OF STAFF ON AN INTERIM BASIS FOR THE UNDERTAKING OF SPECIFIC PROJECTS: (WQ.320/2019)

Question

Will the Chairman state how many staff have been employed since October 2017 by the States of Jersey on an interim basis – as a consultant or on a fixed-term or similar contract (i.e. intended to be temporary in nature) – for the purpose of delivering a specific project and, in respect of each such project, will he summarise –

- (a) the terms of reference or deliverables that were specified;
- (b) the length of the contract or term of employment that applied to the interim appointment;
- (c) the budget that was allocated;
- (d) whether salary payments were tied to successful completion of the terms of reference or specified deliverables; and
- (e) whether the project has been delivered and if so, whether it was delivered on time and within budget?

Answer

As the Chief Minister, I fully understand that Members have a strong interest in how government uses taxpayer's money in the areas of interims and consultants, especially as part of the transformation of government.

In response to recent States Questions, notably Deputy Pamplin on the 4 June 2019, and Deputy Le Hegarat on the 18 June 2019, we have committed to return with extensive reports with clearly defined parameters. This work is ongoing, and following Deputy Morel's proposition on this area, which Minister are accepting, it is being rolled together with a view to providing much more extensive reporting, with the first report now due in October. This will answer the question in full.

In the meantime, the full information requested is not available, in light of the time required to compile and verify the data.

4.19 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING CONSULTANTS AND CONSULTING FIRMS ENGAGED BY HIS DEPARTMENT: (WQ.321/2019)

Question

Will the Minister list all consultants and consulting firms engaged by the Minister's department between 1st January 2018 and 30th June 2019, specifying the duration and value of the contracts, and confirm whether each consultant / consulting firm was engaged following a competitive tender process or whether alternative quotes from other consultants / consulting firms were sought before each appointment was made?

Answer

Following consideration, Deputy Morel's proposition, which requests increased reporting on consultants, is being accepted by Ministers, including the proposed amended threshold of £20,000 for reporting.

As a consequence, Ministers intend to produce the first report in October 2019, which will extend as far back as practical; and a further report in January 2020 covering July – December, 2019.

This should answer the Deputy's question in full, including contract value and duration, and whether it was subject to competitive tendering. As outlined, reporting is also expected to extend beyond consultants to cover other resources, including so-called "interims", whatever the precise contractual arrangements, providing a complete picture.

4.20 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING CONSULTANTS AND CONSULTING FIRMS ENGAGED BY HIS DEPARTMENT: (WQ.322/2019)

Question

Will the Minister list all consultants and consulting firms engaged by his Department between 1st January 2018 and 30th June 2019, specifying the duration and value of the contracts, and confirm whether each consultant / consulting firm was engaged following a competitive tender process or whether alternative quotes from other consultants / consulting firms were sought before each appointment was made?

Answer

Following consideration, Deputy Morel's proposition, which requests increased reporting on consultants, is being accepted by Ministers, including the proposed amended threshold of £20,000 for reporting.

As a consequence, Ministers intend to produce the first report in October 2019, which will extend as far back as practical; and a further report in January 2020 covering July – December, 2019.

This should answer the Deputies question in full, including contract value and duration, and whether it was subject to competitive tendering. As outlined, reporting is also expected to extend beyond consultants to cover other resources, including so-called "interims", whatever the precise contractual arrangements, providing a complete picture.

In the meantime, the full information requested is not available, in light of the time required to compile and verify the data.

4.21 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR INFRASTRUCTURE REGARDING CONSULTANTS AND CONSULTING FIRMS ENGAGED BY HIS DEPARTMENT: (WQ.323/2019)

Question

Will the Minister list all consultants and consulting firms engaged by his Department between 1st January 2018 and 30th June 2019, specifying the duration and value of the contracts, and confirm whether each consultant / consulting firm was engaged following a competitive tender process or whether alternative quotes from other consultants / consulting firms were sought before each appointment was made?

Answer

An initial analysis has been undertaken of all the consultants and consulting firms that have been employed within those areas of my remit between 1 January 2018 and 30 June 2019. Approximately

400 consulting firms or individuals have provided the department with professional services and around 200 may have done so as part of other work. The large number of capital and revenue projects undertaken by the department (including major projects such as the new Sewage Treatment Works, Future Hospital and Les Quennevais School) means that specialist firms are brought in on a regular basis to supplement in-house resources. It is likely that a proportion of these firms and individuals would have provided some consulting services in accordance with Financial Direction 5.6U, Management of Consultants, namely:

2.1.1 Consultants may only be engaged by the States of Jersey to perform work where:-

- *Professional, independent and expert advice or services are required; or*
- *Specialist professional knowledge and/or expertise are not available in-house.*

The professional services would have included:

- Architectural, structural and civil engineering design;
- Surveying;
- Project Management services;
- Production of reports providing recommendations for the department, e.g. consultancy

Given the number of consulting firms and individuals, it has not been possible to collate all of the information requested by Deputy Morel in the timeframe.

However, there is a corporate intention to produce a report by October in accordance with the response from the Chief Minister and my officers will work to produce the information in accordance with this timescale.

4.22 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE APPOINTMENT OF A PERMANENT DIRECTOR OF COMMUNICATIONS: (WQ.324/2019)

Question

Will the Chief Minister advise whether or not a recruitment process has been undertaken for the appointment of a permanent director of communications and, if so, what the outcome of that process was?

Answer

The recruitment process to recruit a permanent director of communications commenced in June 2019 with final candidate interviewed planned for mid-October.

The process which is being overseen by the Jersey Appointments Commission is in line with all previous Tier 1 and 2 appointment processes and will be advertised on and off island.

4.23 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING CONSULTANTS AND CONSULTING FIRMS ENGAGED BY HER DEPARTMENT: (WQ.325/2019)

Question

Will the Minister list all consultants and consulting firms engaged by her department between 1st January 2018 and 30th June 2019, specifying the duration and value of the contracts, and confirm whether each consultant / consulting firm was engaged following a competitive tender process or

whether alternative quotes from other consultants / consulting firms were sought before each appointment was made?

Answer

The Chief Minister has already indicated in the report accompanying his amendment to P.59/2019 the commitment of the Council of Ministers to publish this information moving forwards. The information requested is not yet gathered in a systematic way, therefore it is not possible to provide the data requested at this point.

4.24 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING JERSEY'S LEGISLATION IN RESPECT OF SEXUAL ASSAULTS ON CHILDREN: (WQ.326/2019)

Question

Will H.M. Attorney General commit to undertaking a comparison of current Jersey legislation relating to sexual assaults on children with the relevant recommendations of the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse in Australia, in order to identify improvements to Jersey legislation which could be considered by the Assembly?

Answer

The Commonwealth of Australia Royal Commission into Institutional Responses to Child Sexual Abuse contained 114 pages of Final Recommendations. Those that relate to criminal justice start at page 91 and themselves contain 85 recommendations.

Members will appreciate that the Law Officers' Department has a number of substantial demands on its resources. In most instances it would not therefore be practicable, or necessarily desirable to divert resource to give the sort of commitment sought.

However, in this instance and having given initial consideration to the Final Recommendations of the Royal Commission, it may be beneficial to give further consideration to the recommendations that are particularly relevant to the criminal justice system at page 91. Some of these recommendations have already been implemented in Jersey through legislation enacted in 2018, but there may be some benefit in carrying out a comparison of current Jersey legislation with the relevant recommendations to see if further legislation is necessary.

Accordingly, the Attorney General will consider these recommendations, in consultation with the States of Jersey Police and the Minister of Home Affairs, and set out any relevant recommendations or observations resulting from this exercise, with the aim of doing so by the end of September 2019.

4.25 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE RESTRICTION OF ACCESS TO HARMFUL ONLINE CONTENT: (WQ.327/2019)

Question

What policy is in place, and what policy developments are being considered, in relation to the restriction of access to harmful online content, especially illegal content and the sharing of child sexual offences, to ensure that children are protected from illegal online content and criminal activity such as grooming?

Answer

Protecting children from accessing harmful material on-line is a significant challenge in all developed societies, as is the control of child abuse images. In recent years, Jersey has enhanced its legislative

provisions to address access to and distribution of this material, made provision for improved international co-operation in this area, and implemented policies to help empower young people to protect themselves on-line.

Restriction of access to illegal content

All of Jersey's domestic telecoms providers are members of the [Internet Watch Foundation](#), which is a not-for-profit organisation supported by the global internet industry and the European Commission, intended to minimise the availability of online child sexual abuse content hosted anywhere in the world.

Membership of this organisation imposes duties on the providers to support the IWF and its work, and also provides access to resources to report, identify and remove online images and videos of child abuse. The IWF both actively searches for child sexual abuse material and offers an anonymous path for the public to report it.

The [Protection of Children \(Jersey\) Law 1994](#) (updated in 2018), provides that any representations of child sexual abuse are illegal to possess, punishable by imprisonment for a term of 5 years and an unlimited fine. Making, copying, distributing or publish that material is punishable by imprisonment for a term of 10 years and an unlimited fine.

The States of Jersey Police treat offences against children as a high priority, and the [Policing Plan 2018-19](#) contains a specific goal to *'Improve the support and response to children and young people where there are concerns regarding Child Sexual Exploitation by working with partners to introduce the MultiAgency Sexual Exploitation process'*.

The protection of children from criminal activity such as grooming

The new [Sexual Offences \(Jersey\) Law 2018](#) improves the protection of children by expanding the treatment of 'grooming' offences to recognise that sexualised communication with a child is an offence in itself, where previously the offence had arisen only from an attempt to meet a child for sexual purposes.

In addition, the [Cybercrime \(Jersey\) Law 2019](#) amended other legislation to strengthen provisions for evidence gathering, retention of evidence and international co-operation in investigating such crimes.

The [Sex Offenders Law 2010](#) also offers a measure of protection against repeat offending by allowing the Courts to order that people convicted of relevant offences may have their on-line access restricted or monitored for as long as necessary to protect the public, or to protect any particular person. Breaches of such restrictions have resulted in convictions.

In respect of user safety, in September 2018 CYPES developed an updated [online safety policy](#), which applies to schools, youth centres, nurseries and any other educational settings.

This policy reflects the shift away from outdated e-safety warnings against posting any personal information online, which are now almost meaningless as social media is used expressly by many young people to share personal information. It takes a more realistic and pragmatic approach to encourage children and young people to share concerns with a trusted adult, and discuss online safety issues openly.

Young people are encouraged to consider the potential audience for, and context of their posts, and to remember that they must take responsibility for any potential consequences. Critically, they should understand that nothing put online is ever 'private.'

In summary, the policy in this area has seen significant developments in recent years, but the situation is never stable. Due to the speed of technological development and changing patterns of use, the legislation, policy and advice in this area must be kept under continual review.

4.26 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE JERSEY CARERS STRATEGY: (WQ.328/2019)

Question

Will the Minister provide an update on the 2017 Jersey Carers Strategy, including progress towards achieving any outstanding goals and targets set within the Strategy and any legislation that is due to be brought forward as a consequence?

Answer

The Carers’ Strategy was developed and published by the Jersey Association of Carers Incorporated (JACI) in June 2017, shortly after the Government published the first Disability Strategy for the island.

Both strategies have been fully considered by Ministers in the development of the Common Strategic Policy and the forthcoming Government Plan. As Minister for Health and Social Services, I have supported the allocation of resources within the draft Government Plan towards these important areas.

The Government Plan will give details of funding and resources from 2020 onwards and will be published in due course.

4.27 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING A BREAKDOWN IN RESPECT OF THE INMATES OF H.M.P. LA MOYE: (WQ.329/2019)

Question

Will the Minister provide a breakdown from the past 3 years of the number of inmates at H.M.P. La Moye, stating the average time spent at the Prison once convicted and detailing the crimes committed which had resulted in a prison sentence?

Answer

To provide the data requested as an average is difficult and would require more clarification, therefore it was felt that by taking a snap shot on a particular day for each of the years would be useful.

Convicted length of stay

Sentence taken 01/06/2016	sample Total	Sentence taken 01/06/2017	sample Total	Sentence taken 01/06/2018	sample Total
A. Less than 1 Month	1	A. Less than 1 Month	4	A. Less than 1 Month	3
B. 1 Month to 3 Months	1	B. 1 Month to 3 Months	7	B. 1 Month to 3 Months	5
C. 3 Months to 6 Months	15	C. 3 Months to 6 Months	15	C. 3 Months to 6 Months	14
D. 6 Months to 1 Year	23	D. 6 Months to 1 Year	20	D. 6 Months to 1 Year	20
E. 1 Year to 2 Years	34	E. 1 Year to 2 Years	33	E. 1 Year to 2 Years	23

F. 2 Years to 4 Years	21	F. 2 Years to 4 Years	20	F. 2 Years to 4 Years	22
G. 4 Years or More	7	G. 4 Years or More	5	G. 4 Years or More	1
	102		104		88

Offences

Offence Category taken sample 01/06/2016	Total	Offence Category taken sample 01/06/2017	Total	Offence Category taken sample 01/06/2018	Total
Miscellaneous Offences	4	Miscellaneous Offences	3	Miscellaneous Offences	1
Theft Offences	5	Theft Offences	1	Theft Offences	3
Drug Offences	36	Drug Offences	30	Drug Offences	30
Fire Related Offences	0	Fire Related Offences	0	Fire Related Offences	1
Court, Police and Prison Offences	1	Court, Police and Prison Offences	0	Court, Police and Prison Offences	0
Break In Offences	6	Break In Offences	3	Break In Offences	2
Sexual Offences	23	Sexual Offences	26	Sexual Offences	24
Threat and Violence Offences	22	Threat and Violence Offences	24	Threat and Violence Offences	16
Fraud Offences	1	Fraud Offences	9	Fraud Offences	8
Damage Offences	2	Damage Offences	0	Damage Offences	0
Motoring and Traffic Offences	2	Motoring and Traffic Offences	7	Motoring and Traffic Offences	2
Disorder / Anti-Social Behaviour Offences	0	Disorder / Anti-Social Behaviour Offences	1	Disorder / Anti-Social Behaviour Offences	1
	102		104		88

4.28 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING SINGLE-USE PLASTICS: (WQ.330/2019)

Question

What steps, if any, are the Minister and his Department taking to reduce the use of single-use plastic in packaging, including any work with major retailers and supermarkets, and what new policies or legislation in relation to this subject does he plan to introduce?

Answer

I acknowledge the urgency to develop new policies, legislation and solutions to reduce the use of single-use plastics and there are a number of activities and workstreams under way to achieve this important objective.

The Council of Minister's Common Strategic Policy includes a number of commitments under the *Protect and Value our Environment* strategic priority. This will be being progressed and will include developing a new Island Waste Strategy, achieving plastic free Jersey status and investigating options for a levy on single use plastics and plastic bags. A package of policies and levers to change behaviour to minimise waste generation and the use of single use plastics will be investigated.

The issue of single use plastics is also being addressed by the British-Irish Council (BIC). I attended a BIC symposium in February 2019 on the issue of reducing single use plastics that end up in the marine environment. Jersey will host the next BIC environment Ministerial work stream in May 2020, and discussions will progress those from the last Scottish symposium. These meetings include looking at the reduction of single use plastics at source and involve the retail and supermarket sectors. The European Union is also developing and adopting rules on single-use plastics and we will work towards complying with these.

Government of Jersey (GoJ) eco active officers already work with the eco active business network and other businesses to provide bespoke support and guidance on matters relating to the use of plastics. Officers have had 1-2-1 meetings with some of the larger retailers, including supermarkets, to consider the use of plastic packaging. This GoJ and industry relationship has resulted in one supermarket chain organising a staff awareness session and tour of the GoJ Energy Recovery Facility, to help the understanding of what happens to waste in Jersey that cannot currently be recycled.

Supermarkets and other major retailers have set their own reduction targets to effectively tackle this challenging issue, in alignment with national policies where applicable. These are bringing about packaging reductions rather than always replacing one type of single-use packaging with another. Retailers will continue to reduce their use of plastics, but it takes time for these changes to come into effect, especially where there are large supply chains. It is worth noting that Jersey supermarkets introduced a charge for single use carrier bags in supermarkets a number of years ago and this has had a positive impact on reducing the use of plastic bags.

GoJ are a key partner in the Plastic Free Jersey campaign and large supermarkets have been invited to sit on the steering group. The Plastic Free Jersey campaign has been heavily supported by my department and has had considerable success. We are presently in 'Plastic Free July'. In Jersey we are focusing this month on the business community, especially the hospitality sector and are encouraging businesses who are reducing packaging and encouraging reusable options to display a poster in their establishment to encourage reuse. Removing single use plastics is the best option so campaigns like this compliment the waste hierarchy.

Food waste is a major environmental issue with significant environmental impacts. In some circumstances plastic packaging extends the shelf life of food or food products thereby reducing the amount of wasted food. Supermarkets are considering the removal of packaging alongside the issue of wasted food so that they are not replacing one environmental problem with another. Packaging is vital to avoid contamination of certain food types and the major supermarkets are working to replace single use plastics with alternative packaging such as vegetable starch. However, as we do not have landfill or industrial composting in Jersey the benefits of this switch would be minimal. The new Food Safety Law will soon be published for public consultation, and this new legislation will address the issue of wasted food generated by retail. A ban of single use plastic packaging could result in an increased quantity of wasted food which would be counter-productive.

4.29 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FINANCIAL IMPACT OF CHANGES TO THE INCOME TAX REGIME: (WQ.331/2019)

Question

Will the Minister advise –

- (a) what would be the annual cost of exempting Social Security contributions from Income Tax;
- (b) what would be the annual cost of making the rent paid by a tenant on their primary home tax deductible and what work would the Minister's department need to undertake to implement such a measure; and
- (c) how much revenue would be raised each year by abolishing the policy of '20 means 20' and putting everyone on the Marginal Rate at (i) 26% and (ii) 27% (presuming no change in behaviour)?

Answer

- (a) Based on contributions and income tax data, a rough estimate suggests that exempting Social Security contributions could reduce income tax revenue by between £20 million and £30 million a year.

This change would help households with employed or self-employed people that earn enough money to pay income tax – including those with high incomes.

However, it would not help some other households, such as:

- Single people with low earnings, or families with low-medium earnings that do not pay income tax.
- Pensioner households, low or high income, that do not work and pay contributions

The foregone income tax revenue would need to be replaced with lower government spending or increased revenue. This would also affect households and need to be considered.

- (b) It is not possible to provide an accurate figure in respect of the annual cost of making the rent paid by a tenant on their primary home tax deductible. This is mainly because taxpayers are not required to provide any details of rent paid on their personal tax returns. However, by reference to information provided by Statistics Jersey (the estimated rent paid in respect of private households excluding social housing in 2017 being £206m) and adjusting this figure by reference to non-liable households and proportions of taxpayers that pay tax at the marginal and standard rates of tax, it is estimated that the cost of the relief would be unlikely to exceed £40m.

In line with (a) above this additional relief will not help households, such as single people with low earnings, or families with low-medium earnings that do not pay income tax, whilst it would benefit those on the highest incomes.

The final comment in (a) above would equally apply to this measure.

It is also of relevance that the Assembly agreed to phase out mortgage interest tax relief over 10 years starting from the year of assessment 2016 and finishing in the year of assessment 2025. This will ensure that taxpayers that pay rent will be on an equal footing with those that pay interest on mortgages with effect from 2026.

- (c) Additional revenue would be raised each year by abolishing the policy of '20 means 20' and putting everyone on the Marginal Rate at (i) 26% and (ii) 27% (presuming no change in behaviour) as follows¹:

- (i) Single rate of 26% (based on 2017 year of assessment)

Rate	2017 Marginal 26% and Standard at 20%	2017 all at marginal 26%	Difference
Marginal	£241m	£241m	£0m
Standard	£155m	£178m	£23m
Grand Total	£396m	£419m	£23m¹

The introduction of the single marginal rate of 26% would result in an increase of tax payable of an estimated £23m. Taxpayers that pay tax at the marginal rate would pay no additional tax whilst taxpayers that pay tax at the standard rate would pay an estimated additional £23m.

(ii) Single tax rate of 27% (based on 2017 year of assessment)

Rate	2017 Marginal 26% and Standard at 20%	2017 all at marginal 27%	Difference
Marginal	£241m	£250m	£9m
Standard	£155m	£185m	£30m
Grand Total	£396m	£435m	£39m

The introduction of the single marginal rate of 27% would result in an increase of tax payable of an estimated £39m. Taxpayers that pay tax at the marginal rate would pay an estimated additional £9m and taxpayers that pay tax at the standard rate would pay an estimated additional £30m.

4.30 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPLEMENTATION OF ‘HOUSING: PREVENTION OF DISCRIMINATION BY LANDLORDS AGAINST TENANTS WITH CHILDREN’ (P.31/2018): (WQ.332/2019)

Question

Further to the Assembly’s adoption of ‘Housing: prevention of discrimination by landlords against tenants with children’ (P.31/2018), will the Minister confirm that she is drawing up plans to enact this decision; and will she explain why no amendment to legislation has been lodged to date, by what date she envisages lodging a proposition, and which parts of legislation she envisages will be amended or affected by such a proposition?

¹ The figures in the tables exclude entirely the High Value Resident (HVR) population on the basis that they are subject to different rates of tax above certain income thresholds.

Currently standard rate taxpayers are not incentivised to claim certain reliefs such as Child Care Tax Relief and Mortgage Interest Tax Relief because they are aware that the relief will not be available to them on their level of income. A change to this alternative system would incentivise them to make the relevant claims as relief would become due. No information is available to Revenue Jersey in respect of these “unclaimed reliefs”, however it has previously been estimated – based on data held by Revenue Jersey and Statistics Jersey – that the adjustment should be circa £3m. This adjustment has been taken into account in both tables above.

Answer

The Minister is not currently drawing up plans to enact this decision. As outlined in response to previous questions from the Deputy (oral question 176/2019 on 2 July 2019 and written question 89/2019 to the Minister for Children and Housing on 12 February 2019), the position is as follows -

“Legislation to introduce measures protecting prospective tenants with children against discrimination by landlords is identified as a priority for phase 2 of the Children’s Legislation Transformation Programme. This work is anticipated to commence in 2020 and, subject to public consultation, draft legislation will follow.

The work will be undertaken by the Minister for Social Security in consultation with the Minister for Children and Housing.”

It is not possible at this time to provide a lodging date for any amendments to legislation that may be required. Further research will be undertaken in 2020. However, it is anticipated that the Discrimination (Jersey) Law 2013 would be amended, subject to consultation.

4.31 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR THE ENVIRONMENT REGARDING EMISSIONS FROM THE ENERGY FROM WASTE PLANT: (WQ.333/2019)

Question

Does monitoring of emissions of greenhouse gases from the Energy from Waste (EFW) plant currently take place; if not, will the Minister explain why not; and if so, will the Minister provide a monthly breakdown of the amount of greenhouse gases emitted from the EFW plant in the past 5 years?

Answer

Jersey’s emissions data is collected and audited by Aether; a company who annually compile the UK’s emission data on behalf of the UK Government. They are reported back on gov.je² with a dedicated infographic and the emissions from the Energy from Waste plant (EfW) are included under ‘energy supply’, as the EfW is categorised alongside on-island power generation from La Collette, both being the Island’s source of indigenous power generation. The EfW operates in accordance to the Waste Management Licence issued under the Waste Management (Jersey) Law 2005.

All emissions calculations are carried out by sector and in accordance with the International Panel on Climate Change Common Reporting Framework Guidelines 2006. Disaggregated emissions data is supplied back to the Government of Jersey two years in arrears. This delay is universal and due to the very thorough international auditing of emissions.

Emissions are calculated based on a variety of data such as: the amount of imported products and fuels (e.g. petrol, diesel kerosene etc); the number of vehicles and annual journey lengths and driving conditions; the numbers of livestock locally.

Carbon emissions arising from Energy from Waste plants are dealt with very specifically under the Kyoto Protocol. Carbon emissions factors are applied to the amount of municipal solid waste that enters the EfW. The factor takes into account that there are emissions from only the proportion of carbon emitted from non-biogenic material. Biogenic carbon, i.e. carbon that arises from 'recently photosynthesised' or 'non-fossil carbon' such as food waste, is excluded from the auditing process as biogenic carbon is not a greenhouse gas.

² <https://www.aether-uk.com/Resources/Jersey-Infographic>

Aether advises that the carbon factor used for the Jersey GHG inventory is the UK inventory carbon factor that has been calculated using analysis by Department for Environment Food and Rural Affairs (DEFRA) on waste composition, and thus changes from time to time based on their analysis of the composition of municipal solid waste. In 2016, the carbon factor was 111.13 kt/Mt CO₂ and was applied to the annual tonnage of municipal solid waste entering the EfW. It would be possible to calculate the monthly emissions by taking monthly volumes of MSW and applying this carbon factor but it has not been possible to do this in the time available.

In addition to greenhouse gas reporting, emissions from the EfW are also monitored as part of the EFW Waste license. These are recorded by a continuous emission monitoring system (CEMS) which monitors the following compounds for each boiler.

- Oxides of nitrogen
- Particulate matter
- Sulphur dioxide
- Total organic compounds
- Hydrogen chloride
- Carbon monoxide

Stack testing of metals and dioxins and furans is also carried out by the EFW team twice a year. The purpose of this monitoring is to ensure compliance with emission limit values (ELV) as specified in the license and not on total quantities.

I would like to extend the opportunity for the Deputy to receive a briefing on emissions from the EFW from officers if he would find that helpful.

4.32 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE APPLICATION OF A SINGLE RATE OF INCOME TAX: (WQ.334/2019)

Question

Will the Minister state how much additional Income Tax would be generated by the application of a single rate of 27% to all Income Tax payers with all allowances applied and show how this additional sum would be distributed across Income Tax payers by income decile?

Answer

The additional income tax that would be generated by the application of a single rate of 27% to all income tax payers with all allowances applied is £39m³ (see WQ.331.2019 tabled 16 July 2019 for further detail).

The distribution of this additional tax by income decile (displayed lowest to highest) is shown in the table below:

Decile	2017 Marginal 26% and Standard at 20%	2017 all at marginal 27%	Difference - £m

³ This figure excludes entirely the High Value Resident (HVR) population on the basis that they are subject to different rates of tax above certain income thresholds.

1	£3.0m	£3.1m	£0.1m
2	£5.8m	£6.0m	£0.2m
3	£10.3m	£10.7m	£0.4m
4	£14.4m	£15.0m	£0.6m
5	£18.0m	£18.7m	£0.7m
6	£23.9m	£24.9m	£0.9m
7	£32.2m	£33.4m	£1.3m
8	£44.3m	£46.0m	£1.7m
9	£67.8m	£71.0m	£3.2m
10	£176.7m	£207.1m	£30.4m
Grand Total	£396.3m	£435.6m	£39.4m

Please note - Numbers presented in this table have been rounded independently to the nearest £0.1m; therefore, rows and columns may not sum to the total shown.

4.33 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE COST OF G.P. CONSULTATIONS: (WQ.336/2019)

Question

Will the Minister state what measures, if any, she has under consideration to bring down the cost to the public of G.P. consultations under the Government Plan (or otherwise); what work, if any, is being undertaken in relation to this matter with the Minister for Health and Social Services and his Department; and to what timescale is any such work being undertaken?

Answer

The Council of Ministers has identified health care as a key priority for this government, reflected in the Common Strategic Policy ambition to ‘Improve Islanders wellbeing and mental and physical health’. The Council of Ministers has committed to actively engage with GPs to develop and test new models of health care delivery.

As confirmed in the oral answer provided by the Minister for Social Security on 30th April 2019, the Minister, Assistant Ministers and the Ministerial team from Health and Social Services has already met with GPs and other primary care health providers to consider the work that must be completed over 2019 and 2020 to improve health outcomes for Islanders. The cost of access to primary care is a key strand of this work.

The Government Plan will be issued on 23 July.

4.34 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE AFFORDABILITY OF DENTISTRY CHARGES: (WQ.337/2019)

Question

Will the Minister state what measures, if any, she has under consideration to bring down the cost to the public of dentistry charges, including a dental scheme for young people, under the Government Plan (or otherwise) and to what timescale any such work is being undertaken?

Answer

The Council of Ministers has identified health care as a key priority for this government, reflected in the Common Strategic Policy ambition to ‘Improve Islanders wellbeing and mental and physical health’. This includes a commitment to

Improve access for vulnerable people, including children and an aging population, to all primary care services, including dentistry, and make it easier and more affordable to use

Officers have initiated work with stakeholders to assess the work that needs to be undertaken to improve dental services and access. Timescales will be proposed as options are developed.

The Government Plan will be published on 23 July.

4.35 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING SOCIAL SECURITY CONTRIBUTIONS RATES AND EARNINGS LIMITS: (WQ.338/2019)

Question

What measures, if any, will the Minister propose as part of the Government Plan, or otherwise, to improve equity in the application of rates of Social Security contributions and earnings limits and to what timescale is any such work being undertaken?

Answer

The Council of Ministers has committed to reducing income inequality and improving the standard of living in the Common Strategic Policy. This includes a commitment to

Achieve a fair balance between wages, taxes and benefits, rents and living costs

This work will be undertaken in parallel with the final part of the Social Security Review, which will consider contribution rates and earning limits, as well as the outcomes of the personal tax review and the planned review of the interaction between taxes and benefits. This work is planned to be undertaken in 2020 and 2021.

The Government Plan will be issued on 23 July.

4.36 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE IMPLICATIONS FOR JERSEY OF RETAIL DEPOSITORS BEING LEFT OUT OF RING-FENCING ARRANGEMENTS INTRODUCED IN THE U.K. FOR RETAIL BANKS: (WQ.339/2019)

Question

Will the Minister explain to members –

- (a) what assessment, if any, he has undertaken of the implications for Jersey retail depositors of being left out of the ring-fencing arrangements for retail banks in the U.K. and being included with the wholesale banking sector; and
- (b) what assessment, if any, he has undertaken of what the implications and liabilities to the Island would be if a wholesale bank failed in the Island?

Answer

- (a) As Jersey is not a part of the UK, protections such as the UK's Financial Services Compensation Scheme are not available to Jersey retail bank depositors. Jersey has therefore established its own protections including the Bank Depositors Compensation Board, which provides protections for retail bank deposits in Jersey. In this respect, bank ring-fencing has not removed protections for Jersey depositors.

Government is also establishing a bank resolution authority, following the introduction of the Bank Recovery and Resolution (Jersey) Law 2017. This will ensure that Jersey banks have appropriate plans in place should they find themselves in difficulty. Protecting deposits is a core component of such plans.

- (b) Implications and liabilities from bank failure are kept under review by the Government and JFSC. To strengthen the island's approach, the Government is setting up a Financial Stability Board to advise the Chief Minister on potential risks to financial stability in Jersey, including the impact of a bank failure.

The bank resolution authority being established will also ensure that strategies are in place to respond to the risk of failure – which include minimising risk to taxpayers.

4.37 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE TREATMENT OF SEX OFFENDERS AT H.M.P. LA MOYE: (WQ.340/2019)

Question

Will the Minister explain in detail what measures are taken by forensic psychologists and others at H.M.P. La Moye to treat sex offenders, and what policies underpin that work; and will he further explain what the success rate has been?

Answer

Based on best practice, each individual prisoner is assessed on sentencing. Individual assessments are also conducted to establish motivation and specific criminogenic need. Pre-treatment assessment of sex offenders, uses the Risk Matrix 2000 (Thornton 2007) to determine 'dose' of treatment required and The Stable and Acute 2007 (Hanson & Harris 2007) to identify stable dynamic risk factors. These underpin stable dynamic risk factors used to create a formulation to identify criminogenic needs to be addressed in treatment. These vary from individual to individual and one-to-one therapy is 'customised' for optimum outcome. Interventions are undertaken working therapeutically on life history, offending history, detailed offence analysis, victim empathy, relapse prevention and coping strategies. This is based on current research and understanding of sex offender treatment. For others, where necessary, material is adapted in line with the prisoner's learning style, level of intellectual functioning and areas of risk and criminogenic need. Sex offender treatment work is currently undertaken by 1.5 chartered forensic psychologists and one forensic psychologist in training. All sexual offenders are offered the opportunity to address their sexual offending behaviour, provided they have the capacity to engage and are motivated so to do. Those who are 'not yet ready' are encouraged to undertake motivational work with a psychologist as a precursor to undertaking sex offender treatment. Measurement of success is done by the psychologist's assessment of the offender's interaction during this work. SoJPS interventions are based on accredited programmes from Her Majesty's Prison and Probation Service (HMPPS) in the UK.

The measure of success of interventions for sex offenders could come from an ongoing reconviction study of those sex offenders island-wide who are treated or remain untreated – incarcerated or who serve a non-custodial sentence – and who are not reconvicted, over various time frames. This should form part of a broader assessment of how interventions in both prison and probation deliver reduced reoffending.

Success is also measured by Jersey Multi-Agency Public Protection Arrangements (JMAPP) and their annual report provides a good summary of successful outcomes. Sex offenders are placed on the sex offenders register and managed by JMAPP after release from Prison (a multi-agency risk management approach).

To strengthen supervision of all offenders at release a working group has been established to examine how post release supervision can be delivered to suit Jersey's needs. This will allow all prisoners including sex offenders to be monitored on licence after release for a period of time to further reduce reoffending rates.

4.38 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE TREATMENT OF SEX OFFENDERS BY THE PROBATION SERVICE: (WQ.341/2019)

Question

Will the Minister request from the Probation Service an explanation of the measures taken by the Service to treat sex offenders released from prison and to prevent re-offending, and of the policies which underpin this work; and will he request confirmation of the number of staff engaged in this area and the qualifications they hold, as well as the number of ex-sex offenders who are currently being dealt with and the success rate?

Answer

Although the Jersey Probation and After-Care Service (JPAC) is not the responsibility of the Home Affairs Minister, there are close working relationships between the Service and the Department for Justice and Home Affairs. Accordingly, the Chief Probation Officer is very pleased to be able to provide the Minister with the following information.

At the point of sentence, all prisoners, including sex offenders, are allocated a Probation Officer. The Probation Officer, in partnership with colleagues in the States of Jersey Prison Service, will work with that prisoner throughout the sentence to provide opportunities to address offending and to plan for a safe reintegration into the community.

All sex offenders are offered voluntary contact upon release as there is currently no mandatory post custodial legislation in Jersey although this is currently being considered. Work with sex offenders is predicated on the principles of public protection and rehabilitation. In terms of public protection, the Probation Service adopt the policies agreed as part of the Jersey Multi Agency Public Protection Arrangements (JMAPP) whereby all registered sex offenders are subject to assessment and management plans to assist their rehabilitation whilst ensuring that public safety is prioritised.

It is also vital to assist an ex offender to maintain a non-offending lifestyle. A treatment plan will be agreed in conjunction with a Clinical Forensic Psychologist who has developed an individualised programme for sex offenders that takes into account levels of risk, key areas for intervention and the learning style of the offender. Probation policies stipulate that all contact with offenders is to be regularly conducted, recorded and that risk assessments are updated every three months as a minimum. Offenders will be reminded of their responsibilities under the registration scheme and joint appointments and assessments are regularly undertaken with police officers from the Offender Management Unit.

There are currently nine Probation Officers who work with sex offenders. All are either qualified social workers or have attained a degree in Probation Studies. Before taking on case management responsibility, the Probation Officer will have had a minimum of three years post qualifying experience and have been able to demonstrate competence through the Service's performance and appraisal process. Ongoing training is provided by the Clinical Forensic Psychologist who will also

meet with the offender and the Probation Officer to monitor compliance with the treatment plan and consider any ongoing victim safety considerations.

It is important to stress that staff from HMP La Moye have also attended joint training events delivered by the Clinical Forensic Psychologist. All Probation and Prison staff who work with sex offenders have attended the same training in order to undertake accredited assessments. The development of closer co-working is being actively pursued by the Chief Probation Officer and Prison Governor.

There are 46 current clients flagged as Registered Sex Offenders = 15% of caseload

Breakdown:

Prison	28
Probation	3
Conditional Early Release	1
Voluntary After Care (following release from Prison)	9
Voluntary Supervision (clients asking for assistance without any Statutory Order)	5

Total	46
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Since 2017 there have been 3 sex offenders who have offended whilst under supervision. These involved downloading indecent images of children and breaching a Restraining Order; breach of a Restraining Order and malicious damage.

4.39 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE PRICING OF GOODS IN JERSEY COMPARED TO THE UNITED KINGDOM: (WQ.342/2019)

Question

Will the Minister outline what measures, if any, he proposes to take in respect of any retailers in the Island (either local or foreign-owned) charging local customers the same price for goods as those goods cost in the U.K. (i.e. where costs include 20% Value Added Tax) in order to reduce any potential inflationary effect of such pricing?

Answer

My department funds the Jersey Consumer Council, which encourages consumers to shop around to obtain best value. They monitor and publicise prices and make comparisons to assist consumers in making an informed choice. This helps drive down prices.

Amendments were made to the Price Indicators (Jersey) Regulations in 2014 to remove a barrier to allow retailers to more easily discount their 'UK VAT equivalent prices'. Some retailers are making full use of these provisions, with advertisements from retailers making price comparisons with UK VAT equivalent prices and / or their nearest competitors. Other retailers offer price promises agreeing to undercut or discount.

Many goods do not have a clearly identifiable UK VAT equivalent price. Food is a good example where prices vary from store to store depending on many factors including the size of the retail outlet, location and convenience. Some retail outlets in the UK operate regional pricing so they can adjust the price to be competitive in specific regions.

Like the UK, we operate a free market driven by consumer demand. Retailers need to set their own prices to recoup their individual overheads or businesses will fail. Government interference could therefore lead to reductions in the availability and range of consumer goods offered on our high street to the detriment of everyone.

4.40 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION OF MENTAL HEALTH SERVICES: (WQ.343/2019)

Question

Will the Minister outline the current service provision for children and adults dealing with mental health issues, including where those in need of assistance can get help 24 hours a day 365 days a year; and will he further provide details of the number of staff engaged in this area and their qualifications, as well as the number of Islanders who are being treated at the current time?

Answer

Area	Number of staff FTE	Qualification	Individuals currently accessing services as at 30/06/2019
24 hr			
Orchard House	15 FTE 4 FTE (Agency) 5 FTE Vacancies	Registered Mental Nurse (RMN)	17
	11 FTE 1 FTE	Healthcare Assistant (HCA) Admin	
Cedar	9.75 FTE	Registered Mental Nurse	14
	7.5 FTE	Healthcare Assistant	
Beech	9.61 FTE	Registered Mental Nurse	<5
	9.11 FTE 0.5 FTE	Healthcare Assistant <u>Admin</u>	

Maple	8.0 FTE 5.0 Vacancies	Registered Nurse	Mental	12
	9.80 FTE	Healthcare Assistant		
Oak	4.0 FTE 6.0 FTE Vacancies 3.0 FTE Agency	Registered Nurse	Mental	14
	2.0 FTE	Registered Nurse (RN)		
	15.8 FTE	Healthcare Assistant		
Community homes	1.75 FTE	Registered Nurse	Mental	9
	15 FTE	Healthcare Assistant		
9-5 Community services Mon-Fri				
Adult mental health services	16 FTE	Registered Nurse	Mental	903
	5 FTE	Medical Doctors (DRs)		
	1 FTE	Consultant Psychiatrist		
	1 FTE	Locum Consultant Psych		
	3 FTE	Associate Specialist		
	1 FTE	Locum		
		Staff Grade Doctors		
		Staff Grade Locum		
	2.5 FTE	Occupational Therapists (OTs)		
	2.0 FTE	Psychologists		
	6.0 FTE	Admin personnel		
Older adult CMHT	5.0 FTE 1.0 FTE	Registered Nurse	Mental	556
		RMN Agency		
	1.00 FTE	Consultant Psychiatrist		
	2.0 FTE	Consultant Psychiatrists (Locum)		

	1.00 FTE	Staff Psychiatrist	Grade	
	2.0 FTE	OTs		
	2.0	Clinical Psychologist		
	2.0 FTE	Social Workers		
	2.0 FTE	Social Workers (Agency)		
	4.2 FTE	Admin personnel		
Older adult primary care	3.0 FTE 1.0 FTE	Registered Nurse RMN Vacancy	Mental	268
	2.0 FTE	OTs		
	4.0 FTE	Senior Support Worker		
	3.0 FTE	Support Worker		
Memory Assessment service	1.6 FTE	Registered Nurse	Mental	289
	1.0 FTE	Psychiatrist (Assoc Sp)		
	1.0 FTE	Social Worker		
CAMHS	5.5	Registered Nurse	Mental	607
	2.6	Consultant Psychiatrists		
	3.8	Clinical Psychology		
	0.7	Art Therapist		
	2.0	Systemic Therapist		
	1.0	Social worker		
JTT & Psychology	6.3	Clinical Psychologist	JTT	870, Psychology 64
	9.0	Psychological Therapists		
	4.0	Psychological Well-being Practitioner		

	2.0	Counsellor	
Alcohol and drugs	8.50	Registered Mental Nurse	389
	0.50	Registered Nurse	
	0.50	Consultant Psychiatrist	
	3x sessional/part time	GP & Staff Grade	
	1.0	Counselling Psychologist	
	1.00	Needle exchange worker	
	1.00	Arrest referral worker	
	1.00	Young Person's Substance Misuse Worker	
	1.00	Social Worker	
	2.00	Admin personnel	

5- midnight			
On call	In numbers above	Registered Mental Nurse	
5pm-9am			
On call	In numbers above	Doctors	

5. Oral Questions

5.1 Deputy M.R. Higgins of St. Helier of the Chairman of the States Employment Board regarding the legal costs incurred by the Board in the various legal proceedings it had engaged in concerning Mr. Amal Al-Witry: (OQ.196/2019)

Will the Chairman advise Members of the legal costs incurred to date by the States Employment Board in the various legal proceedings it has engaged in concerning Mr. Amal Al-Witry; and can he explain how value for money has been achieved with this expenditure?

The Bailiff:

Just one moment please, Chief Minister. I presided in the Court of Appeal on this appeal in this case. Costs are outstanding. I shall ask the Greffier to take over.

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

This is a difficult matter, which this Board has inherited from previous S.E.B.s (States Employment Board). They had taken the view that the facts of the case merited defending, based on what they considered to be sound advice received by them at the time. To date, around £90,000 has been spent on external legal advice relating to Mr. Al-Witry's claim in the Royal Court Order of Justice. This does not include work carried out this month in the Court of Appeal, which has not been invoiced yet and may come to around £10,000. The majority of legal time spent on the case has been met internally by existing resources within the Law Officers' Department and so is not, therefore, affecting external cost incurred by the Board, or the Health Department in that respect. The present Board picked up on this matter when the case was already in the legal process. It did ask for mediation to take place, which did occur. Unfortunately, we were unable to reach agreement. The S.E.B. is considering its next steps and remains open to negotiations, but needed to consider the Court of Appeal's judgment and, as we have heard, costs are still outstanding. But, because of that and on that subject, there will be points which I cannot comment on at present, so as not to prejudice any future outcome.

5.1.1 Deputy M.R. Higgins:

The States Employment Board to date has been like a gambler who has lost money and keep on going back in and trying to bet more money, hoping to win back their losses. This has probably been one of the most shocking cases of a waste of money by a Government Department. The advice from the beginning was flawed, as anybody who has ever studied law of contract would know. If you make an offer to someone and they accept it unconditionally, you have a binding contract. Would the Chief Minister accept that the advice they were given to pursue this case was flawed, as was illustrated by the Complaints Board and many others?

Senator J.A.N. Le Fondré:

I do not think it is appropriate to re-run the merits, or not, of all the aspects of the legal arguments that were run. I will state, without getting into the technical details, that a number of the arguments that were raised from a legal perspective were upheld in the court. That is my understanding. But not all of them. At the end of the day, there was a judgment call made and a lot of it was made before our time to go down the route that was taken. The present S.E.B. did try and seek mediation, but obviously, unfortunately, was not able to get to an arrangement. What I have said, at which point I am not commenting any further on that, is that there are potentially still negotiations that could take place, but obviously where we are now is the appeal was lost.

5.1.2 Deputy M.R. Higgins:

I certainly hope that mediation does take place, but obviously the States is now mediating from a position of weakness in the sense they have lost every case. Will the Chief Minister confirm that the actual claim is for £8 million and so, therefore, they are hoping that they can reach an agreement?

Senator J.A.N. Le Fondré:

I believe that was one of the considerations as to the exposure and therefore why it was taken to appeal. I will say that mediation has taken place previously, an agreement was not capable of being reached. But my understanding is that there is still an ability to do some further negotiations. We will see what the outcome is as a result of the next few days. S.E.B. are meeting on Friday to consider this matter.

5.2 Deputy M.R. Le Hegarat of St. Helier of the Minister for Treasury and Resources regarding the publication of figures showing departmental expenditure: (OQ.186/2019)

Further to the Minister's responses, during Questions without notice on 2nd July 2019, for what reasons have she and her department not provided figures showing departmental expenditure at the end of each month of 2019; and will she commit to now publish that information?

[10:00]

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

As confirmed in response to the Deputy's previous questions, a half-year report will be published this month, which will present departmental expenditure to the end of June and full-year forecasts against available budgets. This will be available later this month. In reference to the earlier months, the Deputy will be aware that, in the first months of this year, Treasury officers put a considerable amount of effort into producing the States accounts and then managing its effective internal audit of them. During that time, financial performance information is produced and discussed with the executive management team, with Ministers briefed by their departments. But this information is prepared as internal management information and not with publication in mind. Forecasts, by nature, remain live throughout the year. Providing a snapshot from earlier in the year is of little relevance now when more recent information will be provided.

5.2.1 Deputy M.R. Le Hegarat:

From the Minister's response, there obviously is still staff within the planning, financial and budget department. I would therefore ask this question: if they are able to provide the figures month on month, why can they not provide the figure at the end of April? Can I assume, therefore, that this is because some departments are overspent; and if that is the case will she please tell me which departments were overspent and by how much?

Deputy S.J. Pinel:

I have to reiterate that the department and the officers produced the report and accounts on 24th April this year and that is 6 weeks earlier than in previous years. The forecasts will remain live and, as I said in my opening remarks, the full report of the departmental expenditure will be produced at the end of June.

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

In response to Written Question 281, the Minister said: "The information requested by the Deputy will be available by the end of July with the intention to provide it before the last States sitting on 16th July." Obviously, Members have not received such information, so will the Minister provide the Assembly with a timeline for presentation of the accounts to satisfy Deputy Le Hegarat's request?

Deputy S.J. Pinel:

Yes, the Deputy is quite right. It was supposed to be by the last States sitting, but I cannot emphasise how much is going on at the moment. I have already said by the end of this month; if the Deputy wants a precise date, I will find out and let him know.

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

Will the Minister answer the question? She must know whether there have been overspends in various departments and by how much those overspend were. Can she not publish that list of overspends by the close of play today?

Deputy S.J. Pinel:

No. As I have said repeatedly, the figures will be published at the end of this month. The departments are just producing them.

5.2.4 Deputy G.P. Southern:

Does the Minister know what the overspends have been, or does she not know at this stage? Is she waiting for the calculations to be done?

Deputy S.J. Pinel:

I think I just answered that. All the departmental expenditure and forecasts are coming in as we speak to be produced as comprehensive figures at the end of this month.

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

When I hear the Minister say: “You have no idea how much is going on at the moment” is the Minister accepting that her department is under-resourced and unable to meet the deadlines and targets that is expected of it by this Assembly?

Deputy S.J. Pinel:

Not at all. As I said earlier - very repetitious all these answers - the report and accounts were produced 6 weeks earlier this year than in previous years, so the Treasury Department are working extraordinarily hard to meet targets and accept ...

5.2.6 Deputy M.R. Le Hegarat:

We fully accept that the accounts were delivered early, but having worked in the Treasury Department myself, I would have assumed that you were able to provide the position of the department at the end of each month; like any other place of work, you would have the information on a month-to-month basis. I do not understand the answers the Minister for Treasury and Resources is giving me in relation to why we cannot have this information. Can I please ask again: can we have the figures as of the end of April?

Deputy S.J. Pinel:

No, as I have said, it will be the end of July, when they are all accumulated together. Formal financial reports have been prepared by each department on a monthly basis since March, but these are department manager term briefs for each Minister based on those reports. They are not public at the moment.

5.3 Senator S.Y. Mézec of the Chairman of the Privileges and Procedures Committee regarding the Commonwealth Parliamentary Association’s Election Observers’ report: (OQ.193/2019)

Will the Chairman make a statement to the Assembly or propose an in-committee debate on the C.P.A. (Commonwealth Parliamentary Association) Election Observers report, to enable Members to receive a full update on progress made in implementing the report’s recommendations?

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

I had not thought of proposing an in-committee debate, but I will certainly hear the Senator out on that if he thinks it would be a good idea. As to a statement, yes, I will keep considering that and if necessary will do exactly that. In the meantime, as the Senator will know, recommendations 1 and 2 from the C.P.A. E.O.M. (Election Observers Missions) resulted in P.46/2019, which is down for debate on 24th September. I am also charged in recommendation 1 with consulting inclusively and I believe there needs to be more quantitative and qualitative survey research done before P.46 is debated. It was my intention to inform Members as to the progress of P.46 very shortly, before the summer break, because there is a chance that we will have to either withdraw it, because it has run out of time, or defer it. But I do think that it is unlikely that P.46 will be debated on 24th September. I hope for no more than a month’s delay, just to finish this vital research. I will keep Members informed, because I know a lot of Members wanted to bring an amendment, or are considering doing

so. I will ensure that they have the appropriate time to do that. There is a raft of recommendations on the conduct of elections, proroguing the Assembly, voter registration, *et cetera*, which can run in tandem with P.46. We have consulted already on those. We have to do further consultations, but they are already being drafted and we will bring them along in tandem with P.46. There are other recommendations, which we really need to know the result of P.46. We need to know, for example, whether the Assembly will go for equal-sized districts in terms of population and in terms of voter equality. That will inform whether we need a Boundary Commission.

5.3.1 Senator S.Y. Mézec:

Obviously, I commend the work that the Chairman and the Privileges and Procedures Committee have done with P.46. I think they are doing the right thing and that appears to be going well. But I do think that lots of these recommendations are not dependent on what constituency makeup we have. Lots of them are to do with the administrations of elections, no matter what that system is. At this point, it is not entirely clear for Members, who are not part of P.P.C. (Privileges and Procedures Committee), what progress is being made and it is right that we hold that Committee to account for that and demand to know what progress is being made and when we can expect these changes to be brought to the Assembly so we can effectively scrutinise them. Would the Chairman of P.P.C. at least undertake to present, as soon as possible, a timeline for these proposals, or legislative changes being put to the Assembly, so that we are aware of what that is going to be?

Deputy R. Labey:

Yes, I would be very happy to do that. The recommendations I was talking about, which can run in tandem with P.46, will be brought to the Assembly before Christmas. Certainly, I think at the end of autumn, beginning of winter. Others do have to wait a little longer, but work is going on all the time on those as well as all the consultations we have to do as regards P.46. But, yes, happy to keep the Assembly updated.

5.3.2 Deputy G.P. Southern:

Can the Chairman update Members on the detail of what he believes are the further pieces of research that he needs to do before progressing these changes?

Deputy R. Labey:

As the Deputy will know, we have travelled the Parish Halls. We have been to every one of them and been welcomed in every one of them and have had very good meetings with both sides of the argument aired. But that is, I think, an exercise that we had to undertake. It was important to do that. But it is not where the argument ends, or where the consultation should end. I would like to carry out - I am in the process of doing that - some surveys, qualitative and quantitative, with informing the consultees and seeing what the response is, so that it is slightly more scientific with a good sample. Because, for instance, a lot of Members from my meeting with the Council of Ministers, were saying that they would be happier to rely on this sort of information before making their vote on P.46.

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

Will this qualitative and quantitative research be directed at younger people in our Island, because this is their future voting opportunity; so schools, colleges, and that demographic that simply does not vote, even though they have the opportunity to vote at 16, which is quite progressive for us as a jurisdiction?

Deputy R. Labey:

The key to proper research of this kind is that you are researching from a representative sample of the population. That is the important thing. One of the saddest things for me about touring the Parish Halls - it was a great process - was the amount of people even under 30 that attended those meetings. Very few.

5.3.4 Deputy G.P. Southern:

Is there not a danger in pursuing the route of what has been in the past endless further research that the proposals get kicked into the long grass like so many; Clothier and Carswell before them?

Deputy R. Labey:

I am not sure that that statement is true. I believe it is work that we have to undertake.

5.3.5 Deputy S.M. Ahier:

While the Chairman was visiting the Parish Halls, did he take into consideration the accessibility for disabled users when it comes to election and voting?

Deputy R. Labey:

Does the Deputy mean the ability for disabled voters to get into the Parish Hall?

The Bailiff:

That is some way away from the original question, which is in-committee debates on the C.P.A. Election Observers report and is disallowed.

5.3.6 Deputy J.H. Young of St. Brelade:

Could the Chairman remind us, because I have certainly forgotten, when is the last date we need to approve changes for the next elections, if we are to do so?

Deputy R. Labey:

We have to have everything approved by May 2021. Every change that we are going to make to the electoral process, if we are going to stay in line with international standards on free and fair elections, the kind of standards we are signed up to, then we should make all changes at least a year before an election date. That is our target. I think we can. I think it is possible to get through all of the 18 recommendations one year before the elections in 2022 and that is what we are aiming for.

5.3.7 Deputy S.Y. Mézec:

There are recommendations in the report which suggest introducing an independent election administration body and, in particular, recommendation 8 talks about eliminating the conflict of interest associated with the functions of the Constables as election administrators. Could the Chairman confirm whether he accepts that recommendation and if so, what consultation has taken place up to this point in how we would establish an independent election administration body?

Deputy R. Labey:

That one I have not gone forward on just yet. I feel that P.P.C. has to accept all the recommendations and address at least all the recommendations and bring a recommendation on those to this Assembly to make a decision on. I do not think it is P.P.C.'s position to draw the red lines here. I think we need to be open and try to achieve what we have been asked to achieve by the people we have invited to look at our system and give us recommendations. They are the world's foremost authority on the running of free and fair elections. We should listen to them.

5.4 Deputy G.P. Southern of the Minister for External Relations regarding the approach of the Government of Jersey to the Fifth Anti-Money Laundering Directive: (OQ.194/2019)

Does the Jersey Government share the approach, adopted by the U.K. Government in response to the Fifth Anti-Money Laundering Directive, that journalists, researchers or other members of the public will have to present evidence of potential wrongdoing before accessing the register of beneficial ownership of businesses, including financial trusts?

[10:15]

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

Just to be clear, there is not a register of beneficial ownership of businesses in the United Kingdom. The U.K. Government has implemented a register of persons with significant control in April 2016; that required the identification of registration of those with direct, or indirect, controlling interests. I am not aware of any access restrictions to that register. Separately, of course, the U.K. Government has run a consultation on transposition of the Fifth Money Laundering Directive earlier this year. The consultation response to that consultation is not yet published. The Government of Jersey made a clear commitment on 19th June this year on transparency of beneficial ownership of companies and will reference practical implementation of this component of the Fifth Money Laundering Directive in doing so.

5.4.1 Deputy G.P. Southern:

Can the Minister now guarantee for all Members that there will be no barriers put in the way of an absolutely freely accessible register of beneficial ownership of businesses in Jersey?

Senator I.J. Gorst:

I am sure, because the Deputy seems to take great interest in these matters, he has read the commitment made by the 3 Crown Dependencies and he will know that there is currently not a uniform approach across the European Union Member States and that is why we are taking a stepped approach. We have made commitments to those 3 steps. The final step is to wait for the implementation review at the beginning of 2022 of how public access is given effect to registers of beneficial ownership across E.U. (European Union) Member States. We are not - and I make this clear, I make no apology for it - following the U.K. approach. We will be informed by that implementation review from the E.U. and, therefore, I cannot know at this stage what will be in that implementation review, nor what the recommendations will be in light of the implementation across the European Union.

5.4.2 Deputy G.P. Southern:

While I hear that the Minister cannot guarantee that there will be completely free access with no barriers to the public, will he nonetheless lobby and argue with the E.U. for the absence of any barriers to public access to the beneficial ownership of businesses?

Senator I.J. Gorst:

Let us just be clear about what I said. I said I could not guarantee what would be in that implementation review, not that I could not guarantee that there will be any barriers to access; 2 very different things. We have already started a conversation with the E.U. Commission, we of course all know that there is a new European Parliament and there are new commissioners yet to be formally appointed. But we have already started a conversation with the Commission about the interconnected registers, building upon the political commitment that I gave at the end of last year. So, we can be confident in our current approach. It is right now, as evidenced by the independent report of the Home Office, the information that we are providing to third parties is accurate, is up to date, is verified and regulated and we can be confident that it is meeting the current policy aims of fighting financial crime and the financing of terrorism and anti-money laundering. What we are doing in making our commitment and in seeking to be informed by the E.U. Implementation Report is understanding where the international standard is going and making our direction of travel - I hate that term - clear with our 3-step political commitment to this matter.

5.5 Deputy R.J. Ward of the Minister for Economic Development, Tourism, Sport and Culture regarding the implementation of 5G in Jersey: (OQ.191/2019)

What estimate has the Minister made of the number of transmitting towers required for the Island-wide implementation of 5G in Jersey?

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

None at present, is the short answer. But the Telecoms strategy, which was published in January 2018, clearly states that the Government will adopt policies that encourage network sharing for 5G. This will help to minimise the number of masts required. The number of new masts required will be dependent on how 5G is rolled out in Jersey. In the first instance, early iterations of 5G may need no new additional masts. Government is currently considering options for the longer-term rollout of 5G and, as part of this, we are working with regulators and the operators to minimise as far as possible the amount of new infrastructure required.

5.5.1 Deputy R.J. Ward:

Given the options that are available to Jersey in terms of its implementation, or not, of 5G, given our fibre-optic capacity, would it not be sensible to have an estimate of the number of possible towers as part of the equation of making a decision in the end, in terms of its impact on the environment, *et cetera*?

Senator L.J. Farnham:

Yes, I do absolutely agree and there will be an estimate of masts as we progress and as we understand more about how it is going to be rolled out. As I understand it, 2 of the operators, or at least one definitely, possibly 2, are planning to trial 5G. That might take place, for example, only in St. Helier initially, in which case it might be possible to use existing infrastructure. So, the reason why we have not estimated, we have some broad ideas, but the reason we have not looked for more accurate figures is we are still watching closely how, where and when, 5G will be rolled out.

5.5.2 Deputy K.F. Morel:

When talking about the structure of a 5G network, does the Minister believe it is important to understand the difference between masts and antennas and, as I understand it so far, in the case of 5G there is likely to be a greater reliance on antennas, rather than masts, masts being 20-foot tall poles, antennas being small and discrete?

Senator L.J. Farnham:

I absolutely understand that and ultimately this will be quite rightly controlled by the planning process and I trust that process to ensure that the rollout of the infrastructure remains sensible and environmentally acceptable.

5.5.3 Deputy R.E. Huelin of St. Peter:

May I ask the Minister what measures have been taken to ensure that we have a common shared infrastructure across all the 5G providers? Clearly, there are inherent benefits of cost, coverage and others.

Senator L.J. Farnham:

Yes, we are having talks, as I said in my opening answer, with the regulators and the operators. It is part of the Telecoms strategy to share infrastructure, as much as possible, to lessen the impact on the environment, so we are having those conversations.

Deputy R.J. Ward:

I think you have answered everything. There is a debate coming up later on, anyway.

5.6 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the introduction of carers and care legislation: (OQ.187/2019)

When does the Minister plan to introduce carers and care legislation, identified as the first ‘key gap in the system’ in the 2017 Jersey Carers Strategy?

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

The carers strategy was developed and published by the Jersey Association of Carers Incorporated in June 2017, shortly after the Government had published the first disability strategy for the Island. The disability strategy includes a section on supporting carers and includes an action to review Government support provided to carers and work with carers groups to ensure this support is timely and well targeted, including consideration of whether the rights of carers should be set out in law, including the right to a carer’s assessment and support package. The timing of this action, in the disability strategy, is given as long-term. Both strategies have been fully considered by Ministers in the development of the Common Strategic Policy and the forthcoming Government Plan. As Minister for Health and Community Services, I have supported the allocation of resources within the draft Government Plan towards these important areas. The Government Plan will be published next week and more details will be available at that time.

5.6.1 Deputy K.G. Pamplin:

I thank the Minister for his answer; however the answer to the written question in relation to this question, I almost, like Deputy Morel, ask you to have a look at, because I was asking for an update on the 2017 care strategy. So, I use this opportunity now to push the Minister further again that 2017 is 2 years since the strategy, in conjunction with Government at the time, to look at the key gaps in the system, which was identified as 6, is has there been any other progress in the past 2 years that he can identify?

The Deputy of St. Ouen:

The strategy has close connections with the disability strategy, which is a Government strategy, of course. That disability strategy, having previously sat in the Chief Minister’s Office, I understand in very recent months has moved across to the Minister for Social Security; I will be working with her, as our term progresses on the implementation of it. But I can say that we have had no meetings, as yet, to discuss the actions arising out of the disability strategy.

5.6.2 Deputy G.P. Southern:

Can the Minister inform Members when we are likely to see the Ethical Charter for Domiciliary Care enacted, as that has already been accepted by this House and we await its implementation?

The Deputy of St. Ouen:

I thank the Deputy and, yes, some time ago I did have a meeting with the Deputy, who had brought forward the Proposition. We remain in some difficulty in that the Deputy’s Proposition asked that the matter be placed in legislation and, of course, legislation requires very precise parameters, whereas in the U.K. the strategy, or the charter he has spoken about, the Ethical Care Charter, is just that, it is a charter that is chosen to be adopted as a matter of policy. So, sometimes it is difficult to turn those good intentions expressed in the charter into a legislative framework. So, we continue to work on those difficulties and I am happy to meet the Deputy at some time soon to discuss our progress.

5.6.3 Deputy G.P. Southern:

Supplementary if I may and that will come as a surprise to me that there were problems in implementing what has been fully accepted by this House. I think it was voted for unanimously; I

am not sure. The Minister seems to be avoiding implementation of something, which has directly been before this House and accepted by this House. Why?

The Deputy of St. Ouen:

Certainly not avoiding it and, if I recall correctly, I voted in favour of the Deputy's Proposition and would still do the same. Of course, there are difficulties in taking what is a statement of high principle that carers should receive due recognition, for example and turning that into a statutory provision. But, as I have said, we continue to work on it and I am happy to report back to the Deputy in detail should he wish.

5.6.4 Deputy M.R. Higgins:

Many people, who are engaged in care, are below the radar. What figures did the Minister base his proposals on in trying to deal with this problem? In other words, what are the estimates the department has of those engaged in care and, therefore, the level of provision you intend providing in the future?

The Deputy of St. Ouen:

It is true that it is probably difficult to arrive at a figure representing all carers, because these things tend to grow up and one becomes involved in a care situation involuntarily and without Government knowing about it necessarily.

[10:30]

I would have thought the department that might have had a better sight on this would be the Customer and Local Services and the former Social Security functions in it, with the administration of the long term care scheme and carers' allowances and such things. As for myself, I presently have no figures as to the number of carers in the Island with me.

5.6.5 Deputy R.J. Ward:

Given that the suffragettes' theme was 'Action Not Words', can I ask the Minister whether the Ethical Care Charter will be in the Government Plan, or as a separate piece of legislation and the timescale of it?

The Deputy of St. Ouen:

The Government Plan is being published next week and I am not in a position to give advance details of it.

5.6.6 Senator S.C. Ferguson:

Has the Minister not considered asking about how many people are guardians for people who need caring, because that will give a good idea of some of the population that need caring?

The Deputy of St. Ouen:

I take it the Senator might mean guardians under the Mental Health Law and, yes, guardians under the Children Law possibly, or Mental Health Law, those figures would be known, I agree and could be ascertained.

5.6.7 Deputy K.G. Pamplin:

Does the Minister agree with me that the reason why there is not much detail in my written question and the oral question to the thrust of what I am asking today that financials - how to obtain them and how they will be used to evaluate what is in an achievable outcome - are absent from the strategy; that this is not acceptable and going forward with further strategies from his department will have this included in the future, so we are not still waiting for further things to be coming through?

The Deputy of St. Ouen:

It certainly is the desire of myself and my department and expressed in the Strategic Policy, to put patients' families and carers at the heart of Jersey's health and care system. We are intending to develop programmes within the Government Plan, which would give funding to the system, additional support and recognition of carers. I would urge the Deputy to examine our Government Plan, to see what can be done within it.

5.7 Connétable K. Shenton-Stone of St. Martin of the Chief Minister regarding the publication of the membership of Policy Development Boards, Political Oversight Groups and other executive advisory groups:

Will the Chief Minister publish and keep up-to-date lists of members of policy development boards, political oversight groups and other executive advisory groups, so that the public can have a clear understanding of the role and activities of each States Member?

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

Yes, there is a commitment in the Government Plan to publish lists and this, along with information of membership, will be available online in order for the public to understand the role and activities of States Members. The work will be taking place over the summer and that is consistent with an exchange I had with the Chairman of P.A.C. (Public Accounts Committee) approximately a month ago.

The Bailiff:

Supplementary?

The Connétable of St. Martin:

No, as long as it is published before the end of the year and it is in train.

5.8 Deputy G.J. Truscott of St. Brelade of the Minister for Health and Social Services regarding the steps taken to ensure that sepsis or blood poisoning was identified at the General Hospital: (OQ.184/2019)

What steps has the Minister and his department taken to ensure that all doctors and clinicians at the General Hospital are fully trained to spot the early signs of sepsis, or blood poisoning?

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

A lot of work is done to prevent sepsis developing in patients. Since September of last year, we have trained approximately 170 Health and Community Services staff members, including nurses, healthcare assistants, paramedics and doctors, on the early recognition of sepsis and its prompt management. This includes Emergency Department staff, care co-ordinators and overnight teams. A training audit is to be undertaken to identify any key gaps. We also provide a bespoke annual sepsis and infection control update to all of our student nurses training on the Island and sepsis is also included on our immediate life support and paediatric immediate life support training, which is provided annually to all staff. There is a written guideline for staff on the early diagnosis of sepsis, which runs to 18 pages and which has been shared with all clinicians and escalated down the departments. In addition, there is to be a sepsis awareness day on 13th September, which will include information for staff and public, it will be supported by our practice development and clinical staff and communication team.

5.8.1 Deputy G.J. Truscott:

I want to thank the Minister. What sparked this particular question was a BBC news report and it was regarding the N.H.S. (National Health Service) where people were going into A. and E.

(Accident and Emergency) feeling really unwell, but it was misdiagnosed, it was early onset of sepsis, but it was misdiagnosed and they were sent home with a bottle of paracetamol and tragically, in many cases, that resulted in death, or loss of limbs. It is an extremely difficult condition to recognise and I do appreciate ... and I was looking for words of reassurance from the Minister, which he has provided me, and it is so important ...

The Bailiff:

Is there a question coming?

Deputy G.J. Truscott:

There is, it is just coming. Do you feel that there are enough resources in Jersey with regard to training and how many cases have been recorded in the past 12 months with regard to sepsis?

The Deputy of St. Ouen:

I agree with what the Deputy was saying that it is often a difficult disease to diagnose and to recognise and there are differences in presentations between adults and children also. My impression is - but it is my untrained impression - there is excellent training among our staff and a good awareness of sepsis and how it needs to be managed once identified. The question did not relate to figures and I am afraid I do not have any figures as to whether any incidences of the disease have been found among patients and, if so, how many. But I can provide that information as soon as I can get it to the Deputy.

5.8.2 Deputy S.M. Ahier:

Central line associated bloodstream infections are a huge concern for patients with up to 25 per cent of patient deaths from what is a preventable problem. A.I. (artificial intelligence) can predict which patients are likely to develop central line infections and thereby assist doctors and clinicians to form early diagnoses. What progress is being made in this field?

The Deputy of St. Ouen:

We recognise that A.I. has a great deal to offer in the field of health, as in so many other fields, but it is early days in that respect, but we want, within our Government Plan, to invest more money within the technology, which would include A.I. and this is certainly going to be a matter for development and close interest in the years to come.

5.8.3 Deputy G.J. Truscott:

As I say, I thank the words of the Minister and I am sure the public are reassured that we are doing a good job with regard to this condition. Could more be done to inform the general public with regard to the signs and symptoms of sepsis, whether a public leaflet, or something, could be produced and issued locally, does the Minister feel that there is merit in that?

The Deputy of St. Ouen:

Yes, I recall some publicity recently about a young mother who noticed an unusual mark on her child's skin and she had learned just some months before something about sepsis and how it presented itself and wondered if it might be. As a precaution, she took her child to A. and E. and she did the right thing, because it did turn out to be the early signs and fortunately her young son was treated and I understand made a full recovery. But it is fortunate that she was aware and I agree with the Deputy that whatever we can do to make parents and the general public aware of these risks can be helpful and it is something I will mention. I have spoken about the Sepsis Awareness Day in September and I will make enquiries as to what other programmes are out there to inform the general public.

5.9 Deputy K.F. Morel of the Chief Minister regarding the engagement of temporary staff and contractors within the public sector: (OQ.182/2019)

Is Ministerial approval required for the engagement of temporary staff or contractors employed on rates exceeding £750 per day; and, if not, will the Chief Minister introduce this requirement?

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

In short, the answer is yes and, therefore, there is no need to introduce the requirement that the Deputy refers to. What we refer to as P.59 approval, which ultimately goes up to the States Employment Board for consideration and approval, is required for costs of £100,000 or more and that will capture the rates the Deputy is referring to.

5.9.1 Deputy K.F. Morel:

Maybe the Chief Minister could explain to me how, for a contract which does not last for up to £100,000 that may work? So, somebody on a day rate for 5 days at £750 per day would not reach £100,000, or have I misunderstood?

Senator J.A.N. Le Fondré

Sorry, I should have said 'annualised'.

5.10 Deputy G.P. Southern of the Minister for Social Security regarding the reduction of income inequality: (OQ.195/2019)

Will the Minister inform Members what measures, if any, she has under consideration to reduce income inequality, through changes to the structure of Social Security contribution levels and earnings limits; what timetable she has for implementing such measures; and if she has no plans in this area, why not?

Deputy J.A. Martin (The Minister for Social Security):

I refer the Deputy to my response to the written question on the same subject today. The Council of Ministers has committed to reducing income inequality and improving the standard of living in the Common Strategic Policy. This includes a commitment to achieve a fair balance between wages, taxes, benefits, rents and living costs. This work will be undertaken in parallel with the first part of the Social Security review, which will consider contribution rates and earning limits as well as the outcomes of the personal tax review and the planned review of the interaction between tax and benefits. This work is planned to be undertaken in 2020 and 2021. More information will be in the Government Plan, issued on 23rd July.

Deputy G.P. Southern:

I, like many, look forward to seeing the Government Plan in its final form, whatever that may be.

5.11 Deputy K.G. Pamplin of the Chief Minister regarding the replacement of the Island's General Hospital: (188/2019)

Will the Chief Minister provide an update on the work to replace the Island's General Hospital, including on the site selection process?

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

Senator Farnham is answering this question as Chairman of the Political Oversight Group that has been established.

Senator L.J. Farnham (Chairman, Political Oversight Group - rapporteur):

The Political Oversight Group, as set out in the Chief Minister's report to the Assembly, has convened and met twice in full session, to agree terms of reference and governance of the project. The Senior Officer Steering Group has also met 3 times to establish the pipeline of papers for the Political Oversight Group and recommendations and issues for political decision. An Officer Working Group has also been established to develop process and action decisions of the Oversight Group, including establishing a plan to assemble the new project team and to secure appropriate approval from the States Employment Board for that approach to develop a business case for the first tranche of funding, as also set out in the Chief Minister's report and to develop the process timeline. Meanwhile, work is ongoing in Health and Community Services to develop a new model for healthcare in Jersey to update the 2012 model, which will be the critical framework within which the new hospital will be designed and will operate.

5.11.1 Deputy K.G. Pamplin:

The estimated figure of £7 million to upstart the project again, has that figure risen, or dropped? I know that probably touches into Government Plan again. Does that include the creation of a communications role that was noted in May, if you can give any further updates on that?

Senator L.J. Farnham:

The communications role - the important communications role - will be part of the new project team. There is no plan, at the moment, to increase the budget; in fact we are introducing a new method of funding. Under the careful eye of the Minister for Treasury and Resources and the Assistant Minister for Treasury and Resources, tranches will only be released in maximum amounts of £500,000 for the project.

[10:45]

Those amounts of money will only be released once the requests and the administration for such funding has been carefully scrutinised.

5.11.2 Deputy K.G. Pamplin:

Just to pick up if I can; the creation of the communications role, do we have an estimated date when that person will be in post? Because, dare I say, it is probably needed.

Senator L.J. Farnham:

Not an exact date, but it is imminent and we can expect an announcement very soon.

5.12 Deputy G.J. Truscott of the Minister for Infrastructure regarding maintenance of the Railway Walk: (OQ.185/2019)

Further to his answer to Written Question 280/2019, which aspects of maintenance of the Railway Walk does the Minister intend to significantly revise; and will he consider a tree and native hedge-planting scheme in the forthcoming review of the area by the Growth, Housing and Environment Department?

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

The Railway Walk is a superb Island asset. Our philosophy is to maintain a good balance between the natural flora and fauna and a conducive public walking and cycling route. The future maintenance tender specifications and longer-term strategy plan for the Railway Walk is due to be undertaken in the final quarter of this year and will involve a current status survey; discussions with Natural Environment officers regarding the potential for adding value to wildlife and natural fauna; a wider consultation with interested parties; a review of current planting, with the aim to make it as valuable as possible for wildlife and flora; maintenance of existing mature specimen trees bordering the walk,

and ways to improve the walk's hoggin surface. The Deputy can be assured that this review will include tree planting and native hedge and shrub planting where possible.

5.12.1 Deputy G.J. Truscott:

I thank the Minister for his response and I am encouraged by what I hear, so I look forward to the tender going out later in the year and the work that will be included. There was a time when there were 5 parks and gardens employees tending the walk, it is 3.6 miles, a vein of nature that goes through St. Brelade, it is a wildlife reserve, we have red squirrels, *et cetera*. It is treasured by the Island; it is an amenity in a built-up area that is well used as well, also by tourism. If it is about money, because like everything in life there is a balance to be struck and I can understand 5 gardeners are quite an expensive thing and I can understand it and I have bought in to the idea of letting it go back to nature. But there is again a balance to be struck here, because there are certain areas of the Railway Walk that are basically becoming jungle-like and what I would like to do, and hopefully the Minister will accept my invitation, is that we go on a walk up the Railway Walk so that he can see for himself the condition (1) of the surface and (2) of what is happening there, which might better position him ...

The Bailiff:

Could you come to the question please?

Deputy G.J. Truscott:

Will the Minister accept my invitation?

Deputy K.C. Lewis:

Yes, the make-up of the Railway Walk, to make it a more environmentally diverse and natural site, as opposed to the manicured lawned areas of the past. Prior to this, the area had some planting that was not of native species and it had been maintained as a more formal parkland, rather than the open natural space. The walk was identified by the Department of Environment as a very important long narrow strip of land, which delivers a great wildlife corridor from St. Aubin to Corbière. I believe a meeting has been set up towards the end of this month and I look forward to meeting the Deputy then.

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

Given that the Parish has received several complaints regarding the maintenance of the Railway Walk and these have been passed to the Minister's department and are being dealt with, would the Minister agree that the principle of contracting out much of the parks and gardens work is far from satisfactory in the eyes of the public?

Deputy K.C. Lewis:

Yes, we are looking to carry out the actions within the review towards the end of the year. There is a lot of work being done, as the Constable may be aware, on the Railway Walk. There are many services under the Railway Walk and we are due to have some extensive work done by various services, so that will involve taking up part of the Railway Walk. It will be reinstated and laid with new hoggin to a very high specification. But, as I say, it was recommended some time ago to have a more natural environment, just like the *branchage*, not quite so severe and not quite so manicured, more of a wildlife area.

5.12.3 The Connétable of St. Brelade:

The Minister is evading the question. The question was really with regard to using subcontractors instead of in-house States staff, which was the case in the past. Would he agree that the present situation, where all work is contracted out, is far from satisfactory?

Deputy K.C. Lewis:

Indeed, as the Constable is aware, my department is a shadow of its former self, so we do not have much choice but to contract out this work, as we no longer have hundreds of staff that we can call on.

5.12.4 The Connétable of St. Brelade:

Would the Minister agree that it would be far better if we were to take this sort of work back in-house and employ the necessary staff as required?

The Bailiff:

That is outside the scope of a supplementary. Final supplementary.

5.12.5 Deputy G.J. Truscott:

I do understand labour is very expensive, but while I was at Social Security as the Assistant Minister, we got the Back to Work teams to help the contractor down there. Probation Services could also help and they would be very keen and, if necessary, I could organise volunteers to come and help the contractor to do the work there. Is that something the Minister could consider?

Deputy K.C. Lewis:

Certainly, that is something worth considering but, as I say, there is much work to be done by many of the services to tear up the Railway Walk and re-lay piping, *et cetera*, before we lay it down again. The Railway Walk carries everything except trains at the moment, because there are many services, including sewerage pipes, below the Railway Walk and it is a very well used service area. But all the various utility companies are legally obliged to reinstate to a very high standard and we will be making sure that does happen. As I say, it was decided many years ago to have a more wild, if you like, environment as opposed to the manicured lawns. But more than happy to meet up with the Deputy and indeed the Constable and go through that.

5.13 Deputy R.J. Ward of the Minister for Treasury and Resources regarding the sales of Andium Homes housing stock: (OQ.192/2019)

Will the Minister, as shareholder representative, take steps to ensure that Andium housing is not sold to off-Island investors, buy-to-let purchasers, or as 'lock-up and leave' investments?

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

Andium sells its homes to first-time buyers, who qualify through the Affordable Housing Gateway and who have been assessed as needing some assistance to purchase their first home. Sales are undertaken on a freehold, or flying freehold, basis, which prevents anyone who does not possess entitled status under the Control of Housing and Work Law from purchasing. Onward sales of these homes continue to be restricted to first-time buyers only. I do not believe, therefore, that it is necessary for me, as shareholder representative, to take any further steps.

5.13.1 Deputy R.J. Ward:

The new development around Millennium Park; I believe that 50 per cent of the homes that are being built there will be on the open market. If that is the case, how can you ensure that they are not, I repeat, sold to off-Island investors, buy-to-let purchasers, or lock-up and leave investments?

Deputy S.J. Pinel:

I think the questioner is referring to Belmont Court.

Deputy R.J. Ward:

The new development that is being planned around Millennium Park.

Deputy S.J. Pinel:

There are, from memory, about 698 out of the 760 Andium currently-delivering sites of new homes and there are plenty; there are the ones at Millennium Park and the old gas site works, brewery, there is Samarès, there is Belmont Court, there is Summerland and they are all part of these developments and out of all of them only one, in Belmont Court, is going to be available on the open market and that is because Andium have to make their delivery and their construction financially viable, but the rest remain as social housing.

5.13.2 Deputy R.J. Ward:

A point of clarification, this may become my final question by the look of it, are you confirming that there will not be 50 per cent on the open market on Andium home sales in new developments?

Deputy S.J. Pinel:

Each development is completely different, so I do not think I can say a sweeping statement that all of Andium Homes planned constructions will be 50 per cent as social housing, because every construction site is different, which is why I mentioned Samarès and Belmont and Summerland as part of those developments.

5.13.3 Deputy R.J. Ward:

I apologise to the Minister, but I do not think we have really clearly got an answer to the question. If Andium homes are being built as part of a development and they are going on to the open market, which a significant number seem to be, an increasing number, in the name of repaying investment, can the Minister guarantee that they will not go to off-Island investors, buy-to-let purchasers, or lock-up and leave investments, given the recognised housing crisis that we have on this Island?

Deputy S.J. Pinel:

Yes, I think there may be a little confusion here. Andium do not put their houses on the open market, this one, that I mentioned, is a total exception, because they are social houses. The confusion lies with the development at Horizon possibly, which is S.o.J.D.C. (States of Jersey Development Company), which are lock-up and leave, Andium's are not. They may be rentable, but they are not lock-up and leave.

Deputy R.J. Ward:

Sorry, a point of clarification, I am absolutely clear in what I am asking, just to confirm and the simple answer may be no, they will not, which is great, but no Andium homes sold on any version of the open market will go to the 3 areas that I have mentioned, I will not repeat them?

Deputy S.J. Pinel:

No, it will not. Everybody has to go through the Gateway. All the housing that Andium offer has to be to people who have gone through the Housing Gateway.

5.14 Deputy K.F. Morel of the Chief Minister regarding the undertaking of a One Voice survey of the public sector: (OQ.183/2019)

Further to the One Voice Survey of March 2018 and a statement made by the Chief Executive in his first 6-monthly report in which he said he is 'committed to more regular surveys in the future', is the Chief Minister aware of plans to deliver on this commitment and, if not, will he instruct the Chief Executive to commission another One Voice survey before the end of 2019?

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

A partial answer in terms of we are planning a full Government of Jersey One Voice Survey for all employees in spring 2020. This is a follow-up to the last full survey that was undertaken in 2018, which will supply the benchmark at the start of the OneGov implementation.

5.15 Deputy M.R. Higgins of the Minister for Home Affairs regarding the records kept in relation to sex offenders in Jersey: (OQ.197/2019)

Is it the Minister's policy not to record the rate of reoffending of sex offenders in Jersey and the effectiveness of the treatment they receive at Her Majesty's Prison La Moye; if not, what steps is he taking to rectify this situation?

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

The simple answer to the question is no, there is no such policy. Reconviction rates of registered sex offenders are recorded as part of J.M.A.P.P.A. (Jersey Multi Agency Public Protection Arrangements). I presented J.M.A.P.P.A.'s annual report to the States Assembly in April of this year. In Jersey, during 2018, there were no serious further offences committed by offenders managed under the J.M.A.P.P.A. arrangements.

5.15.1 Deputy M.R. Higgins:

I find the answer slightly strange in relation to a written question that I asked on 30th April. I asked for the recidivism rate for offenders convicted of such criminal offences and the answer to that question was: 'This data has not been collected by the prison, the Probation and After-care Service, or the courts. Policy officials are looking at how such data could be collated in the future.' Could the Minister tell me how that relates to the answer he has just given?

The Connétable of St. Clement:

Yes, of course. I said this morning that the reconviction rates are recorded as part of the J.M.A.P.P.A. arrangement, not the court, prison, or anyone else that the Deputy mentioned.

Deputy M.R. Higgins:

I will be coming back to this again, because I had a written answer, which I think shows again a slightly different answer. I will come back, probably in September.

[11:00]

5.16 The Connétable of St. Martin of the Minister for Health and Social Services regarding mental health check-ups for Islanders aged under 18: (OQ.190/2019)

Will the Minister consider introducing an annual mental health check-up from a psychologist, psychiatrist, or mental health professional for Islanders aged under 18, in order to help maintain positive mental health and provide support for those in need, particularly if they are experiencing, or have experienced, trauma?

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

I will ask my Assistant Minister, Senator Mézec, to answer this question.

Senator S.Y. Mézec (Assistant Minister for Health and Social Services - *rapporteur*):

I thank the Constable for the question, which recognises the need to be preventative with all aspects of a child, or young person's, mental health. Early access and intervention is key and requires delivering support using the right people with the right skills and at the right time. Last week, when myself and the Minister discussed this question, the view was that, although this is a well-meaning proposal, it would not necessarily see resources directed in the best way, it would take up substantial

resources and a better approach is to focus on those when they are in need and not necessarily just an annual check-up, which could come at a time that does not necessarily have any benefit to that person.

5.16.1 The Connétable of St. Martin:

This question has arisen from speaking to parents of young people, who would welcome an initiative such as this. I had said that it would take up maybe too many resources. It was just really to bring it into the public arena, because we all agree that prevention is better than cure and I just would like more to be gone into to safeguard our young people's mental health. I would ask the Assistant Minister if he agrees with this.

Senator S.Y. Mézec:

I entirely agree with the sentiment that the Constable has expressed and this is probably a good time to be having that discussion, because C.A.M.H.S. (Child and Adolescent Mental Health Service) is currently undergoing a 12-month programme of review and redesign, which is looking at the spectrum of need. We know that Mental Health Services are strained and it is right that we focus attention where there is going to be maximum benefit and obviously preventative care has to be part of that. As I said, this particular proposal for a random annual mental health check-up would take up a lot of resources and not necessarily be directed at those when they are most in need. But it is absolutely right that we have an open discussion about what services can be targeted at the best time and talking to parents and particularly talking to young people is definitely useful, so if she wants to continue that discussion with us, I am sure that myself and the Minister would be happy to have that discussion.

The Bailiff:

That brings this part of question time to an end. He is not in the Chamber at the moment, but Deputy Morel asked me to rule on the Minister's answer under question 19. He was asking me to rule under Standing Order 63(7)(b), which is in these terms: 'Where the Presiding Officer is of the opinion that an answer given under this Standing Order is not directly relevant to the question asked, or a supplementary question, the Presiding Officer shall inform the Member, who is required to give the answer of that opinion and request the Member to provide an answer that is directly relevant to the question, or supplementary question, that was originally asked.' In this case, the Minister for Economic Development, Tourism, Sport and Culture was asked to list consulting firms and consultants and supplementary information in respect of those firms and consultants engaged between 1st January 2018 and 30th June 2019. In summary, his answer says that he will publish such information in a report in October this year, which Ministers generally are going to produce. A similar answer has been given by the Chief Minister to a similar question on behalf of the States Employment Board. I think it is impossible to say the answer is not relevant to the question, even if the answer does not provide the information the Deputy had sought and the answer is, therefore, in accordance with Standing Orders. I make the ruling at this stage, because it may be relevant to any questions that might come in the Chief Minister's direction, in questions without notice, which we are now going to start. The first Minister up is the Minister for Social Security.

6. Questions to Ministers without notice - The Minister for Social Security

6.1 Deputy G.P. Southern:

With respect to reducing the cost of G.P. (General Practitioner) consultations, what progress has the Minister made since April, how many meetings on G.P. consultations has she held and what role does the Health Insurance Fund play in any future proposals?

Deputy J.A. Martin (The Minister for Social Security):

Before April, myself and Deputy Southern used to attend and, since then, I have been to at least one with Deputy Maçon, my other Assistant Minister, so at least 2 and possibly one without my Assistant Minister, possibly 3. The Deputy knows that there are plans to make healthcare, primary care, affordable either for diseases and for vulnerable people on a low income and that the Health Insurance Fund will have to play a role in this. As I say, a lot more of this will be in the Government Plan and there is more to come as we work up these proposals. The Deputy does know this, because he was in the early stages. We have had many more meetings than I ever did when I was Assistant Minister for 6 years, which over that time we met once with Social Security. I know this is reverse, but things are moving forward.

The Bailiff:

Can I ask Members listening in the room outside to come back to the Chamber; we are on the very level of becoming inquorate.

6.2 Deputy G.J. Truscott:

Guernsey have stolen the lead on us, they introduced workplace pensions some time ago; when does the Minister intend to update the Assembly on when she intends to bring such legislation?

Deputy J.A. Martin:

Even when Deputy Southern was my Assistant Minister, it was a very high priority for myself, I know it is also for Deputy Wickenden. It is not one of those things and sometimes it is not always good to be first in the race, because Guernsey have and the U.K. have ... they are not compulsory, they are opt-out. Do they pay enough? Are people buying into them? So, we know what we want to do. I will try to get the legislation to this Assembly, got to take employers with us, it is going to be more money for employers, it is going to be more money taken out of the employee and we need to consult really widely on this, we need to look maybe a bit further than the U.K. and Guernsey, but get it right.

6.3 Deputy S.M. Ahier:

Will the Minister advise the Assembly whether she has any plans to increase the gluten-free subsidy vouchers from the current £1.40 per voucher, which has not changed in more than 10 years, while during that time the cost of gluten-free produce has increased inordinately?

Deputy J.A. Martin:

From memory, I do not have any plans to increase it and I do remember - and I have friends who are gluten-intolerant and coeliac - and I go back 10 to 15 years, you would have to go to one little special shop that was a health food shop. I do not agree with the Deputy that this type of food is going up. The range is everywhere, most restaurants now do gluten-free and it is not normally any dearer. Gluten-free pizza, or pizzas not gluten-free, exactly the same price on the menu; same with bread, so if the Deputy has an issue on a particular thing that people are trying to buy, if he would let me know I will definitely look into it, but I have no plans at the moment.

6.4 Deputy R.J. Ward:

Given the growing awareness of the increased costs for electricity from some unscrupulous landlords putting an additional charge, can the Minister assure the Assembly that those reliant on income support will be supported in trying to stop this practice, if part of their income support is going towards landlords, who are making an unfair and perhaps illegal supplementary charge for electricity?

Deputy J.A. Martin:

I heard the Minister for Children and Housing on the radio only a few weeks back and it is an absolute disgusting practice. It has been happening for years in unqualified accommodation, it happened to

me many years ago when I arrived, I put 50p in the meter and I think I got enough for about a 2-minute shower. I mean somebody was making money and I was not getting a very hot shower. Absolutely, I am supporting the Minister for Children and Housing. It is not necessarily in my remit, we have now introduced the Environment Law where people can go in. Absolutely, this should not be happening. I even think the Minister for Children and Housing said people can be prosecuted. It should not be 'can be', it should be 'will be'.

6.4.1 Deputy R.J. Ward:

Can I have a supplementary? Should the landlords, who are effectively committing, one could say fraud in these situations of the Social Security Department, be investigated as much as individuals in Social Security and face the same sort of investigations and scrutiny from Social Security that those individuals do?

Deputy J.A. Martin:

Would it not be lovely if the Social Security Law covered everything? This would be a policing, to do with the landlord, the electricity company and in between what they are selling. A lot of these are probably unqualified, they are charging too much and we, at Social Security, probably do not even know who they are. If the Deputy thinks the Housing Law and the law under the Minister for Children and Housing is not strong enough, maybe he should talk to him.

6.5 Deputy G.P. Southern:

Could the Minister outline what progress has been made on reducing the cost of dental work to the population and, in particular, will she explain to Members where she sees the balance developing between a spend in Health and a spend in Social Security, in order to bring down the cost of dentistry?

Deputy J.A. Martin:

Again, Deputy Southern knows it is a stream that I have been working with closely with Health with my Assistant Ministers. We want to make sure that children mainly get preventative dental treatment. If you get to children young they know how to. Sometimes, it is just as easy as how you brush your teeth, but a good proper thorough check-up once a year. Again, the money will be a combination, Health have a massive budget for dentistry and some of it is, basically, high street dentistry. Is it the right place for a child to go, in the first instance, to a big institution? Great consultants, who may be taking out an impacted wisdom tooth and with an abscess on it the next day and they are probably over-qualified for that job. The Deputy knows we are working on this and more will be revealed on the 23rd.

6.6 Deputy G.J. Truscott:

The Statistics Unit produced the quarterly figures for the unemployed and they are very encouraging, but there is one group - and it always did concern me when I was at Social Security - and that is the long-term unemployed, I think it was up 10 from the last time. Is there anything more that can be done for these people, whether it is up-skilling, a little bit of extra training, or even possibly offer them work, but is there anything the Minister could do for these people?

Deputy J.A. Martin:

I am personally of the view that I would never write anybody off, people get into this situation and sometimes it is because of depression, stress, mental health, very mild, we sign them off, they do not see anybody, they are sitting at home for weeks, 4 weeks on your first certificate, then another 4. You start losing your confidence. So, I really do want to work and encourage, it is about the back-to-work team, putting extra skills in. They are not all the same people, the figures may remain similar, but people are being encouraged, wanting to go back to work. Some, they do not go back into paid employment, but they really enjoy doing some voluntary employment that they can. They might be

getting near retirement age, but this gets them on the track, it gets them out of the home, it gets them out if their isolated, sometimes, one-bedroom flats, where they do not see anybody all day.

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

Would the Minister tell me if it is true: if you are on the Back to Work scheme and you go for a job and you decide it is not a job you want to do, but they make him tick the tick box and they go back to Social Security, are they still going to be supported?

Deputy J.A. Martin:

Every case is on its merits. I hear some terrible stories that people have been sent, workers from the Back to Work scheme and they literally could not do anything, I hear this from employers. It is always about a balance. This is taxpayers' money, it is called income support, because we like to support people on an income, we like to give them a bit more money when they are working. There are sanctions if somebody absolutely refuses to work. We have a safeguarding team that I even review if the children are in the family, but it is that balance. Do we ask taxpayers to allow people to sit at home and say: "That job is not for me"?

[11:15]

We could fill 100 local jobs tomorrow in the hospitality sector and other supportive companies. They come to us on H.A.W.A.G. (Housing and Work Advisory Group) and they cannot find a local under 5 years to do the work.

6.8 Deputy G.P. Southern:

Again, with reference to the reduction in the unemployed and increase in those people in employment, does the Minister have any figures to make any statement about whether the quality of these jobs, whether they are minimum wage, zero hours type jobs that she is filling now?

Deputy J.A. Martin:

I am not quite sure I get the question. Quality of jobs? I do not know any employer out there that makes up a job for somebody, just because they think it is a good thing to do. There are jobs that may not be their first choice. I mean people will look at finance and say: "I can earn this." They will not go and even probably try hospitality. I have done hospitality and it has been one of the most rewarding jobs I have ever done. You become a family, you have a real good work ethic and I do not understand ... as I say, I do not think there are any worthless jobs, because people are paying people to do a job that will be needed to be done.

6.9 The Connétable of St. Saviour:

I just wanted to know, if a person turns down a job when they are sent for one and they go back to Social Security, do they then receive money, because they have turned down a job that they could do, but it was not what they wanted? I say this, because I know of people who have turned up that have been sent for positions and have said: "I am not interested, could you just tick the box, say I have been, because I am going to go back and I can get money from Social Security." Is this correct?

Deputy J.A. Martin:

I will really try and say the answer again. As I said it before, most cases are taken individually. People down at Back to Work are very encouraging, they are very patient, but at the end of the day they are helping people back into work. Now, you may get away with the ticked box once and if you have children what do you do, take the whole lot of money away? It is not a good practice. But we hear the stories. If the Constable knows of anybody who she thinks is playing the system, as many people think they are, ticking boxes, going to employers saying: "No, not for me, Sir, I will go back and get some more money" I really wish we could have a conversation about it, because that is not

what the Back to Work team is wanting to do and we are not wanting to do that. It is all about inward migration as well, local people should be doing the jobs and they should be taking them.

6.10 Deputy G.P. Southern:

The Minister seemed to rely heavily in her previous answer on anecdotal evidence, I repeat my question from earlier: does the Minister have any information about the types of job that she is now placing people in? Are they zero hours, are they minimum wage, or just above minimum wage-type jobs? Is that the reality?

Deputy J.A. Martin:

My answer was anecdotal. I do not know where the Deputy ... the Deputy's question is anecdotal. He is saying there are worthless jobs out there that people should not be doing. Are they minimum wage? Most people that come to us at the H.A.W.A.G. are paying well above minimum wage. They are offering between £9 and £11, even £12 an hour, because they cannot get local people to do it. Some start on zero hours and then they want to obviously expand. It is more of a trial, sometimes, with zero hours. But if the Deputy is asking me for a complete breakdown to say where I placed the last 300 people, I will see what sort of job, from sort of wage. If I can possibly get those figures for him, I will.

The Bailiff:

Very well, that brings that part of the Question Time to an end. The second question period is the Chief Minister, but before we come to that, the clock has not started running for that yet, Chief Minister.

Senator J.A.N. Le Fondré:

Thank you for allowing me just to briefly pause matters for a moment. I would just like to take a moment to congratulate all the Jersey competitors in the Island Games, which concluded last week in Gibraltar and in which Jersey topped the medal table. **[Approbation]** I will make the point that Senator Pallett, who as Assistant Minister has responsibility for sport, he has actively been involved with the Games and will be making a formal statement later in the proceedings, but I did want to take the opportunity myself as well. I believe the Island's final total tally of medals was 93, with 33 gold, 31 silver and 29 bronze medals being awarded, significantly ahead of our competitors and, of course, most importantly, ahead of Guernsey. Once again, the Island's sporting community has shown that Jersey punches well above its weight in many sporting disciplines, with notable achievements in shooting, swimming and athletics, among other sports. He may be hoping I am not going to mention him, but I do have to mention Deputy Guida of St. Lawrence, who took part in the Games. Unfortunately, unlike in the SuperShot locally, he did not win any medals, but he and his team came a very credible fourth and fifth in certain events, by quite narrow margins. Also, while congratulating all sports, as a shooter myself, I do have to take the opportunity to personally commend the whole team, because they topped the tables, particularly in the golds, but also some of my old club members on their successes and particularly a couple of the youngsters. But also, I think, we have to mention the Secretary to the Comité des Connétables and congratulate her in her success. **[Approbation]** Again to note, not just in shooting, but some of the competitors who have represented the Island have excelled and they have the potential to go further in their excellence than the Island Games. I think we should be very proud of their achievements to date. I think we should watch them and we should celebrate the potential for the opportunities that may well provide. But once again, to conclude, I offer my congratulations to all of those who took part in representing the Island. I do ask the Assembly finally to show its appreciation in the usual manner. **[Approbation]**

7. Questions to Ministers without notice - The Chief Minister

The Bailiff:

We now open Question Time for the Chief Minister and I call on Deputy Gardiner.

7.1 Deputy I. Gardiner of St. Helier:

Following the negative answer given to the Assembly by the Assistant Minister for Treasury and Resources to my Oral Question 86 on 26th March, would the Chief Minister reconsider and discuss with all stakeholders a possible government programme to connect properties using boreholes to the mains water, in light of the latest report that some 3,000 Islanders, who are using boreholes, are at risk from unacceptably high levels of nitrate pollution? According to the States Group Director Regulation, this is the only way to be sure that they are safe, to switch to the mains supply.

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

Can I thank the Deputy for her question? Can I just say that the Council of Ministers have obviously been looking at the most recent report, particularly in conjunction with the Minister for the Environment? I cannot commit to any specific measures at present, but we obviously will need to look at the most recent report, which obviously makes reference to water pollutants other than nitrates, as well.

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

Does the Chief Minister have any input into the rota for Questions to Ministers without notice for his Ministers?

Senator J.A.N. Le Fondré:

Sorry, Sir, can the Deputy repeat the question?

The Bailiff:

Do you have any ...

The Deputy of St. Martin:

Does the Chief Minister have any input into the rota for Questions to Ministers without notice for the Ministers in his Government?

Senator J.A.N. Le Fondré:

The rota has been established and I believe it was initially put together ... I am going to say by the Greffe, that a list was put together. What I can influence is if a Minister becomes unavailable, I think we can move that rota around, but my understanding is it was put together by the Greffe. It was certainly not initially put together by me.

7.2.1 The Deputy of St. Martin:

Is he concerned that the Minister for Infrastructure only answers questions once during 2019?

Senator J.A.N. Le Fondré:

All I can say is I have not looked closely at the rota, but I am guided by the way it has been put together. I think it is done in rotation. I will have a look at it and then come back to the Deputy.

The Bailiff:

So will the Greffe.

7.3 Deputy K.G. Pamplin:

Would the Chief Minister give an honest reflection on the work that has been the Government Plan and if there have been any frustrations from it? Talking of frustrations, is he frustrated to see the front page of the local newspaper with what has, seemingly, been a possible leak of the process?

Senator J.A.N. Le Fondré:

I am not going to be commenting on the contents of leaked documents, which do not represent the final agreed version of the Government Plan. That plan will be lodged with the Assembly next week and will be open for appropriate public discussion and scrutiny. I take the leaking of confidential Government documents very seriously. It is not the behaviour I would expect of anyone in a professional organisation and it challenges the ability of Ministers to develop policy and have robust discussions in confidence. In terms of the actual process, it has been a new process. It has combined what would have been the Budget and the M.T.F.P. (Medium Term Financial Plan). I think there are some processes that we need to consider for future iterations of this, but overall I am very pleased with the final product that Members will be being briefed on later this week and then we will see when it is officially lodged next week.

7.4 Deputy K.F. Morel:

Is the Chief Minister satisfied that all ministerial departments in the Government of Jersey are operating within the Data Protection (Jersey) Law and sharing information appropriately within the law?

Senator J.A.N. Le Fondré:

In terms of am I satisfied; I am satisfied that the procedures are in place. I was aware that an extra resource was put in place to monitor and ensure that data protection was properly being applied. That was put in place, I think, approximately 3 months ago. Can I give an absolute guarantee that everything has been done, i's dotted and t's crossed? I do not think I would be that foolish, because even though it is data protection, humans are involved and there can sometimes be errors. Am I satisfied that processes are in place and there is a focus that ensures - or is seeking to ensure - that we do comply? Yes. Can I guarantee that we have complied? I obviously cannot, because there will always be an error, or an exception, that arises.

7.5 The Connétable of St. Brelade:

Would the Chief Minister agree that the environmental regulatory section would be better run in an arm's-length manner from the present Growth, Housing and Environment Department under which it is presently managed?

Senator J.A.N. Le Fondré:

In terms of the details, not yet. In terms of the principle that the regulator needs to be independent, yes. At the moment it is operated, as I understand matters, by a memorandum of understanding, but in the consultation for the G.H.E. (Growth, Housing and Environment) target operating model, there is specific reference to the fact that the conflicts of interest, which would refer directly to making sure regulators ... for example, should the Planning Department be reporting to somebody who puts in lots of applications to build things? Answer, no. Does that need to be addressed? Ministers are alive to that issue and have identified it as part of the consultation and there will be some actions taken to mitigate the structure, once the consultation finishes, which is end of the third quarter, I believe, this year.

7.6 Deputy S.M. Ahier:

Will the Chief Minister advise the Assembly whether he will be following the U.K. plans to give diesel car drivers a £2,000 scrappage fee? This will be an incentive for diesel car owners to replace old vehicles and therefore reduce emissions of diesel particulate matter.

Senator J.A.N. Le Fondré:

That is definitely a question for the Minister for Infrastructure. I am not aware of that, but I would happily either direct the Deputy to speak directly to the Minister, who is 3 seats to his left, or I will do it for him.

7.6.1 Deputy S.M. Ahier:

Supplementary, Sir. The reason is, of course, that we do not have the opportunity of questioning the Minister.

Senator J.A.N. Le Fondré:

There is a thing called Oral Questions, I believe.

7.7 Deputy R.J. Ward:

Will the Chief Minister condemn, on behalf of the people of Jersey, the racist comments of the President of the United States towards 4 congresswomen and assure Islanders that the: 'Go back to where you came from' attitude will never be part of the Government of Jersey?

Senator J.A.N. Le Fondré:

The last part of the sentence is not part of any policy of the Government in Jersey, but what I do not do is comment on any social media comments; I do not comment on any observations made by any other political leaders of any other jurisdictions.

[11:30]

7.8 Deputy G.J. Truscott:

Les Quennevais School, I am pleased to say, is coming on at pace. Of course, we had to give up the last 2 remaining greenfields along the airport road. With regard to the hospital site selection, is a greenfield still a possible thing that the Committee will consider going forward?

Senator J.A.N. Le Fondré:

I am not going to be drawn into the merits, or not, of specific sites. As I said, the crucial thing for me is to make sure that the specifics, *et cetera*, for the hospital are brought up to date before we go anywhere near what the site is going to look like.

7.9 Senator K.L. Moore:

Can the Chief Minister confirm that £100 million worth of savings is not going to be made in the Government Plan and that essential public services for Islanders will not be affected and impacted by the forthcoming Government Plan?

Senator J.A.N. Le Fondré:

I am trying to work my way through the negatives. Can I confirm that £100 million of savings are not going to be made in the Government Plan? No. I can confirm that savings will be made in the Government Plan and I would refer to them as mainly efficiencies. Can I say that services are not going to be affected? The intention is that services will not impact upon the end user customer and indeed that we are putting in significant investment where it is required in crucial areas previously identified through the C.S.P. (Common Strategic Policy) and, obviously, Members will see more over the next few days.

Senator K.L. Moore:

A supplementary, Sir. When will States Members have a proper understanding of the efficiencies programme and the cost that has been required to undertake it?

Senator J.A.N. Le Fondré:

There is a briefing for States Members on Thursday and the Government Plan is lodged next week.

7.10 The Connétable of St. Brelade:

Apropos a previous question, would the Chief Minister support the concept of building over-55 homes on the existing Les Quennevais School site, when the school moves at the end of 2020, I believe?

Senator J.A.N. Le Fondré:

Bluntly, that will be in the hands, I think, of the Ministers and the Minister for the Environment in terms of what the future is going to be, but as one of the Council of Ministers, I have no view one way, or another. That does not mean I am not supportive of the principle of over-55 housing. It comes very much down to what the best options for that particular site comes to. I am not opposed to the idea, but I am not saying I am committing to it at this stage either.

7.11 Deputy R.J. Ward:

Will the Minister join me in congratulating Jersey girl, Serena Guthrie, on being captain of the England netball team and wish her and her team well in the forthcoming World Championship?
[**Approval**]

Senator J.A.N. Le Fondré:

That is the hardest question that Deputy Ward has asked me this year. Absolutely.

7.12 Deputy G.P. Southern:

Does the Chief Minister accept that his new-fangled Government Plan will look like more of the same, in terms of it being an austerity budget?

Senator J.A.N. Le Fondré:

No.

7.13 The Deputy of St. Martin:

Does the Chief Minister agree with planting trees on Jersey to cut down on carbon emissions and to lock up carbon in the soil?

The Bailiff:

Are they not planted in Jersey, Deputy? [**Laughter**]

Senator J.A.N. Le Fondré:

In terms of the planting of trees, I absolutely support it. I will stop there.

7.13.1 The Deputy of St. Martin:

Would the Chief Minister further approve of changes to the laws for agricultural fields, so farmers could plant fields of trees?

Senator J.A.N. Le Fondré:

I think, at the end of the day, if that (a) has the right environmental outcome, and (b) is supported by the industry, I would see no reason why not. I was not aware a law change was required, but I will very happily discuss that with the Deputy and the Minister for the Environment.

7.14 Senator K.L. Moore:

Given the Chief Minister's kind words about Serena Guthrie's achievements recently, does the Chief Minister support the Jersey Netball Association and desire to find a proper home for netball and the training of it?

Senator J.A.N. Le Fondré:

Yes. That, as ever, is always determined upon the budget, but as a principle, yes.

7.14.1 Senator K.L. Moore:

Sorry, that does demand a supplementary. Does the Chief Minister not see this as a key opportunity and there is a need to find the budget and will he find it?

Senator J.A.N. Le Fondré:

The point I was making is that I support the principle. I am not writing an open-ended chequebook for anybody, given the demands in every area that we have been facing, but as a principle, I support the statement that the Senator made.

7.15 Deputy G.J. Truscott:

Must be getting closer. Both Boris Johnson and Jeremy Hunt are both vying to become the next Prime Minister of the U.K. They are in favour of the Australian-type points immigration system. Is the Minister supportive of that view?

Senator J.A.N. Le Fondré:

I am afraid I am not going to be commenting on potential mechanisms to control population, because that is very much a determinant of the good work that is being done on the Population and Migration Board, as chaired by the Connétable of St. John.

7.16 Deputy K.F. Morel:

Continuing with the Population and Migration Policy Development Board, does the Chief Minister agree with comments that the Population and Migration Policy Development Board should be more diverse, particularly in terms of having representatives from Jersey's Portuguese and Polish communities?

Senator J.A.N. Le Fondré:

The problem with how diverse one makes a board, it must not get too big. In other words, bear in mind this is an early point in developing the policy and the principle is that we are governed by the membership - or predominantly governed - of this Assembly. When the board was put together, we looked for a diversity of knowledge and experience within the members. We brought some industry in to give an early input. I would expect - and my understanding is it is very clearly the case - that as the options are shaped, that there is going to be a significant level of consultation with a significant list of stakeholders. I think that would address some of the issues that have been raised. But I will make the point in terms of political representation that I believe 15 Members were emailed once the Chairman had worked out conflicts of interest and things like that; I believe 2 responded and one was appointed.

PUBLIC BUSINESS

8. Draft Income Support (Amendment No. 19) (Jersey) Regulations 201- (P.56/2019)

The Bailiff:

Too late, Deputy, I am afraid. That brings Question Time to an end. There is nothing under J or K. We now come to Public Business, the first item of which is the Draft Income Support (Amendment No. 19) (Jersey) Regulations, P.56/2019, lodged by the Minister for Social Security. I ask the Greffier to read of the citation of the draft law.

The Greffier of the States:

Draft Income Support (Amendment No. 19) (Jersey) Regulations 201-. The States make these Regulations under Articles 5 and 18 of the Income Support (Jersey) Law 2007.

The Bailiff:

Minister, before I call on you, there is something I should just have announced earlier. I am informed by the Greffe that the Deputy of St. Martin has quite correctly raised the issue of the Minister for Infrastructure escaping Question Time on a number of occasions this year, in that he has not been rostered for it. There is consideration given as to whether he should answer questions every week from now on, but at any rate, the Minister for Infrastructure will be in an amended roster that comes for the autumn session.

Senator S.Y. Mézec:

He is happy to have some of my sessions if he would like. [Laughter]

The Bailiff:

That has got that out of the way.

8.1 Deputy J.A. Martin (The Minister for Social Security):

Yes, I would like to propose the Income Support Regulations. Members will know that the Government revenue does not always go up as much as we would like. From 2008 to 2013, we had the crash and then we had a decline in the economy and we are not quite getting there yet. All working people know this, that their wages do not go up as much as they would like and we all know we have a difficult job deciding on how we are going to spend the money that has been allocated to benefits. I would like to thank my Assistant Ministers for their help on this, Deputy Maçon, Deputy Wickenden and Deputy Southern, who was there at the beginning of these decisions. We had £2.6 million to spend on benefits this year. The proposals I put forward are balanced between supporting households and giving them more incentives to increase their income. These Regulations are targeted, so that when we spend money, we look forward to seeing the impact it will have. We look to make sure our spending will deliver rewards in the long term. We have targeted our money in ways that will make sense with the Government Plan. In particular, we have targeted the money to aims set out in the C.S.P. I am not here today to talk Members through our policies, but I will remind them of the priorities of children and income inequality. I will read that one: 'Income inequality will be achieved by improving the quality and affordability of housing, improving social inclusion and by removing barriers to and at work.' The third is the economy, which is covered in my amendments, which I am trying to help the local economy, because C.S.P. 3 is: 'We will create a sustainable, vibrant economy and skilled local workforce in the future and, by improving skills in the local workforce, we will reduce Jersey's reliance on inward migration. It is part of the sort of questions the Constable of St. Saviour was asking me earlier. We have people who can work and my amendments to the benefits system will hopefully be a carrot and make them want to do some more work, make them more independent and eventually get out of benefits. We know that children are our biggest priority. We have heard that from the Ministers and we have also heard it from the public. We have definitely heard it from children themselves. You will hear it through the Government Plan. When we make policies that help children, they do the most long-term good for our Island. This year I am proposing to increase income support in 3 ways. In January this year, we introduced an extra benefit. It started at £5.04 for the first child, so your component for the first child is going to always be £5.04 in today's money, more than your second child. When discussing how to best improve children, I think it was Deputy Southern in the room said: "Can we not double that this year?" What a great idea. That took £500,000 and we will double it on 1st October - if my amendment is approved - to £10.08 a week, £500 more in one whole year for the first child than the family is getting now. Now, I know families who stick £5 a week in a thrift for Christmas for their children and £5 a week extra is well worth having. The second thing I am proposing is to make it more worthwhile for households to increase their incomes, by improving the incentive for income from 25 pence in the pound to 25 or 26 pence, so people who are working keep more of their money. Am I at the right point yet? This started many years ago, when income support was first introduced. It started at 6

pence, so we have moved a long way. I cannot find it now, but there was a very interesting report. It was S.R. (Scrutiny Review) 4 and it was called 'Living on Low Income'. I will read it. It was in S.R.4/2016. The Chairman was the Deputy of St. Ouen and he was supported by Deputy Southern. The 'Benefit Trap' recommendations: 'To improve work incentives and to reduce the 'benefit trap', the Minister for Social Security should (a) examine whether additional payments, such as those for childcare or care-related needs, could be removed from income support calculation.' Have not done that yet, absolutely still looking at things we can improve.

[11:45]

'An alternative mechanism to provide may be, for example, to pay for childcare for those with income below a fixed threshold; (b) examine the benefits of applying a higher level of disregard for earnings income.'" Exactly what I am doing today; exactly what I am doing. The third part, yes, once I have spent on the disregards, once I give the first child an extra £5 a week, £500 over the year, I do not have enough to put every other component up by 3 per cent. Everything went up last year by R.P.I. (Retail Price Index) and we have to be, as I say, forward-thinking. It is a very easy decision. We will come on to the amendment later. There is exactly the same amount of money. We have £2.6 million to spend. I want to help everybody, children, people working and increasing all the components, yes; not by R.P.I, but I go back to what I was saying in the first place. In the real world, lots of people, who work in all industries, did not get R.P.I. for the last 12 years, so we have to work with the money we have. We have to try to help people who want to work and at the same time put some money into other benefits. I can only do this if ... the financial incentives are subject to the States approving these Regulations. I would like to bring them in from 1st October this year. I would like to propose these Regulations.

The Bailiff:

Are the principles seconded? [**Seconded**] Before I open the debate on the principles, there is, as Members know, an amendment from Deputy Southern. We are debating now the principles and not the detail of the amendment. I am quite anxious we should not have the same debate twice, so the debate now ... and really both Deputy Southern's amendment and the Minister's proposition involve increases, so the principles of what we are considering here are an increase. I cannot see at the moment that it is necessary to address Deputy Southern's amendment in the context of a debate on the principles of this Regulation. I hope that is clear. You are looking puzzled, Deputy Southern.

Deputy G.P. Southern:

I am looking extremely puzzled, Sir. I wonder in what order I get to present my proposals.

The Bailiff:

We are doing the principles of the Regulations first, then the Minister will propose the Regulations. She will propose Regulation 1 and after she has proposed Regulation 1, you get the opportunity of proposing your amendment to Regulation 1. That will be debated and then it will follow, OK? Does any Member wish to speak on the principles? All Members in favour of adopting the principles, kindly show. The principles are adopted. Do these need to go to Scrutiny? They have been scrutinised. Sorry, which Scrutiny Chairman are we looking at? Deputy Le Hegarat, does your Panel wish to scrutinise these Regulations?

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

No, Sir.

The Bailiff:

Right. So, Minister, you wish to propose Regulation 1?

8.2 Deputy J.A. Martin:

Yes, I would like to propose Regulation 1, thank you.

The Bailiff:

Thank you. Seconded? **[Seconded]**

8.3 Draft Income Support (Amendment No. 19) (Jersey) Regulations 201- (P.56/2019): amendment (P.56/2019 Amd.)

Now, there is an amendment to Regulation 1, lodged by Deputy Southern. I ask the Greffier to note the Regulations there. I do not think it is necessary to read it all out. Deputy Southern, would you like to propose your amendment?

8.3.1 Deputy G.P. Southern:

Piccadilly Station here, Sir. Yes, thank you and my differences with the Minister for Social Security may sound as if they are small beer, in that we are talking about relatively small amounts of money, but for someone - as many people have on income support - with about £140 disposable income to live off, every pound counts. The argument, I think we have got today, is one of balance. The Minister is saying: "I have got the right balance" and I am saying: "Hang on, I do not think that is the right balance. You could do it differently, for exactly the same amount of money." There can be no doubt about it, it is not one of my usual tax and spend, this is for the same amount of money; total parity. My starting point is the agreed priority, priority 4, to reduce income inequality and thereby to improve the standard of living of people on the Island, to reduce income inequality. How do we do that? This is the first opportunity we have to put those fine words that we debated for hours on end and fought over on the C.S.P. into action. Here is a chance. There are 2 ways you can make things more equal, either you can reduce income at the top end, or you can increase wages and benefits at the bottom end. The very bottom end is those on income support, who do not work, or who cannot work. Remember, there are many in society who cannot work and are dependent upon benefits. When looking at what do you do to uprate income support, the safety net that exists for all people, we have a choice - the Minister has a choice - to award a fixed sum. This is the most direct way, a fiver for each, of getting maximum benefit at the bottom end, rather than slightly above that, or to increase the components by a fixed percentage. That is also possible. That has happened, as we will see in the process of debating this, for many years. We have had income support in place for the last 11 years and, quite frankly, the level of components and the treatment has been haphazard. Sometimes they have been raised and sometimes they have been frozen. We will look at those figures and see what that means. The alternative to that is then to increase the level of disregards for income by a fixed percentage. Again, this is the method that has been used by Minister after Minister and the one proposed by this Minister today. As has been said, this is a different way of balancing the accounts. It is still £2.6 million and I believe it is a better, fairer system and goes hand in hand with reducing income inequality, which is one of our prime aims. The Minister says under the title: "Getting the right balance: within every means-tested benefit system, there is a balance between the extent to which the household's own income is taken into account and the amount of benefit available when the household has no income of its own." So, the choice of increasing the minimum value of benefits provides a better safety net for households without any of their own income. Increasing the benefit by 1.9 per cent, however, when inflation has been running at 3, or 3.3 per cent, it does not improve the safety net at all. It weakens the safety net, it lowers the safety net, yet that is what is proposed by the Minister. Or, allowing the household to keep more of its own income, which incentivises the household to improve its earning capacity. This is true. This has been the rule of thumb for Minister after Minister and this Minister is going along with that, I do not believe having thought things through, because we have had 11 years of a lack of proper operating of the size of the components. The Minister herself points to recent changes over 2016 to 2019 on what she has done, or what has been done. Over the last few years, she says in 2016, rental and childcare cost components increased. That is good, yes, but that is not to do with how much you can spend. That

goes into the family and straight out again: childcare costs, rent, that is straight out. That does not affect how much money you have got in your pocket to enable you to spend on all the rest of the bills like food, like clothing, *et cetera*, like electric. In 2017, all the components increased and the income disregards were also increased from 23 per cent to 25 per cent, strengthening incentives to increase income. That is true, but that has been true over the past 11 years. In 2018, the States agreed to reintroduce the single parent component and all other components were increased, so in 2018 there was an increase in components, not sufficient to match inflation, as we will see, but there was some movement with that. We introduced the single parent component. Well, that was a big bunfight at the time, but thankfully we have done that, although these proposals ignore the single parent component and there is no increase for that. At the start of 2019, the child component for the first child increased further by £5.04 per week. Here we have the first choice, where I am changing something that has happened. In January this year, we increased the first child component by £5. We have done that already. When I suggested in our meeting that we should double that, what I find is, having examined the figures and in order to make them fair and balanced, then having given them £5, what I suggest is we could draw that back to £2, so £5 in January, £2 in October, £700 a year better off for the first child. That is the lump sum element and I am saying this time £2 in order to balance and stay within the £2.6 million. If Members turn to page 5 of the Minister's comments, they will see the graph there showing over a short period, 2013 to 2018, that the disregards for income have gone up. If one extends that dotted line downwards, that started way back, back in 2008, 2009. When we first started this, what we tended to do, what Ministers chose to do, was to operate disregards rather than operate the components. We will see that that has done a big disservice to the level of the safety net. In looking at what has happened to income support, in my report, on page 7 I talk about the words of Philip Alston, U.N. (United Nations) Special Rapporteur on extreme poverty, who recently examined the U.K. situation. I believe - we have certainly no evidence, because we have not done an income distribution survey recently; it is pretty much out of date - that a similar situation occurs in Jersey as it does in the U.K. Anyway, what he said was: "Poor households typically spend a higher proportion of their income on consumer goods than wealthy households and already often struggle to put food on the table after the bills are paid. Despite this, the Government freeze on benefits rates in 2016 enabled continuing inflation to systematically reduce the value of benefits. Poor families have thus had to do more with less, as the prices of goods have gone up and the value of their income has declined." I believe that is the case in Jersey. If Members will turn to page 8 of my report, they will see a little table there. Given that over the past 11 years R.P.I. has increased by 32 per cent, the increases in components have been fairly random and generally lower than 32 per cent, eating away at the value of the benefit over the years.

[12:00]

So, the adult component on its own has gone up by only 17 per cent. What does that mean? That means it is 15 per cent between R.P.I., everything is 15 per cent more expensive for my pocket. What does that amount to? That amounts to an extra £12.60 that is not there anymore. Way back in 2009, that was the level that was set. That has gradually been reduced, so you are £12.60 worse off. My proposal attempts to address that issue. The Minister's proposal does not. Household component 27 per cent, approximately kept pace; single parent only 9 per cent, that has fallen way behind; first child 9 per cent, nearly at R.P.I., but second child 20 per cent, so that has fallen behind, as well. What does that mean? That means for those families with more than one child, they are £6.50 worse off than they would have been in 2009. They have lost £6.50 on the child component itself. Those are the sorts of terms. We are talking about £12.60 for the adults. That is every household, every adult component not worth what it was, £12.60, around about £600 a year. £600 a year for people on income support is absolutely a lifeline. That is what my proposal attempts to do. So, the lack of indexation of the components has meant that the safety net for those who do not, or cannot, work is lower. When I refer to 'cannot work' I am serious, because not only is there a disregard for earned income, if you cannot work there is no disregard, because we abandoned it in 2016, for long-term

incapacity. So, there are lots of people sat at home with no increase either, sitting on their benefit and their benefit has gone down without any allowance in the new scheme. So, what I propose is that, for fairness, what we should do is increase all components by 3 per cent. This gives £5 a week to the adult with no employment. It is still beneficial to the adult who is working, it gives them £8 or 3.3 per cent, but as you look through the chart on page 9 of my document, you will see that the percentage award goes through the earnings and the no earnings at around 3 per cent, between 3 and 3.3 per cent. That, I am saying, is the fair way to divide up this benefit. If you turn to the Minister's proposal, you find that the adult with no employment receives £3 or 1.9 per cent, whereas the adult with 40 hours of working receives £9 a week or 4 per cent - 4 whole per cent - on their benefit. That benefit is unequally and unfairly, I would argue, distributed, so that those without work get less than those with work and that has been the case year on year, because that is what we have done. We have chosen to increase the disregard, rather than increase the components. What we should be doing is looking at the longer-term benefit and refusing to let that gap grow between the very bottom and those who are a little better off. So, there you have it, a 3 per cent increase on benefits, no increase on disregards this year while we look at how we can rebalance income support to provide a fairer distribution. In my case I am saying £2 a week lump sum for the first child, in addition to the £5 and increase the components by 3 per cent. That is the fair way to do it. That rebalances what is effectively years of unbalancing and changing the system. That is what I propose. I thank Members.

The Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak? Those in favour of adopting the ... Deputy Morel. Thank you.

8.3.2 Deputy K.F. Morel:

I wish to speak, but more to request the Minister to make some sort of response in that respect, but I do not know whether that is something that the Minister would like to do, or not.

The Bailiff:

You have either spoken, or you have not. If you sit down at this stage, you will have spoken. Very well.

8.3.3 Senator S.Y. Mézec:

Since everybody is holding back, I obviously wholeheartedly support this amendment from Deputy Southern. I think that it is in line with certainly my election manifesto and I think it is more in line with the C.S.P. that this Assembly approved than what the Minister for Social Security is recommending. I found it quite strange, reading the comments which have been lodged to Deputy Southern's amendment, which say at the bottom of the second page, there is a section about reducing income inequality and it says: "The amendment focuses exclusively on an increase in the value of income support components. This does not support the broader aim of this priority, which is to help people move towards their own independence, through taking on opportunities and participating in the labour market." Sorry, I do not remember approving that in the C.S.P. That is not in the C.S.P. In fact, the C.S.P. makes the statement that not everyone can get a suitable job. This is what I have found frankly irritating and frustrating from successive Ministers for Social Security; this idea that work is the cure to poverty. Work is the cure to poverty for some people, but for some people it is not. It is not a cure for poverty for pensioners, because they are done working, they have worked their lives, they do not need to be thought of in the context of the labour market when they get to that point in their life. As Deputy Southern said, for people with long-term illnesses, or disabilities, the labour market is often not a solution to poverty, it is not the reason that they are in poverty, because the reason they are in poverty is for non-work-related reasons.

The Connétable of St. Saviour:

Excuse me, Sir, could I ask a question? Because I do not remember pensioners coming up in this discussion. I thought we were just talking about children and helping. The Minister for Children and Housing has mentioned pensioners and pensioners were not ... unless I missed it, but I do not remember pensioners being mentioned in this.

The Bailiff:

Senator, if you wish to deal with that in the course of your speech, please deal with it.

Senator S.Y. Mézec:

Of course, pensioners can still claim income support on top of their pension. That was not the point I was making. I was making a broader point about the ethos behind the Proposition from the Minister for Social Security, which I believe is misguided and which plays up this mantra that work is the solution to poverty, when I think that is naïve; it does not reflect the reality that for many people their circumstance in, or out, of work is not the cause of their poverty. The whole point of a social security system is that it provides a safety net for the very poorest people in our society. It is very difficult to manage a system fairly. It is very difficult to find the best ways of uprating things, or finding the best disregards, so that it has the right impact in supporting people facing difficult circumstances in their life. I wholeheartedly accept that, but I stood on an election manifesto and agreed to take part in this Government on the basis that I would not support any Proposition that I thought would exacerbate poverty. Before us we have an amendment from Deputy Southern which, because of its approach, going across the board, finds a way of improving the lot of more people without pandering to this mantra about focusing on helping the very best of the poorest, rather than the poorest of the poorest. This is what I hate about this, that we can have this argument about whether this component goes up, or that disregard goes up. It is fundamentally a discussion which pits one category of poor people against another category of poor people. You do not reduce income inequality by punishing one group of poor to support another group, you reduce income inequality, frankly, by taxing the rich more and asking them to contribute into the pot, so that we can support those who are not able to support themselves. So, this idea of financial independence is one I reject wholeheartedly. It was not in the C.S.P. It does not reflect, in my view, the reality, which is that there is no such thing as independence. Even if you are rich, you still benefit from public services, you still drive on the roads that are paid for out of taxation; you still have a safety net that there is for you just in case, one day. This idea that you can make people poorer to push them towards independence and that is what will help them simply bears no reflection of reality. Deputy Southern referred to a report that was done into poverty in the U.K. recently, which frankly should end this debate and show that there are other ways of improving the lot for people who are in poverty. Deputy Southern's Proposition, by going across the board in this way, is a much fairer way of approaching this, in my view, and I will be wholeheartedly supporting it.

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

I would like to congratulate the Minister for Social Security for her Proposition. It is well balanced, it is well thought out, but above all, it offers a hand up, not a handout. This is important. One of the strategic aims of the Government is mental health well-being and in order to help the well-being of individuals, you want to encourage independence, you want to encourage people up rather than just hand out. I would urge Members to, therefore, reject the amendment and to support the Minister for Social Security.

8.3.5 Deputy M. Tadier of St. Brelade:

Let us see if we can coax the Minister for Social Security into speaking this morning, because she was quite happy to let this go to the *appel* without anybody saying a word, including herself, so we would have not known what the official Government position on this is. She might think it is a game, but she should know that in her many years before she became the gamekeeper - if that is the correct

analogy, I might have got that wrong - she was on the front line helping people in her constituency and throughout the Island who were the very worst of the worst in terms of their income inequality. She knows very well that there are many incentives already in our society for people to work and that it is not saying that somebody who does not have a job, for whatever reason, does not want to work, or implying that. It is not the case. There are many people in our society who do work, who I would wager that do not want to work and there are many who cannot, or do not work, who do want to work. The overwhelming view that I have come to in my 11 or so years in politics, but also before that, is that the vast majority of people do want to work. As Deputy Southern said - but I think Senator Mézec just said it as well - this is a very divisive proposition if it is left unamended, because it sets the lowest income quartile in our society against each other. The first thing I want to do is to really focus on the question: why on earth the Council of Ministers agreed to put in a statement one of their 5 strategic priorities to reduce income inequality, if they either had no understanding of what that means and the consequences thereof, or if they do understand it, then they are going about completely opposite policies in adopting that.

[12:15]

As I have said on several occasions, this favours the extremely wealthy in Jersey. This is an example and an opportunity for us as an Assembly, because the Assembly ultimately has adopted these strategic priorities themselves, to say: "We agree with that." I do not want to break any confidences, so I will not mention any names in particular, but I do remember when this particular item came up early on at a Council meeting with the Assistant Ministers and there was at least one, or 2, Ministers in there who understood exactly what it means to reduce income inequality. It is not about making everybody richer, it is not about that old aphorism that former Senator Maclean would have used, that: 'A rising tide raises all boats.' It is the understanding that in a society where the gap between the lowest earners and the highest earners is reduced, or that gap is less than it would be in other societies, you have a better and a more successful society, you have a better and a more successful economy, but everybody involved in that, including people at the bottom and at the very top, you have more cohesion and you have a more productive society as well. I would simply ask the Chief Minister and any Ministers and any Member who votes against this amendment today, simply bring an amendment to take that part out of the Strategic Plan. It is better that we do not become hypocrites. If Members do not understand it, then they should not have signed up to it in the first place. If they do understand it, they should either drastically change the policies that are being pursued, or take it out, because that is much more of a genuine thing to do. I certainly know people who want to work and who cannot work. In fact, they are exempt from work. We have also heard about the long term incapacity allowance and I know we are told by the department that is not the purpose of it, it is not compensation for an inability to work, but clearly it is a recognition, because it is the non-means tested benefit, it goes right across the board, so somebody who is quite well-off and has their own means can still claim long-term incapacity, because it recognises the fact that that person is not in a position to be able to go out to work - "Get on your bike" as Norman Tebbit might have said - and therefore find some work and increase their income. There is a section in society who, for whatever reason, cannot work and even though they want to, there are not the schemes out there and they would not be able to hold down a job for whatever reason and they would find that within a few months they would be back looking for work. I know those people and what Deputy Southern is proposing is that we should put this across the board, it does not increase the envelope and that we should be looking after those people. Now, it is quite remarkable that the Minister for Social Security is bringing this now, because we do not know what the Government Plan is going to look like either. It could well be and I would not wager against it, that there will be some potentially very regressive things coming forward from the plan. I do not know, I have not sat down and read it properly in detail. I am waiting for a properly lodged document that I can scrutinise with my colleagues and see exactly what that entails. But it may well be that we are going to see things that will disproportionately affect the lowest earners in our society when that plan comes out and when it is

voted on by this Assembly. It may well be that those people, who have the lowest potential to increase their earnings, because they cannot go out to work, or the jobs and the schemes are not available for them to do that kind of work, will not have any options. We will see people being much worse off. I think this is a modest proposal by Deputy Southern. I think it is fiscally responsible in the classic sense, in the conservative sense; it does not increase the budget, it reappropriates the money. I really would commend the book of Robert Tressell, because of some of the quotes I have heard today, *The Ragged-Trousered Philanthropists*, where we say there is plenty of work out there. I will just read a quick quote, because I think it is a book that would do well to be put on the curriculum in Jersey and I do say that, in particular, to the Minister for Education and the Assistant Minister for Education, who is also on Social Security. Tressell says through one of his characters: "Poverty is not caused by men and women getting married; it is not caused by machinery; it is not caused by overproduction; it is not caused by drink, or laziness; it is not caused by over population. It is caused by private monopoly. That is the present system. They have monopolised everything that it is possible to monopolise; they have the whole earth, the minerals in the earth and the streams that water the earth. The only reason they have not monopolised daylight and the air is that it is not possible to do so." I think, in the current system, we need real incentives for people to go out to work. We already have a sanctions systems, which I did not vote for and I can understand the argument, if there really is an element in society who do not want to work and then they need the stick, we already have that. People cannot get away in Jersey from scrounging on our benefit system, because they will be subject to sanctions. I have already seen people subject to automatic sanctions when, in fact, they have very good reasons for not going to that interview, because they had an illness, they had a child that they needed to take to the hospital and that they were not able to send that email in time to their officer. So, the sanction gets put on automatically, the penalisation and the poverty, which we have voted for, previous Assemblies have voted for, collectively to make people worse off. The incentives for work are already there sufficiently with the stick. If we really want to help people into work, let us get them into work that pays, because under the current system all that is required is for somebody to get a job on the minimum wage with the requisite amount of hours a week and then Social Security will leave them alone. But we need to see more positive action from the Minister for Social Security, we need to get to the point where the minimum wage is the living wage and we need to deal with all those gnarly issues about how we support the industries that are perhaps less viable if they do pay a living wage. They are not going to be easy, but we need to have that conversation. I will stop there, because I am not suggesting that what Deputy Southern, or what the Minister, is proposing - and there is some good stuff in there - solves all the issues, but this is certainly a way to make sure that we live up to the aspiration of the strategic priorities, which is to say we want to reduce income inequality and recognise, in a caring society, that not all people who are unable to work are, therefore, bad and lazy and that they should not be subject to perpetuated austerity with a less than inflation increase. I do ask Members to really search their consciences and to support this. It does not increase spending, it is something we can do and we can work together further with the Minister on this in the future.

8.3.6 Deputy M.R. Higgins:

I think, to me, page 8 of the amendment proposer's document is what sells me on what he is saying. It happened before I came into the States, just over 11 years ago, income support was brought in as a safety net for those Islanders who were struggling and less well off. Deputy Southern, in his figures, mentions that in the 11 years since the introduction of income support, up until last December, R.P.I. increased by around 32 per cent and he says that many of the components that constitute income support have failed to match inflation. We set up a safety net, that was great, a step forward for the Island, but since then we have allowed it to be eroded and the figures show that instead of getting 32 per cent cost of living increases to the components, adults get 17 per cent, households have got 27 per cent, single parents get 9 per cent, first child 29 per cent and second child 20 per cent. So, in all those categories we have allowed it to be eroded. If you set a safety net you should maintain it. In

my view, what Deputy Southern is putting forward I think is excellent. It is trying to readdress this balance, it is not costing us any more money, it is just redistributing it and I think that we should not take the view because the Minister has put forward her proposal you should automatically support the Minister. I think this is a better way of trying to deal with the situation at this time and hopefully we can work with the Minister going forward to redress the balance and bring people up to what the safety level would be in real terms. I shall be supporting Deputy Southern on this Proposition, or amendment.

8.3.7 Deputy M.R. Le Hegarat:

I am a little concerned. Having recently put my signature on a board that says putting children first, I am then being asked to reduce a child component part from £5 to £2 and that does concern me. I can fully understand that we may decide not to increase the disregard and I can fully support that. However, I cannot support something where the child will lose £3.

8.3.8 Deputy J.H. Young:

I was not planning to speak, but I will start with an apology that this is not my policy area, not my policy strength, but I would like to know from the proposer of the amendment and possibly the Minister whether this decision we have to make on the distribution of benefit increases, which is being recommended, has any adverse effect on pensioner property. I am getting a shaking of the head which is very good because, obviously, I will finish off with what I was going to say. I do know and I believe that many people in the Island have retired and retired without receiving full pensions. When I have asked about this I have been told that these people are supported through income support. I would be very troubled, because when I last saw figures I think Jersey's position on pensioner incomes was not exactly where I think it should be. I am very troubled by that. I would like to hear more, please, to help me make my decision.

8.3.9 Deputy J.H. Perchard of St. Saviour:

There are 2 points that I would like to very briefly address. Firstly is some of the rhetoric around those on income support. I think it is a conflation and an incorrect one to suggest that everyone on income support is not working and that anyone, who is on income support, is accepting so-called handouts from the State. The fact is that, in my own district, I have supported families where both parents are working full-time, but it is the case that one is on a zero-hour contract, one is on minimum wage, they have children, they are working full time, they are working really hard and they are also on income support. It is not the case that everyone on income support is not working, unless I have misunderstood this precise nature of the benefit that we are talking about. In fact, it would be interesting to know exactly how many people we are talking about when we talk about people on income support who are not working, because I think it is the case that it is a minority. Those people, who are on income support, who are not working, are the people who cannot work and that a vast majority of people who are on income support are probably working, but it is just not enough because the cost of living in Jersey is extortionately high. As Members in this Assembly, on the salaries that we are on, which everybody knows what they are because they are public and we are all on an equal amount, so I can talk about the fact that we are in a position of privilege. Perhaps one of the reasons that nobody had their light on when we first started this debate is because it is hard for us to remember what it is like to be in a position of struggle, because we are currently in a position of great privilege. I think it is worth reflecting on the fact that we cannot base our decisions on assumptions about other people where we no longer, or have never, lived in those conditions. That was the first point I wished to address. The second is simply this, I was grateful to hear from a Deputy behind me, who is also the chair of the Scrutiny Panel and I appreciate that she has already spoken, but given what she said about the possible negative impact on children, it would be helpful to other backbenchers, or other Members, if another Member of Scrutiny may wish to elaborate on the extent to which that is the case. The fact that that has come from the mouth of the Chair of the Scrutiny Panel makes me a little

concerned and uneasy that I have not, perhaps, seen where that is the case in the amendment. So, if someone from Scrutiny would like to elaborate on that point I would be most grateful.

8.3.10 Senator I.J. Gorst:

These debates are, as the last speaker has suggested, always difficult. There is a pot of money that has been allocated to the department and the departmental ministerial team has to decide how they can best meet Government and States priorities in the allocation of those funds. There will always be an element of disagreement. There will always be a need for balance and the Minister then brings forward to the Assembly the allocation of those increased resources. This is at the heart of the debate. I personally was surprised to see the mover of the amendment, after many years of being critical of income support, because of the work disregard now proposing that the ...

[12:30]

Deputy G.P. Southern:

Could the ...

The Bailiff:

You are going to have an opportunity to reply.

Senator I.J. Gorst:

Sir, I am happy for him to explain his position, if he wishes to do so.

The Bailiff:

It is a lovely tempting dangle, Senator, but, no, otherwise we would just be going to and fro. Deputy Southern will have the opportunity to reply at the end.

Senator I.J. Gorst:

Sir, sometimes you take all the fun out of the day. The mover of the amendment will now, no doubt, explain to us why he has changed his position, as he endeavoured to do so on the increase of the child component element. But it is a surprise to me that he seeks to change the allocation, which would apply monies to the work disregard. I know that that is, perhaps, not always well understood. What that means is that those in work, who we as an Assembly still warrant financial support, can keep more of their salary for every pound that they earn. One of the universal complaints about benefit systems, not only here but around the globe, is that individuals and families are better off on benefits than they are in work. No one wishes to see that being the case and one of the primary ways that a Government and a Minister can ensure that that is not the case is to allow families, where there are people working, be it on zero-hour contracts, or not and to allow those who are moving from not being in work to working, is to allow them to keep more of every pound that they earn and not automatically deduct the exact amount in benefit. That is a disincentive. There were concerns in this Assembly when income support was first introduced that the disregard, i.e. the amount of every pound we took off people going into work, was far too small. Over time that has been improved and the Minister is choosing to improve that once again. I think it is fundamentally the right approach to take, but she will explain more. I am surprised that the Deputy, having published other reports and sat on other Committees and criticised other Ministers for Social Security, including the Minister that first introduced income support - so much so that he voted against the introduction and the Scrutiny Report of the day that it should all be put on hold, because there was not sufficient income disregard - is now suggesting that that is not the right approach. But, for me, more fundamentally, this amendment reverses the amount of money that the Minister wishes to uprate the child component by and Deputy Le Hagarat pointed this out. I am surprised to have heard the speech of the Minister for Children and Housing suggesting that the right approach to put children first is not the one that the Minister proposes, but is to reduce the amount of increase to the component, to families, where there

are children. If we are serious about putting children first and I do have concerns that we have a Common Strategic Policy that compartmentalises putting children first and that is its right to have that as a priority, but if we are not careful, we are then in danger of thinking that we can simply have a priority and not seek to put children first across every Government action and not seek out the voice of the child in everything that we do. We, in this Assembly, need to be more mindful of that to ensure that that is not the case. Therefore, I have no issue at all in supporting the Minister's allocation proposal, as opposed to the amendment allocation proposal. It does help with income inequality, it just does not quite increase all of the components to the same level that the Deputy is proposing. But it does help with income inequality. It fundamentally also, balancing those Government priorities, puts children first and that for me is why the Minister is absolutely right and she has my 100 per cent support.

8.3.11 Deputy J.M. Maçon of St. Saviour:

As Deputy Southern opened his speech, he said there is a pot and it is how you decide to divide up the pot. So, why have we, as a Social Security team, chosen to divvy it up in the way that we have? Can I just bring Members back to the comments issued by the Minister for Social Security? There was a comment that some Member did not know what the Government line on this was. Well, of course they do have the Minister's comments to read, in order to get an understanding about what the Government line is on this particular matter. What I would say is there are some elements which we need to remember. Remember, there are 3 elements to what the Minister is bringing. One that has to be remembered is that, for most people on income support, there is a general uprate. It is 1.9 per cent, as opposed to what Deputy Southern is asking for of 3 per cent. It is not a case of saying that we are ... for most components, not for every component, but for most components. So, it is not a case of saying that therefore we are doing nothing for those people who cannot work. That is not what is happening. What it is saying is for those people, the working poor, let us do some stuff so they keep more of their money, because we appreciate some of the trap that they are in. That is why the Minister has brought that one. It is not saying that work is the solution to everything, what it is saying is that they will retain more of their money, because of the disregard, that they are working for. Which is why we have done it that way. The other element is about the child component. When Deputy Perchard spoke, she mentioned how if you are on income support some people cannot work. We absolutely appreciate that, but that is why there are extra components in order to support those people, to supplement their income, because we have realised that work for everyone is not always going to be an option. There is no mention about the other components that these individuals will be receiving. It is not a case of just uprating the work component and therefore no one is benefiting from anything else, you really have ... the income support system is a very complicated system because of the issue about the different components and how they work in between each other. So, when you are looking at the upratings, you cannot just forget about the other components that are at play. The other issue around why we have chosen to do the child one and I do remember a Deputy Mézec standing up in this Assembly talking about single parents and the amount of poverty they face in comparison to the rest of society and how important it was to restore the single family component. What the Minister is trying to do, following from the Deputy of St. Ouen's Proposition, when he was the Scrutiny Chairman, is trying to target the resource more to those individuals who we acknowledge face those issues around poverty and especially the other aspect of it, which has not been mentioned, is also the issue why you want to target it that way is because those young mothers, for whatever reason, struggle with the ability to work, but do not necessarily have the health aspects, so they will not benefit from those aspects of the component system. That is why we are targeting it that way. That is why we have done it in the way that we have done it because, again, it is trying to do more of a targeted model around supporting those ... whether it is supporting those to retain more of their income, or whether it is supporting the single parent families - I was going to say mothers, but of course it can be fathers as well - who may not be able to work because they have a youngster and that is why we have targeted the extra component to that level, as opposed to just doing universally

across the board. As I say, Deputy Southern is right, there is a myriad of ways in which you can divide it up. I believe the Minister, in considering this, has thought: "Let us target this to some of the greatest areas of need in what we have going forward" and if Members want to tell us, as feedback to the ministerial team: "I think there is an issue around this component, or that component and more needs to be looked at there"; absolutely fine. Tell us, we will take that back, we will look at it and we will see what we can do in the Government Plan about it. That does not mean that undermines what the Minister's proposals are going forward, because what we should be doing is targeting support.

The Bailiff:

The Minister is next, but it is 12.43, I do not know how long, Minister, you are expecting to speak for?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

If Members agree, the States will now stand adjourned until 2.15 this afternoon.

[12:41]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

We do not seem to be very quorate at the moment: 25. Just about. Well, for those Members who wish to hear the Minister for Social Security answer in this debate, they might like to return to the Chamber. Minister.

8.3.12 Deputy J.A. Martin:

It has been one of those days where we are just sort of bumping along with just enough of us in the Assembly. I know it is very sunny outside. So, I listened and I tried to keep out of my opening speech what I did not agree with in Deputy Southern's and I wanted to listen to him. So, let me go back a few months. We were in the Social Security meeting and officers say to me: "It is time to decide the uprates this year. You have, on your base budget for this year £2.6 million, how would you like to spend it?" We absolutely want to hear ways to do it and I want to know the best way to help the most people. Deputy Southern said straight away: "Can we double the new rate for the first child; 5.4 pence, 10.8 pence?" Officers: "Absolutely. What is the cost of that? Calculations, half a million." "Fine." So, then, we only have a certain amount to look at. I know - and Deputy Southern thinks I have got a shorter memory than him - but we looked at income support when it came in in 2009. Deputy Higgins thinks income support came in to support just low income families. There were so many desperate and disparate benefits across the board, there was housing this, family amounts that, some people were on it, some people could work an extra amount of hours. Bringing it all together, it was a nightmare, but it was going to be better than Parish welfare. Parish welfare was very cut and dried. In the end, Parish welfare got to a sort of similar amount for people, it stopped at 5. Everyone, when their child reached 5: "Off you go to work." That is how it worked. There was no sort of safety net. This does not work like that. We do not ask any young mum with a new baby, or if it is a parent, 2 parents, only one of those have to do 35 hours a week until their child is 3 and 3 months. Deputy Southern says over the last 11 years, since this has come in, R.P.I. has increased 32 per cent and somebody is worse off £12.60 a week. He is very clever, he picks on the lone adult with just the household. Please have a look at my Proposition. I think it is page 6 where the tables are. If everybody can claim them and they can, you have got the adult component, you have got the single parent component, you have got the first child component, which I want to uprate by £5 a week. You have got the second child component, you have got the household component.

Add it up. I would not call that living in poverty. It was really interesting to hear the Minister for Children and Housing say: "This is a Reform Proposition" which I only found out yesterday. I thought it was a Deputy Southern Proposition. But, that is fine. Now we have got to tax the rich more so people are able to live on benefits. How much is our benefit system going to be? We are not shy, we are in the millions. I do not have a problem with that. Let me go back to that meeting. Did any one of my officers - and if the Deputy stands up behind me when he speaks and says they were - have the arm up my back and say: "You should do it this way"? We got examples of who I would be able to help the most. So, if first child was gone, absolutely. This will help the single mums, or the parents, or just one parent working, with the young children. Deputy Southern does nothing towards that. Single parents, under either scheme, is not going up, but his first child is only going up by something like 2 per cent, mine is going up over 7. It is money. Can you not understand £500 a year? The Deputy did not want to understand it. I think there was a comment: "I do not think the Minister likes unemployed people." Absolutely not true. As Deputy Tadier said, over my career in this Assembly this has been my passion. This is what I have done and this is what I wanted to do. So, then, we have got Deputy Young, who is not here, stand up and tell me about poverty in pensioners. Well, read my comments on page 5: "The incentive for income helps households with earned maintenance, or pensioner income, 4,100 of the 5,700 households receiving income support will directly benefit from the proposal increase in the incentive." That is my proposal. The Deputy does not want that. Apparently, we are not supposed to be encouraging people to get themselves out of poverty to make sure that they have a better standard of living. I think we are and that is what we should be doing. The Deputy said something about over the years we have not kept up, because we have increased rent disregards. I think it was Senator Le Gresley, when he was the Minister for Social Security, realised that private rent rebate had gone so far behind, people were spending that money, that should have been on food and that should have been on other things for their children, on their rent. So, I think, over a year or 2 he did freeze the benefits and he topped up the rents, so people could claim and get near enough what their rent in the private sector was. The Deputy earlier told us: "Well, that is OK" and childcare costs went up, some of those components. So, Ministers for Social Security over the years have done good things. He then went on to tell us: "But the people cannot spend that on what they want to" and nor can anybody else. It is a harsh fact of life: you go to work, you pay your rent, or your mortgage and if you have got childcare costs they are the things that you need to do, so you can have a job. I really do not understand why people do not believe I really am trying to help most people under mine and the Deputy, I think we heard where the Deputy is, like now I know it is a Reform proposition: tax the rich, they will pay for more benefits, so everyone can live in this utopia. It just does not work. Deputy Young is back, so I will take him back to his comments on the pensioners. Again, if the Deputy will turn to my page 5, it tells him what the incentive for income support households with earned maintenance and pensioner income will do, where the Deputy's is different. Even if you look at the Deputy's table, the pensioner under my proposal, with some hours and part pension, is exactly the same, because pensions go up by the cost of living every year, so it does not make any difference. No, at the end of the day, this is not my money. This is the pledge we made and that was the other thing I heard and I was astonished to hear, from the Minister for Children and Housing and Deputy Tadier, they never signed up to ... not their form of reducing, so we will remove income inequality and improve the standard of living, but not the way we want to do it. Why we do not have more people and give them really good incentives to work, local people, who is going to be in the workforce? It just increases immigration. There is no other way, it is local, or it is imported. I do not think there are any other people, unless they are coming from Mars, but then again they are still imported. **[Laughter]** I really wonder sometimes when the Deputy just like wanted this £5 a week extra, £500 a year for the first full year for the first child, which we all know if you go from no children to one child that child is going to cost you a lot more. I mean normally you can pass things down, it sort of works like that and, you know, you have got your cot, you have got your pram, you have got this, but no. I want to do this. I want to help more people in work and more people will have to work. As Deputy Maçon was trying to say, the

sliding scale, people are looking at other people going: “Oh, well, they are better off. Should I work, should I not?” Yes, you have to. It is called income support system. It is not I do not want to work system. It is trying to help people and I absolutely know where the Deputy is coming from when he says there are people - he kept slipping up - who do not work but then he kept saying “cannot work”. It was do not, cannot. Now, I know there are people who cannot work. The Deputy kept saying “do not, cannot” and there are people who cannot. We have other help. Everything else goes up: personal care 1, 2 and 3 goes up, clinical costs goes up under both, slightly different. But the Deputy is not helping the 4,100 out of the 5,200 on income support like my Proposition does to improve their income by their own means while we have got that safety net and that is all it is, a safety net. I cannot say any more. People are very confused; I do understand that, because it will taper there and it will taper there. It is either you trust what I am saying, you trust that this has not been an arm up my back from officers telling me: “This is what you are going to do with your £2.6 million.” It has been after long discussions, them proving to me this is the way to help people more and I really ask Members to reject the Deputy’s amendment.

8.3.13 Deputy R.J. Ward:

First of all, there are a few things that have occurred to me during this debate and statements that have been made that I think we all need to think very carefully about. We are not talking about huge amounts of money. We are talking about small amounts of money that are not going to lift people out of poverty. But what this amendment does is it ensures that we do not, for those who are not working, drive them further into poverty compared to those who have had the opportunity to gain a very small amount of the income that they have through working. I think, underlying this, is the political statement from many of you in here that is saying the only way back is to work your way out of poverty. Unfortunately, our income support system does not do that as well as you think. Unless you can get a very well paid job, you end up being in a circle of poverty and working at the same time. If you are working on minimum wage, or even £10 an hour, which none of us do, then you only get 25 per cent of that back anyway. So, that 25 per cent increase is not going to be the thing that gives you the pathway out of poverty into this wonderful life that means that you will no longer have to receive - and I think I would not use this phrase myself and I am going to pick you up on this phrase in a moment - this notion of hand-outs. That takes me on to something I would like to say about the language that we use in this debate. We are talking about people, members of our society who are perhaps the most vulnerable and the reason that people do not work is very complex. It could be a physical reason, it could be a mental health issue reason and we are much more aware of mental health issues and we keep talking about that in this Assembly. But, as soon as we get into a debate about income support and those who do not work, we get back to the rhetoric about those who just do not want to work, *et cetera*. It seems to me that we are paying lip service to that notion of the well-being of our people and that concerns me. In terms of the - I do not know what word to use, I wrote ‘cynical’ but I do not think I will use that word - use of the put children first notion to say well, you have taken some of the money off for the first child, but if you look at the Proposition, the amendment sorry, it increases overall the amount going, if you have a child, to that family in the long term in the action of balancing the cost. Because we all know what happens if you come to the Assembly and you have not balanced the cost from the limited pot, it is not even looked at as an amendment. So, therefore, that has been taken into account and in the long term there is more money for those families. But, in particular, there is more money for those families who are on the lowest income. Now, if you want to make a judgment about the parents in those families and why they do not work, which is your own personal judgment, that is up to you. But let us not punish the children of those lowest income earners by giving them less of an increase and, therefore, increasing the income divide. Logically, we are increasing the income divide between those and those who are working by giving a slightly larger increase. So, what the amendment does is it evens that out and it means that this income support is not about a judgment of whether you are working, or not, it is about exactly that, supporting you with an income, so you can be part of society. I do feel that this rhetoric,

and it is indeed rhetoric, that those who do not work really can, you know, be kept on a lower increase, have less, if you like, value in our society, because they are not engaging. We have to be very careful in the way that we check that, because if you are in that position and trapped in that position it is a very difficult life. What we should be doing is encouraging, not simply by saying: “Well, if you work you will have a little bit more and we will take some of it back and if you do not work you are going to have even less.” I do not think that is the sort of society that we really want to be part of if we really think about that. We have a safety net, but it is a very complex safety net. A lot of people that are in my constituency, that I try and support, get very lost in the income support system and if I am absolutely honest I really hope I never have to claim income support, because I would be absolutely lost in filling out the forms.

[14:30]

It is bad enough filling in my tax form and I only have one source of income, unlike so many in this Assembly. I struggle even with that form so, you know, God help me if I have to do that. There is also this notion of those who do not want to work. Let us get back to that. Somebody mentioned it earlier. There are distinct sanctions for those who do not want to ‘allegedly’ work. They are already in place, so the argument that we are using about some people just do not want to work, so if we encourage people who are working a little bit more they will all get up and go and find themselves a job. That does not fit into the system that we already have where there are distinct sanctions for people if they do not want to work. So, we have to remember that. This notion that what we are doing is lifting people out of poverty concerns me. There are huge levels of poverty that are often hidden. Income support does its best and there is lots of money going towards rent and the cost of living, but the cost of living is incredibly high here. I go back to what I started with in order to finish. The increases we are talking about are very small. They are not going to lift people out of poverty, they are just going to keep them in a relative poverty position, just as they have for so long. By making the distinction between those who are working and those who are not working and the level of increase that we have, I am sorry, but to me we are increasing income inequality, because we are not evenly distributing the money that is there. I think I would support this amendment for those very reasons. I finish by saying I hope Deputy Southern will address the issue of the first child rate, *et cetera*, perhaps a little more accurately than I can.

8.3.14 Deputy S.M. Wickenden:

I think I will start with the ridiculous and then I will move on to the bringing it back to where it should be. The ridiculous: the people that are standing up and saying that we do not know the Minister’s position, because the Minister has not stood up and talked. Well, her position is she has lodged a Proposition that lays out what she wants to do and there has been an amendment. There have also been comments. That is the Minister’s position. She would not have lodged the Proposition as it was if that was not the Minister’s position. So, it was quite clear, it was in black and white, sent to us early; that is the position. Now, I am going to go on to the Minister for Children and Housing and that speech. Wow. There were parts of it that I think the Senator said that the Proposition does not meet the strategic priorities of the Government. Well, to me, this deals with putting children first. Our number one strategic priority that we have said is the most important right now is putting children first. This puts more money in to look after the first child. It is putting children first. We can go to the Children’s Pledge, which I have now signed as Assistant Minister for Social Security and Assistant Chief Minister. Number 2 on that pledge, that the Senator asked all of us to sign, was: ‘We will provide integrated support for families that need extra help caring for their children.’ This, as the Minister has put it, is exactly what this is doing. So, that is the pledge that the Senator asked us to sign and this is what it does. It does exactly what it says on the tin. I remember when this was ... I will go back, because I was talking about strategic priorities. We will create a single vibrant economy and a skilled local workforce for the future. This gives an uplift for people that are working and that are on income support. It does exactly that priority. We will reduce income inequality and

improve the standard of living. What this basically does is that people who are in work, that still require support for their rent and their work and their cost of living, if they work more hours, say they want to do overtime, or something, they hold on to more of that money we do not turn around and say: "Well, you have earned an extra £100, we are going to take £100 off you." This says you can have more money by working. It is an incentive to work and hold on to that money. So, it will reduce income inequality. It will improve Islanders' well-being and mental health, because we know that there are people that it is better that they are socially included; being isolated, being in a job and being around people is a health benefit to some people that feel socially included. It is an incentive to work. So, that is the strategic priority, as I would say to the Senator, where it meets quite a few of them that we set out in the 5, but most of all it meets the first one: we will put children first. So, I was shocked by the Minister for Children and Housing and what he had to say in his speech. Most of the money, the largest majority of anyone on income support, their money goes on their rent and their housing and, as the Minister for Children and Housing, what I heard in his speech was: "We are going to put the problem onto the Minister for Social Security, but I am doing nothing." It is the Minister for Children and Housing's job to also look at this too and do something about it. Deputy Tadier, who is an Assistant Minister, says that he has not seen the Government Plan, he does not know what is in it yet. He has been emailed every single one of them, as everyone else in the Council of Ministers and Assistant Ministers were. He could have turned up to any one of the meetings and even been involved in what is in the Government Plan and put his way forward, but he has not turned up to any of the meetings since I have been there. So, I think that is disingenuous in the way that is said, because there were plenty of opportunities. Sir, I am sorry, I take that back. Not disingenuous but a bit odd. Can I say 'odd', Sir? I think it is odd to make that comment.

The Bailiff:

Depending on the context it is a very fine word. [Laughter]

Deputy S.M. Wickenden:

This is about giving better incentives to the hard-working people of Jersey that need a bit of help. This is what this really is about and it is trying to help children. That is the basics of what the Minister is asking to do and that is why I think we should support it. It meets our common strategic priorities in a number of areas and those are exactly the targeted areas that the Council of Ministers and this Assembly has agreed that we would sign up to.

The Bailiff:

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

8.3.15 Deputy G.P. Southern:

I would like to be able to say that is the best debate I have ever had in this Assembly. Fortunately it is not, because it seems to me that Members have avoided addressing the fundamental quality of my amendment, which is that my amendment gives some money at around the rate of inflation, 3 per cent, to all recipients of income support, because it affects most of the components whether you are in work or not. So, in that sense, it is a fair and, I think, the fairest way to deliver income support to those who need to claim. The alternative, as outlined by the Minister, gives 1.9 per cent to the very worst off, those who - and I will do it again - do not, or cannot, work, while giving 4 per cent and above to those in work; 4 per cent of earned income as well as the basic components. So, my amendment to this amendment says let us preserve the safety net which applies to all, whether they are in work, or not. The Minister's suggestion is let us give the bulk of the money to those best off, comparatively and take it off those who are worst off. Now that, to my mind, cannot be the fair way to do it. What it amounts to is getting the right balance. Now, the recent record is that Ministers have used an increase in the rate at which income is supported. In the last 11 years, it has gone from 6 per cent, which it started with, through 10 per cent, 12 per cent, 15 per cent, 23 per cent, 25 per

cent and now the proposal is 26 per cent. Now, the ex-Chief Minister, Senator Gorst, suggested that somehow I was against these incentives, these disregards, where in fact I am not. What I am against is repeating the formula this year, this time, because I think we have come far enough. Just in case the Senator trusts his own memory more than he does the 3 reports I have produced during my time in the Social Services Scrutiny, let us take the first one, the oldest one back in 2007. Here is what I said: “The sub-panel recommends that the implementation of income support scheme is deferred [not abandoned, deferred] to allow further specialist advice and research in order to improve incentives and make work pay.” Deputy Martin, as she so usefully pointed out, helped create that as well. It also says an excellent recommendation: “The sub-panel recommends that the implementation of the income support scheme is deferred, to allow further special advice on research, in order to better target pensioner and child poverty and to encourage saving for the future.” There is an accurate statement about my attitude back in 2007, when we were looking at embarking on this route. Later on, in 2009, with the income support scheme in place, recommendation 26: “In order to make I.S. (income support) work effectively, as an in-work benefit, incentives to work must be improved.” That did happen, but it has been the sole way of improvement and only applies to those in work. Those who cannot work, as on long-term incapacity, get no allowance. Recommendation 29: “At this time, 2009, the Minister must increase the income disregard in respect of maintenance.” Again, that has moved, but not far enough. But that is my attitude in 2009; that is where I was then. Come 2011, the most recent report I put out, recommendation 15: “The Minister for Social Security, in his own review of income support, must conduct a thorough overhaul of tapers and disregards around income in order to greatly improve incentives to work.” That is not the position that was claimed by Senator Gorst earlier, which is why I stood up to say he is putting words into my mouth and I will not give way. Now, early on we heard about ... yes, Senator Mézec was talking and then there was a question asked about pensioners. How do pensioners fare in these 2 amendments? The answer is they fare exactly the same. They get more or less inflation, 3.2 per cent, in the Minister’s case and 3.2 per cent in the amendment that I have lodged. Statement after statement has been made in this Assembly today that this addresses the ambition to reduce income inequality.

[14:45]

It does not and I cannot say that often enough. It does not. If that is what you believe, then go back to the facts and take a look again, because it does not. Because the fact is that the income inequality is distributed and reinforced rather than removed, or rather than reduced for those who are slightly better off. Now, Deputy Le Hegarat said: “Oh, hang on, originally you proposed £5 and now you are proposing to give them £2.” Yes, that is true and it was my suggestion in the first place. I piped up with the incentive, the lump sum, why not double it. Now, I said that without looking at the figures. Had I had the figures in front of me, I would have said: “Oh, hang on, that is significant. That cramps what we can do elsewhere, let us move away from that, let us call it £2.” That still means that, compared to October last year, in October this year, children in families, families with children, or a single child will be £7 better off with the lump sum approach than they are now. What I have done is to change the delivery mechanism, so that for a couple with a child, what we get is £100 approximately for each adult and £55, I believe it is, £56, it has just gone up, to household. If you do the calculation on that times 1.1 per cent, which is the difference between my scheme and the Minister’s scheme, then what you get is that extra £3 delivered in another mechanism, because the adults and most of the components have gone up. So, it is not taking money out of the mouths of babes. Deputy Maçon, unfortunately, was not there when we had the meeting about how do we deliver this extra £2.6 million in the best way and what I said in that debate, because we did have a debate about it, a pretty short one I must admit, was: “If you can show me that the value of components have not been eroded over the past 10 years, then, by all means, I will support giving something again to those in work.” But no evidence was brought forward. There is no evidence of that. Had he been there at that meeting, he might have persuaded the Minister, who knows, to look differently at what is now her proposal. The actual fact is that the value of components have eroded,

so that a family is £12.60 a week worse off now than they would be when its original started, income support and that is provable. My argument is: until we are prepared to grasp that nettle it means that those not in work are worse off, compared to their fellow claimants. It is getting some and not all. I believe we should not be proposing, yet again, that we follow the Minister's suggestions. I thank Members and I call for the *appel*.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on Deputy Southern's amendment to the Minister's proposition in relation to income support and I will ask the Greffier to open the voting.

POUR: 9		CONTRE: 40		ABSTAIN: 0
Senator S.Y. Mézec		Senator I.J. Gorst		
Deputy G.P. Southern (H)		Senator L.J. Farnham		
Deputy M. Tadier (B)		Senator S.C. Ferguson		
Deputy M.R. Higgins (H)		Senator J.A.N. Le Fondré		
Deputy K.F. Morel (L)		Senator T.A. Vallois		
Deputy of St. John		Senator K.L. Moore		
Deputy J.H. Perchard (S)		Senator S.W. Pallett		
Deputy R.J. Ward (H)		Connétable of St. Helier		
Deputy C.S. Alves (H)		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 of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy L.B.E. Ash (C)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

8.4 Draft Income Support (Amendment No. 19) (Jersey) Regulations 201- (P.56/2019) - resumption

The Bailiff:

We now return to the Minister's Proposition on Regulation 1, which is open for debate in case anyone wishes to say anything. If not, those in favour of adopting Regulation 1 kindly show. The *appel* is called for. I invite Members to return to their seats, this is on the Minister's Proposition proposed Regulation 1. I will ask the Greffier to open the voting.

POUR: 46		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 T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
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 St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				

Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

We now come to Regulation 2, which is the operative date Regulation proposed, Minister.

8.5 Deputy J.A. Martin:

It is just the citation and the commencement and I propose Regulation 2. I would like to thank those who changed their mind on that vote, I think that was very good. It does help people. We will have a debate next year and we will see where we go.

The Bailiff:

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak? All those in favour of adopting Regulation 2, kindly show. Those against? The Regulation is adopted. Do you propose the Regulations in Third Reading, Minister?

8.6 Deputy J.A. Martin:

Yes, Sir.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in the Third Reading?

8.6.1 Deputy M. Tadier:

Just in the Third Reading, I think it is unfortunate that, as a whole, this package has shown that we do treat people differently in Jersey and that even though we had people marching a couple of days ago using the word ‘equality’ and saying that they wanted deeds not words, we see that words are very cheap and that when it comes to equality it needs to be applied equally across the board, otherwise it is not equality it is discrimination and it is selective. What we have done, we have said today, we have had the opportunity to say that those who are worst off in our society and who, in many cases, cannot work will be treated differently, will be penalised financially. There is no point in shaking heads, that is exactly what we voted for. We have created an extra level of 2 tiers at the very bottom of our society and this is the kind of Assembly that we have. Thankfully, there were 9 Members, I think, who voted in favour and recognised that. So, keep your purple and green ties, if that makes you feel better today, but there is a sub-section of our society that continues to be under-represented, that continues to absent themselves from our electoral processes, because they feel so marginalised they feel that nobody speaks for them. But there are a handful of people in this Assembly and it is not limited to Reform Jersey, or to Deputy Southern, but there are others in here who will continue on that fight for true equality, not just for politically acceptable equality when the cameras are out there and when it suits people.

8.6.2 Deputy K.F. Morel:

I just feel I have to respond to Deputy Tadier in the way he has tried to characterise Members of this Assembly. I found that debate very difficult, because it was a debate about how to slice a cake. The size of the cake did not change, it was just how you sliced it, that was all it was. Believe me, throughout the hour, or 2 hours, that we debated it, my mind was going, you know, with the amendment, against the amendment, with the amendment, against the amendment, because there was no right answer. To try and characterise people here as being against equality, or for equality, is just wrong. I believe most people in this Assembly would have been having exactly the same discussion in their heads that I was having. The Minister’s Proposition had plenty going for it in many different

areas. I particularly liked the fact that it was supportive of children and families, but Deputy Southern's amendments had, perhaps you could say, a wider remit, I guess is the way to say that. Personally, that is what I decided to go with at the end, but that was in no way to suggest that I thought the Minister's Proposition was in any way wrong, or slanted in an incorrect way. The Minister's Proposition was a perfectly good Proposition, which I would have been happy to support, but at the end of the day I do not like the 'a' button that we have in front of us I prefer '*pour*' or '*contre*' and I had to go one way, or the other. But that was not the suggestion from me that other people in this Assembly were against equality, or against helping those in Jersey who need it the most. Therefore, I refute Deputy Tadier's suggestions and that is someone who voted with them.

8.6.3 Senator S.Y. Mézec:

Deputy Morel is one of the more thoughtful contributors in debates in this Assembly, but I am afraid he is incredibly naïve if he thinks that everybody sat here had the same toing and froing in their heads. There will certainly be some Members who did not. It is a fact in this Assembly that, on regular occasions, not just in this term, but in previous terms before that, that Members have wilfully voted to make the situation for poor people harder. That is a simple fact. The Constable of St. Saviour can groan as much as she likes at that, but that is what the previous M.T.F.P. (Medium Term Financial Plan) did. It saw some of the poorest people in Jersey have money taken away from them with no ability to make up that shortfall in their lives. Shake your head as much as you like, it is a fact; that is what some Members did.

Deputy J.M. Maçon:

What in the world is the relevance? What does that have to do with the Third Reading of the law?

The Bailiff:

Thank you. Senator, I was just about to say, will you please come back to the third reading.

Senator S.Y. Mézec:

Sometimes the truth hurts. I will leave it at that, but I will be voting in favour of this.

The Bailiff:

Does any other Member wish to speak on the Bill in Third Reading? Those Members in favour of adopting the Regulations in Third Reading, kindly show. The *appel* is called for. I will ask Members to return to their seats. The vote is on the adoption of the Regulations in Third Reading. I will ask the Greffier to open the voting.

POUR: 47		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 T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
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 of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

9. Draft Unlawful Public Entertainments (Jersey) Regulations 201- (P.57/2019)

The Bailiff:

We now come to the debate on the Unlawful Public Entertainment Regulations P.57/2019. I am going to ask the Deputy Greffier to take the Chair, as it confers power on the Bailiff and the Assistant Greffier will then read the citation of the draft.

The Deputy Greffier of the States (in the Chair):

Could I ask the Greffier to read the citation?

The Assistant Greffier of the States:

Draft Unlawful Public Entertainments (Jersey) Regulations 201-. The States make these Regulations under the Order in Council dated 14th April 1884.

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

These Regulations are intended to replace the current triennial regulations, which expire next week, without any material change from the 2016 Regulations. They are in place to provide a framework for the control and management of public entertainments, of all kinds, from circuses to motor sport and they serve a critical purpose of protecting the public from poorly managed, unsafe public events and entertainments. They provide that it is an offence to hold public entertainments without the

permission of the Bailiff and that the Bailiff may grant such permission subject to any conditions he thinks fit. In practice, of course, decisions on approval of entertainment and conditions are taken by the Bailiff supported by his consultative panel, with the objective of considering what risk, if any, is posed by the event and ensure that appropriate measures are taken to minimise disruption. These Regulations, if approved, will maintain the situation we currently have for the next 3 years. Members, who have read our report, will see that my predecessor had undertaken to bring forward a new and permanent solution to events management to address the increasing complexity of new legislation passed over the years has brought to this area and to grant powers to the Parish of St. Helier to manage its own events in this area. I have been advised that this work was found to be significantly more complex than expected and that, after the debate in 2016, other legislation did take priority. The Regulations that I am proposing today are required to ensure that the necessary public protection remains in place for the next 3 years. I make the Proposition.

The Deputy Greffier of the States (in the Chair):

Are the principles seconded? [**Seconded**] Does any other Member wish to speak on the principles?
[15:00]

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

The proposer is quite right in alluding to the failure of the Council of Ministers to implement an aspect of the Strategic Plan that was approved back in 2015 and I hope that does not suggest that any similar problems are going to affect the new Corporate Strategic Plan, or policy that we have recently adopted. This was the seventh amendment to P.27/2015, paragraph 6, sub-paragraph (c) and, as the proposer rightly says, the States Assembly agreed that there was a good reason to pass over this work certainly to the Parish of St. Helier, but also to any other Parish who wanted to do it, because it is surely not the business of Government to be doing this kind of thing, nor, as Carswell pointed out, is it the business of the Bailiff to be making rulings on events. I am just disappointed that in 4 years, which is what it is, more than 4 years since the last Strategic Plan, no significant progress appears to have been made. The only thing I was hoping the Minister would add in his remarks was his assurance that we will not be debating these triennial regulations in another 3 years' time, those of us who are back here then. I would be grateful for that assurance and that he will do what he can on the Council of Ministers to make sure that the work that needs to be done is in fact done and we can honour this commitment of the States.

9.1.2 The Connétable of St. Brelade:

I would concur with the previous speaker in saying that the sooner the management of public entertainments is taken into the Parishes the better. We, certainly in St. Brelade, have regular complaints about noise and we have no ability whatsoever to have any influence about how they are organised. So, I would urge the Minister to please give some priority to regulating this to a more acceptable manner in this present day and age.

9.1.3 Deputy J.H. Young:

Absolutely, I agree with the last 2 speakers completely. I think it is inevitable as our population grows, our density of population grows and we require our urban areas to house more and more people. There is no question the issue of noise complaints is rising fast and the reports I get from the Environmental Health team, these are very ... and I think it is an area that we need to look at the law. But, of course, we need to do that in a consistent way and need to set some rules. But I think, at the moment, a continuation where major functions can happen and often take people completely by surprise where they take place late at night and so on, because the thing takes place under the Bailiff's permit that seems to be some kind of free licence to do stuff. I can see people frowning, but nonetheless this is an area where we need consistent rules and the faster we get it the better, please. So, obviously triennial regulations, we have got no choice but please can we have ... I think it is an

area where Environmental Health, we have Noise Abatement Acts in other places and more clarity about those rules. Somehow, or another, I think we need to get to that better place.

9.1.4 The Connétable of St. Saviour:

I concur with everything that has just been said. I am lucky enough to have Howard Davis Park in my Parish. Sadly, it is also a venue for all sorts of events. The last event that took place there, the decibels were so loud my phone was almost hopping off the wall, because people were complaining left, right and centre. They had complained to the States of Jersey Police, who were told, by the police to ring the Constable of St. Saviour because she is the one who had given permission. Now, if people are listening to this broadcast, they will know that I am not the one that gives permission. I have also had a word with - because we have got another concert coming up on about 17th August, something like that and I have had - Mr. Warren Le Sueur, no relation, to contact me and he is going to talk. But I do not have any authority whatsoever as to what happens in the park. If I do get authority while I am still in office, things will change, because the amount of calls that I had from my parishioners was disgusting and I felt really sorry for them. Because, although it was down that it was going to be from 2.00 p.m. until 10.00 p.m., it went on until 10.30 p.m. and then one had forgotten about the sound checks in the morning. I know it was a beautiful day and the sound was carrying, but it was very upsetting for a lot of people in my Parish and my ratepayers. So, if you are listening to this, please do not call me, do not call the Parish Hall and complain. No, call the Bailiff because the [Laughter] Bailiff's Office is the one that has given permission.

The Deputy Greffier of the States (in the Chair):

Thank you for that, Connétable.

9.1.5 Deputy M. Tadier:

I would like to second those words and we all know that the Bailiff's mobile phone number can be found in the front of the telephone directory. Or you can phone me, but I will not necessarily answer, but I am sure the Bailiff is more disposed. I think there is a serious point here. I seem to recall, I might be confusing this with another set of triennial regulations, but being told the last time this came to the Assembly that this would be the last time that the triennial regulations would be brought to the Assembly. We are here again and there were people making very similar speeches last time saying: "I do not like this. I am going to vote for it but I am going to pinch my nose, but if this comes again then I certainly will not be voting for it." We have had a number of people, I think, from a cross-section of the Assembly saying: "We are not happy with this." But, presumably, we are going to rubber stamp it and I think there has to come a point where we say: "We are not going to pass these today, because they are not fit for purpose and there is another body of work which we were promised, but has not yet been done." That is the logical position that I would find myself in. So, I would ask the *rapporteur* or the Minister to say what would happen if we do not vote for this today. I would like somebody else to consider what would happen if we had a reference back asking the Minister to go away and do the piece of work that was asked for at least on one occasion 3 years ago to be done and then to come back to the Assembly. I may well do that yet, because it may still be in order to do that. I am very concerned that what we are passing here and I am not undermining the seriousness of the inconvenience of events that occur without permission, or without due consideration for residents, *et cetera*, the distress that can cause. But if we look at the Articles we would be passing and re-passing today, it would suggest that somebody, who puts on an unlawful event, i.e. an event that has not got permission from the Bailiff, can be subject to a 6 month prison term and a fine. Under my interpretation of that and perhaps the Minister can sum up if he gets the chance, is that somebody busking, for example, in St. Helier, who does not have a permit is presumably engaging in unlawful entertainment. I know that there are people in St. Helier, for whatever reason, who go out there, play a guitar and they do not have a permit. They are breaking the law. It could be a student, you know, it could be somebody, for example, who does have a permit,

but who is playing with amplified music and entertaining the crowd but they could be put in prison for 6 months. Now, I do not think this has happened. It could well happen and the police would be well within their rights to arrest an individual like that and to put them in prison, but I do not think that would be in the public interest; it would certainly seem to be disproportional. I think there is another body of work that I am in the middle of, as the person with the responsibility for culture in conversation with the Bailiff's Office and my department, to try and make busking - and I know that is only one side of entertainment - a lot more accessible, so we get people in the street making St. Helier a vibrant place. Just as an aside, but because it is germane to this debate, we had some great festivities over the weekend and we saw the St. Helier Festival which was, again, very well organised and I think that was a tribute to the late Deputy Rondel, who put so much energy into organising that and that tradition is being kept on by the existing and perhaps the new Members in St. Helier. We saw that coincide with the Fête de St. Helier and the Votes for Women march and there were some great activities at the weekend, coming together from different angles. We had a great beatboxer, for example, who, himself, would have had to obtain a permit under the banner of the French Festival, but he would not be able to perform in St. Helier in his own right as a busker. So, I do raise the question, why are we in this position again? I do ask whether it would be in order, at this point, to refer this particular Proposition back to the Minister to ask him for that specific piece of information as to why the piece of work, that was asked previously in the Assembly to update this law, has not been done and why the promise that was made that these would not be brought back, this would be the last set of triennial regulations, why that has not been done. To refer this back, to come back with that information and possibly even to work on a new piece of legislation for this. I make that proposal now, if it is in order.

The Deputy Greffier of the States (in the Chair):

Within the report that accompanies this piece of legislation, it does say an explanation as to why this has not come forward in the timescale as predicted. It does say that given the complexity of the legislative framework around events regulation and the significant number of other priorities that the Government has been required to address in the period, this work is not yet concluded. So, it strikes me that that work is ongoing. Is that the case, Minister?

The Connétable of St. Clement:

Yes, it is ongoing, but it is complex.

Deputy M. Tadier:

I think the question that begs, just to say that I certainly do not think I have been involved in this and I would expect that this would be something that would come across our and my desk, because it is something that I am very keen to make sure we have a fit-for-purpose system, whether it be through the Bailiff's office, or through the Parishes, to make sure we have this. I would like to understand, and for the Minister to explain, what exactly those complexities are before we vote on this. So, that would be the nature of the information I am looking for, for the Minister to explain what the complexities he thinks there are to prevent being in a position to bring back new legislation.

The Deputy Greffier of the States (in the Chair):

Well, under Standing Order 83, a proposal for a reference back: "A Member of the States can propose, without notice, during the debate on a Proposition, that the Proposition be referred back." I presume you were looking under (a) further information relating to the Proposition can be provided rather than (b) which is the ambiguity, or inconsistency, element. So, it is that you want more information as to when this is likely to come back in a reformed state.

Deputy M. Tadier:

Also the nature of the complexities that the Minister has alluded to, but not expanded on.

The Deputy Greffier of the States (in the Chair):

Very well. The Deputy has asked for a proposal for a reference back. In my mind, the basis of that is allowable. So, at this point then we will move to a reference back debate. So, do you want to speak any further, Deputy?

Deputy M. Tadier:

I will leave the comments there.

The Deputy Greffier of the States (in the Chair):

So, is the proposal for a reference back seconded? [**Seconded**] It has been seconded. Does anybody else wish to speak on the reference back debate?

Deputy J.H. Young:

A question I would like to know. Obviously, I see that these Regulations are proposed to be extended for 3 years and obviously if there is a majority in the Assembly that something needs to be done for an alternative law, does it really need to be 3 years? I think that is an issue that might be thought about. Maybe it occurs to my mind if, say, it was one year we might be able to have progress, because I cannot see that it would be a good thing to leave the Minister in a position where he has not got any law at all. I think that would be a mad mistake.

Connétable J. Le Bailly of St. Mary:

I can relate to a problem which arose last year with permission from the Bailiff. We had a very noisy fireworks party that we knew was going to happen weeks in advance and I had a lot of parishioners complaining about it. I did try to take an appeal to the Bailiff but it failed. They went through all the right procedures, but it is just one of those things that the Bailiff overrules the Constables.

The Deputy Greffier of the States (in the Chair):

Deputy, can I confine your speech to the reference back, because we have moved on to that and then you can come back and tell us about your experiences when we return to the main debate; is that OK?

Connétable J. Le Bailly of St. Mary:

That is fine, Ma'am. I am now the Constable.

Deputy R.J. Ward:

I think this is relevant to the reference back, because it is something I think needs to be considered before we consider the reference back, which is this is a triennial law, but regulation changes can come within those 3 years. So, therefore, if the work is undertaken it is important we know the process of that work, because it seems that the current law runs out on 21st July 2019, which is not an ideal situation, because we are between a rock and hard place to be quite frank. I will say quite openly that this has passed Scrutiny by with the amount of work that we are taking on in some other huge areas. This small piece seems to have passed us by, but I would expect Scrutiny - and I chair the Scrutiny Panel - to see the Regulations as they come through, we would have a look at them then. So can you assure, or reassure, I suppose the word is, that we can make changes to what seems to be a sort of generally inadequate set of Regulations from the majority of this Assembly. But if we can make those changes as rapidly as possible, given work streams, which I understand, that would be very useful to know about.

[15:15]

The Deputy Greffier of the States (in the Chair):

Does any other Member wish to speak on the reference back, perhaps the Minister for Home Affairs?

The Connétable of St. Clement:

Yes. I mean the Regulations, I think it is fair to say, are old fashioned, are inadequate in many ways, but the thing is they are all that we have. If we do not approve them today, if we do have a reference back for next week, there will be no statutory controls for the public entertainment whatsoever. There may be, I do not know, customary powers that the Bailiff may have, but there will certainly be no statutory powers. I think it is important. I mean Deputy Tadier makes some very interesting points but these Regulations have been in place for goodness knows how long and I do not think there has been any difficulty with people, buskers, or whatever, being taken to court. If an offence was committed, the police and the Crown officers would have to decide whether there was an evidential basis, whether there was a public interest to prosecute and if it did go to court, the court would have to give a proportionate sentence. Now, as I said, the reality is we do not have anything else. So, if we do not have these, then there is no control, as far as I am aware, over public entertainments until new legislation comes forward and I cannot guarantee at all when that might be. I think that is a high-risk strategy. I am not asking to change anything, I am asking for the *status quo* to be maintained. I think it is quite right that I should be given a little bit of a kicking for not having brought this forward. My predecessor said she was going to, her predecessor said he was going to. But we have done so much: the marriage laws changed the rules about public spaces, the road works and events laws changed rules about public spaces. There is a lot to be considered and a lot to be thought about and to be legislated about. So, I accept the criticism absolutely. I apologise, particularly to the Constable of St. Helier, who the States did agree in 2015/2016 that this would happen. It has not happened. If the States allow the debate to continue and if they approve the Regulations I will do my very best to ensure that that does come forward within the next 3 years. We were making triennial regulations but they do not have to last for 3 years if we can get some legislation in place before that and we will try to do that. I think the message that is coming from the Assembly, from the Constables and from Members is that they would like to see this piece of legislation given a bit more priority than it has done. I will give the assurance that I will do my very best to bring it forward as soon as practicable. I would ask the Assembly to not leave us in a vacuum, let us keep these Regulations as they have been in place for many years with no changes and do not take the risk of having no public entertainment regulation whatsoever.

Deputy M. Tadier:

It might be helpful, then, to the Assembly, following the comments of the Constable and my colleague, that I will withdraw the reference back. But I would ask the Constable to give an assurance to me and the Assembly that he will enter into a greater conversation with myself and the Constable, so that we can find a fitting and up to date version of these laws that will suit hopefully everybody.

The Deputy Greffier of the States (in the Chair):

Very well, the reference back is withdrawn. We return to the main debate. Does any other Member wish to speak on the principles?

9.1.6 Connétable P.B. Le Sueur of Trinity:

Just briefly, as the Constable of a Parish where we do have a big venue, which is regularly used for public entertainment, unlike some of my fellow Constables, I have no appetite to take on the licensing of these events, because we do not have the expertise within my municipality to look at the environmental health issues, the fire, the policing, the health and safety aspects of some of these large events. But, what I would appeal to the Bailiff's Consultative Panel is to properly consult with the Parishes and the Constable on these larger events. All too often, I have across my desk permits which have been issued requiring my signature and I have not been asked: "Are you in approval of this matter?" Sometimes it is literally days before the event is due to take place, there is a form on my desk looking for my signature and it does get to me. I will give you another example. Only yesterday, through my letterbox at home, there was a pamphlet, or a flyer drop from an organisation in the U.K., who are organising a gin and rum event at our showground in Trinity and I know about this because

I wrote to the consultative panel, to the Chief Officer there and expressed my reservations about this particular event. The next thing I know, I find out that it has been approved, is that this piece of paper comes through my door and one of the comments is, of course: “We have been consulting and liaising with the Parish.” I checked with my Chef de Police yesterday, she had heard nothing at all about this. So, I really do not want to take this on board as a Parish, but I would like to be consulted, or surely my successors would like to be consulted as well. That is all I have to say on the matter.

9.1.7 Deputy K.F. Morel:

I am very disappointed to not have had the chance to ask the Attorney General exactly what kind of legal vacuum we would have been plunged into had the vote gone ahead. I would love to have. But I just want to say it is about the Proposition, but my concern with this is I appreciate that the department has not been able to draw together the many strands to create a new events law in this way. But why do we have to have this 5 days before the existing law runs out? This could have been brought to us 4, 5, 6 months ago, surely, because we are just voting on exactly the same thing and at least, then, we would have been able to have had a proper referral back and we would have had time for that. It is time, in my view, that Ministers stop thinking that this Assembly is but a formality and they start realising that we can ask for referrals back. You have to build in appropriate amounts of time before bringing these things to the Assembly and I would like to hear the Minister’s reasons for not having brought this months ago.

9.1.8 Deputy R. Labey:

It was very interesting to hear the Constable of Trinity and I am sure we can understand exactly what he is saying. But I have been on the Bailiff’s Consultative Panel for a year now, since I became Chairman of P.P.C. (Privileges and Procedures Committee) and ... **[Interruption]** Different panel. **[Laughter]**

The Deputy Greffier of the States (in the Chair):

Thank you, Deputy. Does any other Member wish to speak on the principles? The Constable of St. Ouen, I think it might be the gadget behind you.

9.1.9 Connétable R.A. Buchanan of St. Ouen:

Thank you. It is an interesting distraction to say the least after lunch. I would firstly like to say that I think, in some ways, we are doing the Bailiff’s panel a bit of a disservice. I have been involved in many events that they have organised and their work is very thorough and, as the Constable of Trinity alluded to, they check many aspects of the event to be organised. Where I think sometimes it does fall down and I do agree with him, is the lack of communication with the Constables. But what I would be very reluctant to do, because we do, from time to time, get big events organised in our Parish, is to take on all the work at the Parish without any support from anyone in the States, or anyone else who has had experience of organising the events. So, I think when the new proposals are formulated, consultation with the Constables is an essential part of that process and I would like to see that happen. I am also in Deputy Morel’s camp; I would be fascinated to see what would happen if we did not pass this legislation and what sort of vacuum we would fall into, because I think it would be a very unfortunate situation. I will be supporting this, but I do urge the Minister to bring these Regulations back and also to consult with the rest of his Constable colleagues, which I am sure he will do, to make sure that if we are asked to do this work, that we have not only the capacity to do it, but also the expertise to make sure that major events are organised safely and with the least disturbance to members of the public who happen, unfortunately, to be resident next door to them.

9.1.10 Deputy D. Johnson of St. Mary:

Very briefly, I note from the accompanying report that reference is made to the intention being to establish a single centrally managed register to manage the use of public space. Could the Minister

advise whether the matter has been developed so far that a decision has been made as to what that new register might be and whether it is intended to replace the Bailiff's Committee?

9.1.11 Deputy K.C. Lewis:

As the Minister for Infrastructure I do have, as part of my remit, oversight of many of the Island's parks and I consider the jewel in the crown to be Howard Davis Park. We have had some wonderful concerts there of late, in recent times: Status Quo, Tom Jones; excellent and I have nothing but the utmost respect for Thomas Davis, who left the park to the Island in memory of his son, Howard, for the enjoyment of the Island residents. So I tread a very fine line. I, myself, put on the Jersey Film Festival every August. Wonderful sort of low-key events are fine. Recently we did have something I can only refer to as a rave in Howard Davis Park, which was 10 hours of thumping noise. They could hear it and we had complaints, not just from St. Helier and St. Saviour, but from St. Clement, St. Peter and, believe it or not, from St. John who could also hear it. So, we need to get a grip on this and I am all for sort of - I know I am a dinosaur - but for all younger people I would say more than happy for you to enjoy yourself, but if you can find a very secluded spot where you are not going to bother anyone. Not in a residential area is what I am getting at. But I will be supporting this Proposition.

The Deputy Greffier of the States (in the Chair):

Does any other Member wish to speak on the principles? Very well, then I call upon the Minister to reply.

9.1.12 The Connétable of St. Clement:

Yes. Firstly, can I thank Deputy Tadier for withdrawing his reference back motion that was very much appreciated. **[Approbation]** I would say to Deputy Morel, who asked the perfectly reasonable question why I did not bring this a few months ago. To be absolutely honest with the Deputy, I did not think about it. I should have done, but I did not think about it and I would rather be honest with the Deputy than try and make up some silly excuse. So, the Constables who spoke earlier in the debate, they are pushing, as far as I am concerned, at an open door. But I think we just need to think a little bit about consistency, because at the present time, because it is done by the Bailiff's Consultative Panel, the rules and regulations regarding events are consistent, because there is one body dealing with it. If it is all devolved to the Parishes, the risk is there are going to be different standards applied in different Parishes. So, there is that risk that needs to be thought about. But one thing I think I can say with absolute certainty: the Bailiff would be delighted to be relieved of this responsibility and, therefore, I would say to the Deputy of St. Mary, a new body would have to be formed. I am assuming that. I have been in this Assembly for a long time and I do remember, I am not sure if it was this Bailiff, or a previous Bailiff, or even the Bailiff before him, saying he would be very pleased to get rid of this responsibility. As I said, there is a certain level of consistency now and I know the Constable of St. Saviour was speaking about the noise level. Certainly, it is my understanding that Environmental Health give advice to the Bailiff's panel about the sort of decibel levels that should be applied at these various events. But it does not matter what those decibel levels are, because whether it is at Elizabeth Castle, or Howard Davis Park, or Springfield, if the wind is in the right direction you can hear it in St. Clement. I have had complaints in St. Clement about events going on at the FB Fields and at the castle and at Howard Davis Park. I am afraid whatever body we have regulating entertainment, that is not going to go away, so please do not think it will. As I said and the Minister for Infrastructure really emphasised it, there is complexity, because we have got so many different laws relating to the use of public spaces and public entertainment. It is quite a large piece of work that is going to have to be done. I will not, because it would be hard to support it, promise that a Proposition is going to come in a relatively short period. I would be foolish to do that. My predecessor tried that and here we are again today doing the same sort of thing. What I can tell

you is I will do my level best, my very best, to bring permanent regulation, permanent law, whatever is required before these triennial Regulations run out. I maintain the principles.

The Deputy Greffier of the States (in the Chair):

Very well. Those Members who are in favour of the principles, kindly show. The *appel* has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 45	CONTRE: 2	ABSTAIN: 0
Senator I.J. Gorst	Connétable of St. Lawrence	
Senator L.J. Farnham	Deputy M. Tadier (B)	
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.W. Pallett		
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. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

The Assistant Greffier of the States:

The 2 Members voting contre: the Connétable of St. Lawrence and Deputy Tadier.

Deputy M. Tadier:

We are growing in number.

The Deputy Greffier of the States (in the Chair):

Does the Education and Home Affairs Scrutiny Panel wish to scrutinise this matter, Deputy?

Deputy R.J. Ward (Chairman, Education and Home Affairs Scrutiny Panel):

Without being flippant, given the lack of legislation to scrutinise, I think we are going to have to wait until something comes along, then, of course, we will, but other than that, no, I am not going to call it in.

The Deputy Greffier of the States (in the Chair):

How do you wish to propose the Regulations, Minister?

The Connétable of St. Clement:

I propose that they be taken as read and propose them *en bloc*, Madam.

The Deputy Greffier of the States (in the Chair):

Are the Regulations seconded? **[Seconded]**. Does any Member wish to speak on the Regulations? Very well. I call upon the Minister to reply. There is nothing to reply to, so those Members who are in favour, unless you wanted to speak, Minister?

The Connétable of St. Clement:

No, I think I have said enough, Madam.

The Deputy Greffier of the States (in the Chair):

Those Members who are in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you wish to propose the matter in Third Reading, Minister?

The Connétable of St. Clement:

Yes, please, Madam.

The Deputy Greffier of the States (in the Chair):

Does any Member wish to speak in Third Reading? An easy job to reply again for you, Minister. Is there anything you wish to say?

The Connétable of St. Clement:

No, thank you, Madam.

The Deputy Greffier of the States (in the Chair):

OK. Very well. Those Members who are in favour of adopting the Regulations in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading. Very well.

10. Draft Sanctions and Asset-Freezing (Amendment) (Jersey) Law 201- (P.58/2019)

The Deputy Greffier of the States (in the Chair):

We move on to the very next item, which is the Draft Sanctions and Asset-Freezing (Amendment) (Jersey) Law 201- (P.58/2019), lodged by the Minister for External Relations and ask the Greffier to read the citation.

The Assistant Greffier of the States:

Draft Sanctions and Asset-Freezing (Amendment) (Jersey) Law 201-. A law to amend the Sanctions and Asset-Freezing (Jersey) Law 2019. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

May I ask my Assistant Minister to act as *rapporteur*, thank you?

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

The draft amendment is a short technical amendment to the Sanctions and Asset-Freezing Law, which comes into force this Friday. Articles 3(4)(c) of the Sanctions and Asset-Freezing Law contain a cross-reference to Article 28, that will restrict its use to asset-freeze designations made by the E.U., or the U.K., that have also been mandated by the United Nations. Any other designations made by the E.U., or the U.K., that were not required by the U.N. (United Nations), would have to be provided for in the relevant Sanctions Order by reference to Article 3(1) and 3(4)(e). The draft amendment would remove this cross-reference and would ensure that all those made subject to an asset freeze by the E.U., or the U.K., were designated with the asset freezing imposed by part 3 of the Sanctions and Asset-Freezing Law, by reference to Article 3(4)(c), regardless of whether the U.N. does, or does not, require an asset freeze. The original intention of the Sanctions and Asset-Freezing Law was that asset-freezing provisions could be engaged in as simple a way as possible, to ensure that they are the most effective. The proposed changes would provide for that and I move the Proposition.

The Deputy Greffier of the States (in the Chair):

Are the principles seconded? [**Seconded**]. Does anybody wish to speak on the principles? Very well. I call upon the Assistant Minister to reply.

The Connétable of St. Ouen:

Thank you, and I ask for the *appel*.

The Deputy Greffier of the States (in the Chair):

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

POUR: 35		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				

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

The Deputy Greffier of the States (in the Chair):

Does the Economic and International Affairs Scrutiny Panel wish to scrutinise this matter, Chairman?

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

No.

The Deputy Greffier of the States (in the Chair):

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

10.2 The Connétable of St. Ouen:

I would like to take them *en bloc*. They are very short and to the point and they literally reflect the Proposition that I made, so if I can ask Members to take them as they stand *en bloc*.

The Deputy Greffier of the States (in the Chair):

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

10.2.1 Deputy K.F. Morel:

Just to put everyone's mind at rest, because I can feel the disquiet coming from the Assembly, it is just to say that, as a Scrutiny Panel, we did receive a briefing on this matter and we were satisfied that it is limited to a very technical and necessary amendment, so we have no problem with it and will be supporting it.

The Deputy Greffier of the States (in the Chair):

Does any other Member wish to speak on the principles? Very well, I call upon the Assistant Minister to reply.

10.2.2 The Connétable of St. Ouen:

Thank you, Madam and, as ever, I thank Deputy Morel for his interest and engagement on this subject and welcome his comments and again I ask for the *appel* on this.

The Deputy Greffier of the States (in the Chair):

OK. The *appel* has been called and Members are invited to return to their seats. I will ask the Greffier to open the voting on the Articles.

POUR: 34	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.W. Pallett		
Connétable of St. Helier		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

The Deputy Greffier of the States (in the Chair):

Do you wish to propose the matter in Third Reading, Assistant Minister?

The Connétable of St. Ouen:

Yes, please, Madam.

The Deputy Greffier of the States (in the Chair):

Does any Member wish to speak in Third Reading?

Senator I.J. Gorst:

May I just second it, Madam? **[Seconded]**

The Deputy Greffier of the States (in the Chair):

Does any Member wish to speak in Third Reading? No? OK. I call upon the Minister to reply. Again, do you wish to go straight to the vote?

The Connétable of St. Ouen:

Thank you. I would not want to detain the Assembly longer than is necessary.

The Deputy Greffier of the States (in the Chair):

Is the *appel* called for? Very well. Those Members who are in favour of adopting the law in Third Reading kindly show. Those against? The law is adopted in Third Reading.

11. Consultants: reporting on their use by the Government of Jersey (P.59/2019) – second amendment (P.59/2019 Amd.(2)) – amendment (P.59/2019 Amd.(2)Amd.) as amended

The Bailiff:

I would like to thank the Connétable of St. Saviour for being so free with my telephone number [Laughter]. We now come to P.59/2019, Consultants: reporting on their use by the Government of Jersey. This is a Proposition that has an amendment from Deputy Morel, who is the proposer and also the second amendment from the Chief Minister and amendment to the Chief Minister's amendment, lodged by Deputy Morel. My understanding is that all the amendments would be accepted by the proposers of those amendments and, under those circumstances, I would be inclined to ask the Assembly to receive the Proposition in its completely amended form, but if, on the other hand, any Member wants to raise any issue in relation to any of the amendments then this is the time to signify and we will have the debate in the usual way. It just seems foolish to do it otherwise if nobody has got any concerns about it. Last chance. Right. Then, Greffier, are you able to read the proposition as amended and amended and amended?

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Chief Minister to present a report to the States on a 6-monthly basis on the use of consultants by the Government of Jersey, with the first such report to be presented by 1st December 2019 and with each report to include the following information – (a) the total number of consultants employed, or engaged, by the Government of Jersey for a contract value of £20,000, or greater, within the previous 6-month period, broken down by department; (b) the projects/engagements on which such consultants are working, or have worked in the preceding 6-month period; (c) a description of the purpose of the consultant's engagement; (d) the estimated total cost of the engagement; (e) the final total cost of the engagement (as soon as practical after the end of the engagement); (f) the daily, or monthly, rate of engaging, or employing, each such consultant and the total cost to date of that engagement, or employment; (g) confirmation of whether, or not, each such consultant was engaged, or employed, following a tender process, or quote selection process; (h) confirmation of whether, or not, a structured needs assessment was undertaken before the selection process was started; (i) the expected date on which the engagement, or employment, of each consultant is expected to end; (j) confirmation of whether, or not, a structured post-consultant engagement evaluation was undertaken; (k) confirmation of whether, or not, the contract has been, or is expected to be, extended; and (l) the title of the accounting officer responsible for the engagement.

11.1 Deputy K.F. Morel:

The spirit of this Proposition is best summed up by the words of the American journalist Daniel Schorr when he said that he was in no doubt that the nation has suffered more from undue secrecy than from undue disclosure. This was said, of course, about a nation, the United States, that is so powerful and influential that it will, on many occasions, have had reason to keep its secrets out of the public domain, for the public's own good. Thankfully, Jersey's secrets rarely need to be kept from

its tax-paying inhabitants. Instead of drawing up plans for, let us say, an invasion, our Government is quite rightly using its time to draw up plans for an even better education system, a future-proofed health service and a society that impacts less on the environment. Naturally, to achieve these things, we need to turn to the outside for help. We have neither sufficient skills, nor adequate capacity, within Government to effectively meet all of the complex challenges that we face as a society. To do so properly, we need to engage learned and skilled professionals from both inside and outside the Island. It is important to note that when drafting this Proposition it was this that was in the front and centre of my mind. We do need to engage professionals from outside the organisation. I have no doubt and neither should this Assembly, that at one time, or another, all aspects of our Government will need to and have engaged consultants whose advice has helped us move forward as a community. This Proposition, P.59, is not in any way designed to be a criticism of the Government's past, present, or future engagement of consultants. Instead it is a Proposition designed to stop the harm that Government does to themselves by not reporting openly on these engagements. Whether justified, or not, whether the Government of Jersey likes it, or not, the tax-paying public is concerned that consultants are being appointed without appropriate process, without fair comparison with similarly competent Islanders, or Island-based businesses and without the Government having a true understanding of whether they are getting best value for the taxes that we all pay from our incomes and our spending. By asking the Government to report regularly on their use of consultants, we are giving them the opportunity to allay Islanders' concerns, to show that they are hiding nothing and that they are confident that their engagement of consultants is being undertaken in a wholly proper manner. Of course, this information is already, theoretically, available on an *ad hoc* basis, either in response to Members' questions, or Freedom of Information requests, but as the answers to my written questions show today, open and full answers may not be as forthcoming as one would expect. In my experience, anyone currently wishing to gain an overall understanding of the Government's use of consultants – which, by the way, was an £80 million business in 2015 - has to go through a fairly tortuous process that involves requesting and then piecing together snippets of information, all in an environment that is far from welcoming of questions and at times hostile to enquiries. This Proposition is designed to remove that defensiveness and to aid the enquirer by putting the relevant information all together in one place. As well as creating an environment of openness and transparency that will help put an end to the damaging suspicions that Islanders have regarding the Government's use of consultants. P.59 is also designed to encourage monitoring and adoption of the Comptroller and Auditor General's 2016 recommendations on the use of consultants. I am afraid it is with a sense of disappointment that I have to report to the Assembly that having liaised with the Comptroller and Auditor General I can say that the vast majority of the 15 recommendations made in the 2016 report have still not been implemented. It is because of this that I have included a fairly exhaustive and highly prescriptive list of information that should be included in the Chief Minister's 6-monthly reports; aspects such as point (h) a free engagement needs analysis and point (j), the use of a post-consultancy engagement, are exactly straight from the Comptroller and Auditor General's reports. As well as helping States Members and members of the public gain the assurance we are all looking for in terms of understanding whether all consultancy engagements are necessary and being managed effectively, so that they deliver the best possible value for Islanders, it is my firm belief that P.59 will go a long way to helping the Government regain the trust of the public regarding their use of consultants. By removing suspicion, rumour and concerns about the way in which consultants are engaged, the Government will be freed from *ad hoc* questions and media coverage, enabling them to get on with the work we all want them to be doing, improving our Island and the public services that they deliver. So, with this in mind, I make the Proposition.

The Bailiff:

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

[15:45]

12. Channel Islands Competition Regulatory Authority: telecommunications strategy (P.61/2019)

The Bailiff:

We now come to the Channel Islands Competition Regulatory Authority: telecommunications strategy (P.61/2019) lodged by Senator Ferguson and I ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Chief Minister to – (a) request the Channel Islands Competition Regulatory Authorities to withdraw its consultancy document entitled *5G Spectrum: Draft Statement of Intent*; and (b) bring forward an overall telecommunications strategy for debate by the States, before any allocation of 5G frequencies is commenced.

12.1 Senator S.C. Ferguson:

We have got through business a bit quicker than I thought. I was going to suggest that I should delay this debate until September, with my second Proposition, but this would not be very useful, as the 5G frequencies could have been allocated by then. If the Chief Minister could assure me that the allocation would not be made by the first sitting in September then we could carry this over, but I rather fear that that will not be possible so I am afraid you are all going to just have to put up with the Proposition now.

The Bailiff:

We will not be putting up with very much unless some Members think about returning to the Assembly, because we are on the absolute limit at 25 at the moment, or 26.

Senator S.C. Ferguson:

Oh dear. I am sorry to join the list of people who can clear the Chamber in no time at all.

The Bailiff:

Carry on, Senator.

Senator S.C. Ferguson:

Thank you. This is the first of a 2-part Proposition and the second instalment, as you will have gathered, is due in September. This one is to call a pause, so that the information wanted by the public can be put together. In other words, we are stopping before we cross the Rubicon. Basically, to begin with, we have employed consultants to advise on strategy. They have produced recommendations and the Government of the day, pre the last year's election, set up a steering group which then produced a strategy action plan. If the consultants' report had been published, as they used to be, then the Oxera report of 2017, on a telecoms strategy for Jersey, would have been available more easily to you all. As it is, you can find it on the gov.je website and it cost £110,000, by the way, but the strategy proposed, which has not been debated in this Assembly, is not quite what Oxera proposed. Oxera made great play of promoting retail competition, among other things, as the best way of delivering the benefits of next-generation connectivity to consumers. This has got translated into J.T. supplying wholesale access to the gigabit network on a F.R.A.N.D. (fair, reasonable and non-discriminatory) basis, and allowing competition but, on the other hand, Airtel and Sure use fibre as little as possible, because of the price charged by J.T. Other recommendations by Oxera, which do not appear to have made it into the strategy, suggested adopting policies to encourage mobile network sharing, active network sharing and spectrum sharing, sharing frequencies. Returning to promoting of retail competition, you can have functional separation or structural separation. I would recommend, if you go to the end of the recommendations in the Oxera report, these are listed quite clearly. The most efficient method would be to have a separate company, still owned by the States,

to own the infrastructure. There are a number of financial advantages to this and I will return to them, as they are solvable details. We need also to consider universal service obligations, a cheaper landline service for pensioners, *et cetera*, and we have got to make sure that the cost and the funding is transparent. J.T. keep thinking up excuses to stop this. The last major attempt was scuppered by the Deputy of Grouville, but the topic will no doubt raise its ugly head again. In the U.S.A. (United States of America) utilities are required by statute to take account of the less well-off and this is something that should be taken up by Social Security. The strategy has not been debated by the States; it has not come to the States. There have been briefings where it has been explained to us by the Council of Ministers, who have the best ideas, somewhat along the lines of: ‘There, there, dears. It is too complicated for you. Just trust us. We are the Government.’ There were briefings, according to the Government comments, but did we really have a voice? Where is the Scrutiny report? There is not one. Carrying on, the Comptroller and Auditor General’s original report on the States, as shareholder, was extremely critical of the memoranda of understanding with J.T., which have not been reviewed for the best part of 10 years. Members may recall the comments by the Comptroller and Auditor General, in her follow-up report on the States as shareholder, published on 14th March relating to J.T. The question of proper discussion on transactions in infrastructure, there is no provision in the memorandum of understanding to consider core telecoms structure and no provision for the Treasury to employ specialised independent advice, part (d) of my September proposition. With the greatest respect to the Assistant Minister for Treasury and Resources, I am not sure that abstruse electrical engineering problems are his cup of tea, or would it be something stronger? There is also no provision in the M.O.U. (memorandum of understanding) for shareholder intervention in the event of substantial underperformance and the M.O.U. has not been updated to take into account the U.K. Corporate Governance Code at the very least. In fact, there is no requirement for the shareholder to be consulted on the Chairman of the Board, or the Directors and you have got to remember that the ultimate owner is the taxpayer and the taxpayer is carrying the risk. Until the Oxera report, the Treasury appears to have followed recommendations made by J.T. about the strategy with regard to telecoms. Is this the best way to do business? Surely we need independent advice? The comments by the Minister for Economic Development, Tourism, Sport and Culture on this Proposition tell us that the Council of Ministers has approved the telecoms strategy in early 2018 covering the whole industry. Effectively: ‘We know what is best for the Island. We understand all about telecoms.’ Really, Minister? The comments talk of again promoting retail competition in the industry, as does the C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) consultation document, but how can it be when J.T. owns the infrastructure and fixes the prices, thereby running a monopoly? The comments also talk of ways of preventing a proliferation of mobile masts. Are we expected not to have any say in this? ‘We are the experts, we know best.’ No, they are not and they do not. Regarding security, the Minister’s department assure us that they are in constant contact with D.C.M.S. (Department for Culture, Media and Sport) and N.C.S.C. (National Cyber Security Centre), but he does not mention G.C.H.Q. (Government Communications Headquarters). Dr. Levy, the technical director of G.C.H.Q.’s National Cyber Security Centre, said he had yet to be convinced about the Huawei self-policing of their equipment. He is quoted as saying: “The security in Huawei is like nothing else. It is engineering like it is back in the year 2000. It is very shoddy.” We have seen nothing to give us any confidence that the transformation programme is going to do what they say it is going to do. Members will also have noticed constant comment in the press about President Trump’s approach to Chinese engineering. When the senior officers of the C.I.A. (Central Intelligence Agency) and the N.S.A. (National Security Agency) warn against these products, it may well be time to take notice. We are just trying to build up business in the U.S.A. Does a system full of proscribed products help our cause and what about our markets in Australia and New Zealand; all countries where we have connections and which are following the U.S. policy? Anybody with a Huawei phone? I understand Google, under the American Emergency Management Order, will not be supplying upgrades to the Android operating system. How will that affect use of your phone? Will it reduce its operations and, if it does, I suggest you take it straight back to the

retailer and demand a refund? The Minister may say that ZTE, which is proposed to work with J.T., is not Huawei, but it has been fined 1 billion dollars. The penalty was assessed following an investigation showing that ZTE had violated U.S. sanctions by selling telecom technology to Iran and North Korea. If you have a weather app called 'Weather Forecast - World Weather Accurate Radar' by TCL Communication Technology Holdings Limited, then one of the analytical companies has found that the app was sending to Chinese servers data, including users' locations, email addresses, unique I.S. (Information System) digit and international mobile equipment identity numbers, whatever those are. It said that the app also had excessive permissions, including the power to lock, or unlock, the phone, know its number, read its files, access other apps and change the Wi-Fi network. Not exactly what we want. Carrying on, apparently any monies received from spectrum allocation to telcos in Jersey are returned to the Treasury from Ofcom, but is this revenue, or profit from the allocation? How much do we lose on the various merry-go-rounds? The Minister's comments are pretty scathing about my Proposition, which does not surprise me: "We know best, dear." Yes, there are details to be sorted out, like the operating mechanism of the infrastructure company, but the comments also ignore the fact that J.T. is running a retail monopoly, since it owns the infrastructure. That is why the other operators have avoided using the J.T. fibre and prefer a Wi-Fi approach and why there has been and will continue to be a proliferation of mobile masts. What seems to have been forgotten is that J.T. is a wholly-owned subsidiary of a group holding company. Wholly-owned subsidiaries follow the strategic policy of the holding company. At the moment, the group holding company has no independent advice and J.T. carries no risk. The risk is carried by the taxpayer, the people we represent. The Treasury are not even required to be consulted on the appointment of the Chairman and the Directors; a significant lack of governance. No self-respecting business would operate in this manner and here we are. What does this say about our control of strategic policy? I return to the other question. How do we ensure that our strategy applies to all companies? Any changes in the policies must cover the whole industry. We have one chance at this point in time to effect this. Before any of our telcos can proceed with 5G, they must have frequencies allocated. Whatever plan we adopt will need to be negotiated with all the telcos. We need to get them all on board, which is why we need independent advice when negotiating. If the monopoly position of J.T. is neutralised, then we will have a genuinely level playing field for our telco companies. This is a political decision. J.T. have already utilised a fair bit of taxpayers' money fighting C.I.C.R.A. It is for us to set the policy, so that they can follow it and any deal must be for the benefit of the taxpayer as well as the industry.

[16:00]

It is my understanding that we are paying more than we should for telco services, because of the local monopoly position. The elephant in the room are the health implications. There has been no pre-market testing of 5G. It is assumed safe if it does not burn the skin. Like the prior 2G, 3G and 4G networks, they are considered dangerous only if they heat the body. This is based on the F.C.C. (Federal Communications Commission) U.S.A. guidelines. While it would be fair to assume that 5G technology has been tested for risks, this is not the case. There is no compelling data on health risks. In fact, when 5G launches, it will be the first test on human beings ever performed. This is unprecedented for such a wide-scale public technology launch. Over 215 scientists from 40 different countries have appealed to the United Nations for urgent action to reduce the electromagnetic field exposure emitting from wireless sources. These scientists also submitted a letter to the F.C.C., asking the body to consider health risks and environmental issues before rapidly deploying fifth generation wireless infrastructure. Dr. Martin Pall, a biochemistry professor at Washington State University, has discussed the severe biological and health effects resulting from 5G, saying that the current guidelines are inadequate, obsolete and in favour of the telecoms industry. The European REFLEX study in 2004 was conducted on behalf of the E.U. by 12 institutions, for a total budget of 3 million euros. These show that even at a low S.A.R. (Specific Absorption Rate) value, representative of many mobile phones, significant biological damage is done in human cells and especially to the

D.N.A. (Deoxyribonucleic acid). Yes, OK, fine, there are probably alternative arguments in favour, however, the key concern is that the introduction of any form of 5G network is literally stepping into the unknown with respect to health risk. It would be entirely reasonable to assume that J.T. and the other telco operators have had comprehensive health studies to be part of their decision-making, prior to embarking on the 5G strategy. Those should be available to the public and definitely to the Minister for Health and Social Services. The reference in total, we have advice from Oxera, we have the strategy that J.T. have been following for themselves, it is necessary that we cover the industry with any pauses, we are interested in security and we need to allay the fears of the public with regard to the health aspects. Very importantly, we have a strategic priority wanting to create a vibrant economy and skilled local workforce, but neither of these is possible if we have installed equipment that is not secure. Jersey has an excellent reputation for providing a secure location for people and corporations to do business. We fought hard for that, sometimes against pretty tough opposition. Are we going to allow anyone to jeopardise that reputation? Reputations can be ruined in a nanosecond and take decades to regain. Do we not owe it to the taxpayer and our international clients to give this more thought? I am just asking Members to pause, to halt the crossing of the Rubicon and let us just pause for confirmation, the health impact assessment and a strategy and policy approved by us as representatives of the taxpayers.

The Deputy Greffier of the States (in the Chair):

Is the Proposition seconded? [**Seconded**]. Very well, the Proposition is seconded. Does any other Member wish to speak?

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

I do not know which Proposition that speech was about. Was it about this one, was it about the previous one of Senator Ferguson's P.96/2017 of splitting up J.T., or was it about the next one? This Proposition, as I read it, is to request the Channel Islands Competition Regulatory Authorities to withdraw its consultancy document, which has already been published, entitled *5G Spectrum: Draft Statement of Intent*. One thing about the internet is once it is out there it is always out there. The consultation document has happened; it has been spoken to, people in industry, the different providers and interested parties and they are our competition regulatory body, which turns around and tells us when there is an unfairness within our markets and what to do about it. That is who we have set up to give us advice about unfairness in the market. Then (b): 'Bring forward an overall telecommunications strategy for debate by the States.' We have a telecommunications strategy already. It was delivered in 2018, Oxera came along and they spoke to Digital Jersey, they spoke to all of our telecommunications providers, interested parties, States Members, Government departments and it was a very extensive piece of work that talked about what does Jersey want to be in the future with its strategy and what shall we do and what is fair. If that needs to be debated in the States, there could have been an in-committee debate and it could have been used as reference. This Proposition is asking us to do things that really are not there to do. But on a context that is much larger than the Senator's speech, things about health implications; 5G is less penetrative in its radio waves than 4G is. It is more like 2G, so we have already been around this. Television radio waves, that we have had for many years, it is about as penetrative as that. There is a level of we do understand the health implications with radio waves, we have had them around for a very long time and there is always this fear with new technology and certainly with radio waves and Wi-Fi that there is damage, but, again, there does not seem to be any medical evidence to support it, that it is going to turn us all into frogs, or give us extra arms. The Senator talked about the security aspects of 5G and the companies that create the technology that is used. There are 2 main providers. One is China and one is America. America has turned around and said: "The China one is unsafe". Is that a political economic argument, or is it a security risk? Are we saying that America would not have spyware in their hardware? They are upright-standing members of our globe. I guess if there is going to be spyware who do you want to spy on us? Is it America, or China? If there was spyware in there, it

would be a one-shot, one bullet in the gun. They would open the spyware, it would be picked up, it would be identified and they are not going to use that to find out what is happening in Jersey. They are going to do it for much bigger reasons and for a much bigger country where there are more social, political reasons for them doing it. They will not be able to do it again, because it will be identified straight away that these floodgates have opened and this data is being transmitted. J.T., I know when they looked at going and using ZTE and buying the hardware, they did go to G.C.H.Q. and they did go to the U.K. Government and they did ask if there were any risks and they were told no, so the U.K. Government's stance right now is there is not a risk from using this technology. So, J.T. have already gone and asked all the right questions before they started moving forward. I do not think we need to make a big meal out of this. The Proposition does not really do anything that helps this Island, or changes anything. The next debate will be the one that talks about security and health more from the Senator in the next Proposition that she has brought forward, but this one, I think, we should just get rid of and move on to the next item of business.

12.1.2 The Deputy of St. Peter:

The big question is why we, as an Assembly, need to keep a close eye on 5G and why this should be debated by us today and going forwards and why we must support, in particular, part of Senator Ferguson's Proposition. We must ensure C.I.C.R.A. act on our decisions before awarding 5G licences. I will not dwell on the health issues, the benefits of single infrastructure coverage, financial benefits of rationalisations. These arguments I fully understand and support and I know we will cover. I am not challenging the report *per se*. The issues I want to bring to your attention are based on the security of our Island, our brand reputation and ethics. I would like to share my experiences of working in the industry, a bit of a C.V. (*curriculum vitae*). This was primarily for a company called Symantec. I worked for them for 7 years in the 2000s, who were and still are the global brand leader in information security. You might know them by their retail trading name of Norton. While my day-to-day knowledge is out of date, I still have and speak with many colleagues from the industry, as well as former customers and partners. I feel my understanding is reasonably current. I would like to look at 3 issues: the urgency to deploy 5G, the ethics and then the security implications. 5G is being sold on performance. This, I am afraid, is not a reality. Technology, as most things in life, works to the convoy principle. That means performance is restricted to the least-performing part of the process. Now, the app you think will be improved by 5G will be reliant on - and not restricted to the following - perform better with 5G. Servers, both size and performance, internal networks, web application, performance and tuning, database design and smart phones, performance of the app and the version of the app on the smart phone, *et cetera*. Unless all of the above are tuned perfectly 5G will have limited benefit to the average consumer and 99 per cent of these issues are beyond control of the 5G provider. Thank you, Rob. **[Laughter]**. He is my Chairman of Education and Home Affairs. He does not yawn in those meetings. Is it technology that you are bored with? Sorry, Rob. The only exception will be to support a discrete application, where you are in control of the end-to-end process and only when it is proved that 4G, wireless, or hardwired, networks will not work and will restrict the effectiveness of the solution. I am thinking of the hospital, potentially. Driverless cars, definitely. The only real benefit to us would be the simple downloading of data such as movies and exceptionally large data banks. So, clearly, the Island is missing no opportunities by delaying. We do not have to proceed now. However, I accept a statement of intent and limited control testing gives out the right message that we are committed to being technology leaders and, in fairness, in general, this has been accepted by the providers. Ethics. Senator Ferguson has started on it and mentioned it and I will continue. When in the industry we had a standard joke. How do you sell a site licence to China? Answer: sell them a single copy. This reflects the respect the Chinese have for software licensing and intellectual property. Basically none. All you have to do is Google - and I am going to pronounce this wrong all afternoon - 'Huawei and Cisco theft'. I could have chosen many sources of evidence, but this quote is from the Coalition for a Prosperous America. Google it if you wish: "In 2003, internet equipment market leader Cisco Systems filed a lawsuit

against Huawei, accusing the Chinese company of a 'systematic and wholesale infringement of Cisco's intellectual property.' Cisco accused Huawei of stealing the software code for Cisco's Versatile Routing Platform routers. Routers are the key 'intelligence' inside the global internet, directing billions of internet bits and bytes down the right path at blazingly fast speed." All the data you send, if we send an email from our smart phones from the States of Jersey through 5G and today through 4G, if it goes through Chinese technology it goes through that router. That is fundamental.

[16:15]

"The case was settled confidentially in 2004, so there are few details available. But in 2012 a senior Huawei executive claimed publicly that the Chinese company did not use Cisco source code. Cisco General Counsel, Mark Chandler, reacted angrily, invoking the right under the 2004 settlement to correct any public misstatements made by the other party. In his Cisco blog Chandler wrote: "This litigation involved allegations by Cisco of direct, verbatim copying of our source code, to say nothing of our command line interface, our help screens, our copyrighted manuals and other elements of the product lifted from Cisco and put into Huawei." Absolutely transferred across. It is not just Cisco. T-Mobile were awarded £4.8 million in damages against Huawei in 2017 for misappropriating trade secrets. Motorola settled out of court in 2010, PanOptis were awarded 10 million dollars settlement in August 2018. This is current and also 2018 outside the U.S. (United States) in Germany, Huawei and ZTE, as mentioned by Senator Ferguson, were found guilty of patent and intellectual property infringement. In summary, the Chinese have no respect for global patents and intellectual property and use this tactic to build huge global businesses, based on theft. It is estimated that this could be costing the U.S. as much as 600 billion dollars a year. Do we want to support this? Do we want to support that sort of industry? Security: my subject. Let us look at why Huawei has become a hot topic, why Gavin Williamson was fired from the Cabinet by Theresa May for allegedly leaking his concerns. If there is nothing behind this, why have Australia and New Zealand banned the use of Chinese products with telco and the U.S., as a concession, demanding specific export licences to export U.S. products to China. My experience in the industry tells me it is not what you know that matters, it is what you do not. What security companies make public depends on many factors. I used to be, on behalf of my customers and partners, privy to much confidentially business sensitive information. We, as a business, were trusted advisers and invariably what went on with our customers remained confidential. We did not want the world to know the major issues they had suffered and certainly our customers did not. I suggest that is why I cannot find a statement from any security company warning against Huawei, or ZTE, but when I phoned my contacts they all, off the record, say: "Avoid." This is because it is a multifaceted situation. There are many agendas in play. You do not want to formally warn against and make public statements in a highly politically charged situation. You do not want to criticise a nation in public when you are also trying to do business with them, as Senator Ferguson told us earlier. The same applies to us in Jersey. We want to do business with China and the U.S. and the U.S. are saying the relationship with the U.K. will be harmed if they proceed with Huawei. I suggest the same applies to us. This is the first reason why I recommend these decisions must be made by us in the Assembly and we must support Senator Ferguson, particularly part (b). Now, I have spoken to all the 5G operators in Jersey; what is clear is those who are looking to test 5G, using Chinese products, are also totally aware of the risks and are following the U.K. developments and guidelines. This is work in progress, Deputy Wickenden. It appears the intent is to strictly comply with the policies of the U.K. security agencies. If the U.K. security agencies advise change, they will fully comply with the updated advice, even if this means changing their mobile network technology supplier. This is exceptionally good news and to be applauded. However, what happens if the fears of many are realised? For example, they could use spyware, or trojans are planted in the equipment and maybe this information gets into the criminal fraternity through the Dark Web and then maybe we are subjected to a scandal similar to, or worse than, the Panama Papers. Unlikely, I fully accept, however it is still a distinct possibility as other countries have publicly expressed their concern. Australia are concerned that this could provide covert access

for Chinese intelligence collection, making secure data vulnerable. OK, so what if these worst fears are realised and this is the key point: how will we be able to defend our situation, to allow our telcos to proceed with Chinese products? All we can then say after any form of breach is: “We listened and took the best advice.” That is all very well; however, at the end of the day who suffers? Will it be our advisers, or will it be us? I ask you all, is it worth the risk to our future and our Jersey bland reputation - have we got a bland reputation - brand reputation? I think not and that is the second reason to support certainly part (b) of Senator Ferguson’s Proposition.

12.1.3 Senator S.Y. Mézec:

I completely align myself with the comments made by Deputy Wickenden. I think that was his best speech of the day certainly. I want to just start by making the point: as an Island we are incredibly well served by J.T. (Jersey Telecom). My experience with them is that I have always had absolutely excellent customer service where they have always gone above and beyond. They provide some of the best, if not the best, internet connection connectivity in the world. I was recently in one of our small competitor jurisdictions and it was noticeable for me that the internet connectivity was nowhere near as good as it is back here in Jersey. Another point to say in their praise is that they were one of the first adopters of the Caritas living wage. I think, as an organisation which we own, we are very well served by them. I have to admit I do not really understand where much of what seems like a vendetta against them from Senator Ferguson with this Proposition, her next Proposition and previous Propositions she has brought, have come from. I just do not get it. It does not make much sense to me. In particular, when you look at this Proposition, the 2 things she is asking us to do just do not make sense. Part 1 asks us to forget about a consultation that is already complete. It simply does not make sense to do that. If we were at the early stages of a consultation, you could make a case for withdrawing it, or not going ahead; when it is completed, whatever the subject matter is, it certainly makes no sense. I hope that part is rejected substantially. The second part about bringing a telecom strategy to this Assembly, when we already have a telecom strategy and it is a pretty good strategy, if you ask me, the argument to bring another one to this Assembly for debate only makes sense if you can make a good case that there is something bad in the strategy we already have or if there has been some development since then that necessitates us revisiting it. In Senator Ferguson’s speech I heard no good argument for doing that. None at all. This whole issue of 5G, which is going to be revisited when Senator Ferguson’s next Proposition is brought after the summer recess seems to me at this point to be a bit of a damp squib when the telecom strategy itself is not suggesting that Jersey acts as a pioneer in this area, it is saying we ought to be a fast adopter, we ought to be ready for it and that to me makes perfect commercial sense, perfect strategic sense as well. All of these discussions about security and phones being monitored and all of this stuff, again does not make much sense to me when we have probably the best fibre network in the world, which is where pretty much all government communications, all business communications are going to be going through, so 5G in that sense is completely irrelevant to that. This idea that has been alluded to in the Senator’s speech and is overtly stated in her next Proposition in September, that we copy the American regulations or security specifications, again makes no sense when we are not an American jurisdiction, we are a British jurisdiction, our connections are with the U.K. They have a security service, they have their specifications that they will recommend and our Government-owned telecoms company has said: “We will do whatever they say. If they have concerns, we will listen to them, if they say that a course of action is the wrong one to undergo, we will not do it.” I simply cannot see what the problem is. It makes very little sense, I think, to be having the security concerns of another country rather than the one that we are associated to and to ask us to do something which has already been done and to ask us to scrap a consultation that is already complete, I think that this Proposition is a waste of time for the Assembly. I will leave it at that and I hope Members will see that this can be dealt with very quickly.

The Deputy Greffier of the States (in the Chair):

Senator, I did not want to interrupt you mid flow, but I did feel that it was a little unfair to suggest that Senator Ferguson is conducting some kind of vendetta against J.T. I did feel that it was impugning improper motive on the part of her bringing this Proposition.

Senator S.Y. Mézec:

In which case, I will withdraw that and instead say that this is clearly a topic of interest for her which I think she is misguided on.

The Deputy Greffier of the States (in the Chair):

That is absolutely fine.

12.1.4 Deputy K.G. Pamplin:

Before I start, I think I said the same thing a couple of months ago, but I was reminded of the fact while you are sitting in the Chair and some of us are wearing our purple ties and after Deputy Martin's speech, it is a pleasure to see you in the Chair today. I was not going to speak too much on this but I just want to refer to the final sentence in the Senator's comments in the Proposition where she says there are also concerns about the impact of Wi-Fi on the population, such as proliferation of towers and radiation. These fears can be allayed if there are fewer base stations. The reason I want to speak specifically on this and much like my colleague to my left here, I want to base that on my previous life, as the business manager of the Jersey Brain Tumour charity. One of the biggest issues we confronted in this world was when dealing with patients who would come forward with a diagnosis quite suddenly, quite quickly, as most cases are with brain tumours, a whole raft of questions: why has this happened? The first thing we usually say is please do not do a Dr. Google, because there is a lot of myth and misinformation out there which could be the worst possible thing when you are trying to give support to patients and family when dealing with a medical condition. One of the many questions we would often get asked by patients, family members, corporates or fundraisers would be: is there any link between mobile phone technology and in the increase of brain tumours? A common leap in this modern world. It is very important when running a charity and working with health professionals that misinformation, especially when it comes to health diagnosis, which could be easily now more spread because of things like Facebook, *et cetera*, it is very important when we provide information to patients especially that it is based on fact, data and research, because we do not want to go down that road for anybody. The truth of the reality is deformed cells and tumours, cancerous, or non-cancerous, have been around before modern technology. There is no question. Dr. Robert Grimes, who is a cancer researcher at the University of Oxford, which all brain tumour charities have strong links with, is quoted as recently saying again: "If phones are linked to cancer, we would expect to see a marked uptake, yet we do not." In fact, in 2012, Cancer Research U.K. organised an independent report and that concluded that there is no convincing evidence that being exposed to radio frequency fields, including those from mobile phones, masts and base stations, within the guidelines, could affect somebody's health. The U.K., the bailiwicks and many other jurisdictions have a set of international safety standards, which restrict the amount of electromagnetic radiation people can be exposed to. The exposure you would get from a base station is usually at least 100 times below international guidelines, therefore there is no good evidence - again this is from the Cancer Research independent report - that wireless internet, Wi-Fi, could cause cancer. There has been some media speculation and internet speculation that Wi-Fi and mobile phones could cause, or increase, an alarming rate of cancer, but this is not supported by data by evidence. Like mobile phones, Wi-Fi uses radio waves to send information, the radio waves provided by Wi-Fi are very low power, much lower than those given off by mobile phones and well within international guidelines. I say all that because it is really important in this modern world, where people get their information most likely now from social media, we see it with other subject matters in the public domain recently on vaccinations, on privacy settings on social media, because a lot of us ... how many times when you buy a modern piece of technology, or you sign up to for a platform and you get a very long list

of rules and regulations that you are supposed to read and how many of us just go: “Yes, yes, whatever”?

[16:30]

So, we therefore do not, because of the acceleration of technology, quite understand sometimes what we are signing up to. I just feel it is really important, especially for those out there who are struggling with diagnoses and trying to come to terms of why they have been given a diagnosis, why then if they live a very healthy life, which many people do who get diagnosed with non and cancerous brain tumours: “Why, I do not smoke, I do not drink, I am healthy? Why, why, why? It is because of my mobile phone.” We cannot get into that world, because we need them to focus on the path of the journey that they are going on. The success rates now, because of early detection in cancerous especially but also non-cancerous brain tumours, the survival rate is extremely high. We want them to focus on that. It does not help when fears are portrayed out there. There can be no question, of course, that it is going to take us a very, very long time because this type of technology has only been around a short period of time, until we fully understand any potential long-term risks. I just say that because, again, I have seen people on Facebook today just sharing information that I know is just simply not true and there are people out there who are going through very difficult times trying to struggle with diagnosis. That is the last thing they need. I just wanted to raise that point. In terms of this Proposition, again, I think we are so caught up in this that we need to just carry on but we are mindful that ... 5G, some of us do have it in our homes, if you have fibre internet you have 5G Wi-Fi in your homes, which you can only usually do in a small perimeter. If you go to the other side of the room, it drops out to your other Wi-Fi. We are already having this in our homes already. It has been around for a little while and the use of 5G, as others have said, is very short range so there will be short-term antennae needing to be placed in places. There is a lot of work to just figure that out. But we are way off that anyway. We have to be making sure that the policies are sound, that everything is above board. I really wanted to focus in and we have to be careful when we talk about fears of health when there are people out there who do not need to hear that, they just need to hear the facts and status. I just thought I would raise that.

12.1.5 Senator K.L. Moore:

I had not intended to speak today, as many Members often say, but I had somewhat disregarded this Proposition and felt at first glance that I would not be supporting it, largely for the reasons outlined by Senator Mézec. However, having listened to the speeches of the Senator and also the Deputy of St. Peter, I do have a greater understanding now and in fact find myself in a position where I will support them. I understand from the Senator that the Proposition is somewhat clunky at first glance, however the purpose is to delay the next action of C.I.C.R.A., which would be to go out to tender for the 5G network. Having spoken myself to J.T., I understand that 5G is not essential, of course, for us as an Island because of the success of our fibre project, which is now complete. It would be obviously for some reasons a useful thing to be able to say that we can achieve it, however we do have an excellent level of access to technology in the Island. When there is such a level of doubt, as has been expressed by previous speakers in terms of security and safety, it is paramount that we, as an Assembly, are absolutely assured of that security and safety, because fibre security, due to our reliance on technology and information that we circulate through digital devices, is absolutely of paramount importance that we are totally assured and reassured that we can protect our own data and the data of the many businesses who are based here in the Island. I will leave it at that. I would also like to add, as I followed Deputy Pamplin, as somebody whose brother died of a brain tumour, there is also no evidence to prove that technology does not cause cancer and every person who suffers from cancer of any particular type would love to know what caused it. It is one of those great things that many people have to deal with in life.

12.1.6 The Connétable of St. Brelade:

Just to be brief. This has been looked into by the Chamber before and I refer to Scrutiny Report 8 of 2007, which reviewed the perceived health effects of mobile phone masts in Jersey. I think it was a 113-page report, if those Members interested should wish to read it. It is important to bring that up to date with the influence of 5G, probably 4G as well. There was a lot of work done at that time, which I think was extremely useful and it was appreciated by members of the public who contributed. We cannot ignore these things and I think the Senator is right to bring the Proposition so that it, I suppose, sharpens people's minds on the matter.

12.1.7 Senator L.J. Farnham:

It has been interesting to listen to some of the speeches and we have heard some facts and good facts and we have heard some conjecture. You know, conjecture is opinions based on incomplete information. This is a subject that does need us to base our decisions on the facts. Not lack of facts, or conjecture. Now, Members will know that I am now the Minister with responsibility for telecommunications. I would like to thank Senator Ferguson for her interest in the telecom sector. A sector that is a crucial building block of Jersey's economy. The Senator has put a lot of work into this and I am grateful for her interest. However, I must oppose this Proposition for a number of reasons, all of which have been set out in the formal comment that has been lodged. In my view, the Proposition, lodged by Senator Ferguson, does not provide the necessary rationale or evidence that it needs to be supported. In addition, the report that accompanies this Proposition offers no evidence of a proper analysis of the local telecoms industry and the market place in which it operates. It also contains no evidence of any consultation or discussion of the proposals with the main parties affected, for example, J.T., Sure or Airtel, or the regulator, or my department. In contrast, in preparing our comment, we have consulted with the regulator and with the mobile operators on this matter. The majority of whom, while they welcome constructive debate on telecoms matters, have stated that in their view the Proposition is flawed. I know that 5G is a topic of great interest at the moment, as was 4G before it was launched, as was 3G and 2G before that. In fact, when the first mobile phones came out, we were all concerned and wanted to be reassured. I expect all of my colleagues here today will be familiar with some of the opportunities that this new technology offers and with some of the health concerns that have been raised, we need to understand those as well. Before I go any further, can I assure Members that my department is considering carefully both the benefits and the potential concerns associated with 5G. Allow me to turn to the content of the Proposition, which is, as you know, in 2 parts and I will take each part in turn. The first part of this Proposition calls for Government to ask the Competition Authority, the independent telecoms regulator, to withdraw its recent consultation document entitled *5G spectrum draft statement of intent*. As a matter of principle, while the Government does have powers under the law to direct and guide the regulator, it is important that doing so should be considered the exception rather than the rule and it should only be undertaken where there is a suitable weight of evidence. In this case I do not believe that there is, not least because the consultation in question, as well, closed on 14th June, prior to Senator Ferguson lodging her Proposition. This means that responses to this consultation had already been submitted and the regulator had already started reviewing these responses before the Senator's Proposition was lodged. Even if the regulator's consultation was still open, I do not understand the Senator's rationale for asking Government to call for its withdrawal. As Members may be aware, this consultation was, in essence, an information gathering exercise. It was published in both Jersey and in our neighbouring Island of Guernsey and sought feedback from all interested parties on C.I.C.R.A.'s proposed approach to allocating some of the bands of spectrum that can be used for 5G telecom services. The consultation - the now closed consultation - is merely one step in developing the Channel Island approach to 5G. It is non-binding on C.I.C.R.A. and it is certainly non-binding on the Government, or the States, of Jersey, which does not have to follow the approach or the timeline that C.I.C.R.A. has consulted upon. I can assure the Assembly that the approach Jersey will ultimately take to the roll out of 5G will be driven by the Government's agreed policy. This policy is under development and is being built on evidence, analysis and consultation. I am overseeing this

work at a political level and at an officer level it is being led by the Telecom Strategy Steering Group, which comprises officers from several departments across the States, as well as representatives from Digital Jersey and the regulator. The C.I.C.R.A. consultation in question does, I gather, provide new insight into the views of some key stakeholders as to when and how Jersey should roll out 5G services. This information will be added to the evidence base being used by Government as it considers the next steps it will take towards adopting the next generation of mobile technology and new technology. That will be so important in the development of Jersey as a world-leading technical hub. There are, as I am sure Members will recognise, a whole range of issues that need to be considered very carefully. These include managing the 5G rollout in a way that addresses any health concerns Islanders may have, that ensure we respect Jersey's environment and that we avoid proliferation of masts, as we discussed earlier today in Deputy Ward's question. It is also critical that our approach to 5G has security and resilience at its heart. This is why we are working closely with the National Cyber Security Centre and other experts in this field. This brings me to the second part of the Senator's Proposition, which asks Government to bring forward an overall telecommunications strategy for debate by the States before any allocation of 5G frequencies is commenced. Once again, I cannot support this Proposition, which appears to assume that there is no approved Government strategy. This is not the case, as we have heard from other speakers. The Jersey Telecom Strategy, that is not the J.T. strategy, but the Island's telecom strategy and the action plan that accompanied it were published in January 2018. This work was undertaken by what was previously the Chief Minister's Department with expert advisers Oxera and in conjunction with departments across the States of Jersey. As is only proper, this strategy was not created in a silo, or without appropriate transparency. There was significant consultation with industry, the regulator, consumer groups and States Members. The telecom strategy is evidence-based, fully consulted upon and the financial implications understood and evidenced and it is guiding the continued development of Jersey's telecom sector into the future. I recognise that Members will be anxious that delivery of what is Jersey's first holistic telecom's strategy will also contribute to this Assembly's stated ambitions. While the strategy may slightly predate the current Common Strategic Plan, it does support most of the strategic priorities. For example, it will help to improve Islanders well-being and health by providing residents with access to valuable digital services, many new medical services are coming online. It will help to create a sustainable vibrant economy. It will work to grow our digital economy and, very importantly, to drive productivity.

[16:45]

The strategy also aims to reduce income inequality by ensuring that connectivity is affordable and, from a performance point of view, as good as it possibly can be to all Islanders. It will help protect the environment by controlling and managing the rollout of infrastructure in a more strategic and considered manner that has been the case in the past. When it comes to the important topic of the last few weeks, 5G, the strategy also gives clear guidance as to Jersey's preferred approach. It is an approach that Members on both sides of this debate, I think, have agreed with and it recommends that Jersey should be a fast adopter, not necessarily a pioneer, in these new network technologies, thereby avoiding some of the risks and pitfalls that are associated with being a pioneer. But it also states that we should adopt policies that encourage innovation and enable Jersey to meet its ambitions to be a test bed and a world leading hub for new technology and ideas. That is something this whole Assembly aspires us to be. These are the principles that underpin our approach, the Government's approach, and hopefully the States Assembly's approach to 5G. If I may, I would also like to address briefly some of the points that Senator Ferguson makes in the report that accompanies her Proposition. The report raises a number of issues that are not directly related to the Proposition. These appear to be unsubstantiated and very little evidence is given to support them. For example, the Senator implies in the report that there is an issue with the way spectrum for telecommunications is currently allocated. I can assure Members that expert analysis undertaken indicates that Jersey gains considerable benefits from the existing arrangements. While spectrum remains a Jersey asset,

it is managed on our behalf by the U.K. communications regulator, Ofcom. This means Ofcom provides a significant spectrum policy input needed at international and national levels for all matters including the arrangements needed to ensure that there is no spectrum interference between users in neighbouring jurisdictions. Ofcom provides engineering and, if needed, enforcement resources. The profits received from spectrum allocated to telecoms provided in Jersey are returned to the States. We have conducted significant analysis that shows that this remains the most economic, efficient and effective way for Jersey to manage its spectrum assets. Spectrum management is complex and resource intensive. While Senator Ferguson does not attempt to estimate the costs involved, if Jersey was to manage its own spectrum, the cost of doing so would be far more than the profits, than the income that are currently returned to Jersey. Significant new funding would be needed to provide the necessary resource and spectrum engineering, spectrum planning, international telecommunications negotiation and spectrum enforcement. The report also suggests that the Government should set up a wholly-owned infrastructure company in which all 5G and existing frequencies should be placed, as well as all present and future towers and other such equipment. In effect, I believe that this is proposing a version of a structural separation similar to a Proposition the Senator made in late 2017; however, once again, very little detail is offered as to how this could be achieved. The report does not make clear what problem this would solve, or why structurally separating J.T. in this manner would be of best value to Jersey, of best value to the taxpayer. There is little evidence, or justification and, once again, no evidence of consultation with the affected stakeholders. Expert advice suggests that structural separation could be highly costly, commercially risky and should only be considered when other approaches have been proven to be ineffective. The Senator offers little or no detail as to the financial impact of this radical change, but claims that this would save operators money. It is difficult to see how this can be justified in response to the similar proposition from Senator Ferguson in 2017. Treasury officials estimated that the cost of structurally separating J.T. were likely to be substantial, with very large sums in compensating existing network owners required and restructuring the market along the lines set out in that proposed strategy and in the region of £10 million *per annum* in duplicated running costs thereafter. There is no reason to believe that these costs will have reduced in the intervening time. The report criticises Jersey's decision to build fibre to the home and business, claiming that this, and I quote: 'May not have been optimal.' I would firmly refute that assertion. Fibre to every home and business is considered to be the international gold standard and governments across the world are trying to achieve what Jersey has already done. You only have to look at the telecom strategy of other developed nations to see that this is the case. The U.K. and Germany are just 2 examples of countries that aspire to be gigabit nations. I am proud to say that Jersey's full fibre gigabit network supports the development of the Island's digital economy and has significantly strengthened the reputation of our Island internationally. In conclusion, on the grounds that the consultation referred to in the Proposition has already closed and is, in any case, non-binding on the Government of Jersey, or the States and that a telecom strategy is in play and has been published, notwithstanding the Senator's efforts and important interest in the sector, I ask the Assembly to reject the Proposition.

Deputy I. Gardiner:

Could I ask a point of clarification?

The Deputy Greffier of the States (in the Chair):

Yes, you may.

Deputy I. Gardiner:

I am a bit confused and I would like to ask a point of clarification about C.I.C.R.A. consultation because we have so many consultations going around; was the purpose of this consultation to consult only professionals? If yes, who were the key stakeholders who were involved in the consultation? Or it was an open consultation, because if it was an open consultation, as a States Member I do not

remember that I received any email, or have been involved to give any say for 5G? I am trying to understand what type of consultation we are talking about.

Senator L.J. Farnham:

Can I send the Deputy and interested Members details of the consultation paper and process, if that would be more helpful?

Deputy I. Gardiner:

But if we can get an answer if it was professional consultation and who were the key stakeholders, or it was open consultation so we, as States Members, could give our say and have been involved. I did not personally see the consultation, but maybe other States Members saw the consultation.

The Deputy Greffier of the States (in the Chair):

I think it would be helpful, Senator, to Members for them to have that before we go to the vote on this matter.

Senator L.J. Farnham:

As I understand it, the consultation was addressed primarily to the operators, those interested parties in operating 5G networks.

The Deputy Greffier of the States (in the Chair):

Deputy Higgins, I had you next on my list.

12.1.8 Deputy M.R. Higgins:

We have had a number of statements made which are against selecting ... in fact, obviously, when we do speak we only get a short period of time and we make a statement here but there is a counterargument. For example, we have been told that the U.K. Cyber Authority say there is no threat. However, I have been reading an article about the intelligence agencies that make up what is known as the 5 Eyes and that is the United States, Britain, Australia, Canada and New Zealand. These are the intelligence agencies that work together and show a great deal of intelligence. They have spoken out about Huawei, or however you pronounce it, I will say Huawei anyway as long as you all know what I am talking about. Australia started it off and they excluded vendors from their 5G rollout because they felt they were likely to be subject to extra judicial directions from a foreign government. We have to understand the relationship of this Chinese company with the Chinese military and the Chinese state and they are very much intertwined. In addition to that, Australia and New Zealand have effectively banned their involvement with 5G. Even the head of MI6, Alex Younger, who is head of the British Security Intelligence Service, made only a second public speech and he stated that we need to decide the extent to which we are going to be comfortable with Chinese ownership of these 5G technologies. The following day, the Canadian Security Intelligence Chief made his first speech saying exactly the same thing. One of the reasons why they have expressed this ... Deputy Wickenden, I think it was, mentioned about: "We got 4G, it was not a stretch or anything else." What they have stated is there is a difference, from a national security perspective. Whereas 4G networks have a core and a periphery, the governments could restrict who were involved in the periphery, but what they are saying is with 5G it is an integrated system and once you have set up the system, if a person gets in then they can affect the whole system. Now, you may say: "What has that got to do with Jersey? We are just a small Island, nobody is going to be bothered with us." However, you have to understand that, at the present time, cyber warfare is rife out there. What I mean by that is you have governments, who are trying to damage other governments and industries and steal secrets. For example, the United States inserted a trojan into the Iranian nuclear programme which sabotaged, or tried to slow down any way, the uranium enrichment programme making nuclear weapons. They had this inserted, they had got an agent into China and they got it into the system and then they activated it. It was called the Stux virus, or something, I cannot remember. In addition to

that, the Chinese have penetrated American military and defence industries and stolen from them some of the highest possible technology you can get. It is no coincidence that the Chinese 5th generation fighters, which are coming on the market at the moment, look like the American F22 Raptor and the F35 Lightning 2. Other systems have been stolen. So China, through not only breaking patents and intellectual property rights, have been going out and stealing from any country, including Britain, anything that they think will benefit them and it has enabled them to have a major transitional leap forward. Whereas they were well behind, they are now almost matching us. In addition to that, there have been fibre attacks, I think in the Ukraine and elsewhere, on the power grids. Now, you think about what we have in this Island. We have J.E.C. getting electricity from France, all connected by computers. Jersey Water relies on computers for processing. The air traffic control system relies on computers. We rely more and more on internet, cables going back and forth, and computers. They can be disrupted quite easily. I cannot believe that if a hostile power at some point wanted to do damage to us that they could not do it. I keep on looking at us here in the Island; I have asked questions before about the security of States systems. If the American Pentagon and their defence industries, with the firewalls and all the people they have trying to secure their system, can be penetrated, what chance has the States of Jersey stopping our own systems being penetrated? By the way, we spend a fraction of what the U.S. Government spends on security. If you think that we can protect our own things, you need your heads examined. If we look at Jersey again, we rely for most of our economy on the finance industry. I have often wondered about penetration of the finance industry in Jersey. I am not trying to be anti-Chinese, or anything else, we have other nationalities come in, but in the past we have had quite a number of Chinese nationals come into the Island and work in financial service firms and they have also worked at the Financial Services Commission in the past. I can remember one at the F.S.C. (Financial Services Commission) and he professed to know very little about computers, but I was amazed at how much he did know about computers. He was also a card-carrying member of the Chinese Communist Party as it turned out.

[17:00]

What I am trying to say is we may help these people, many of them are very good, but there could be some people who have other things in mind. I go back to something the Deputy of St. Peter said; at the moment we are probably OK with 4G, we do not need 5G this instant. I know many people like to be early adopters. There are many people, for example, as soon as a new computer comes out, it has a different chip, or it has this, or that, they go out and buy it. They do not have the programmes to use it, they will never use the capacity and the facilities they have but they feel they have to have them. Yes, I look forward to the days when we can have driverless cars. The main reason for that is not that I do not enjoy driving, I do, but in Jersey I do not particularly. I would sell my car tomorrow because it is just a money trap. You pay for it, you buy, it depreciates so quickly, you are paying insurance for it and it spends fuel and so on. What happens? You use it for a fraction of the time and it is sitting in a garage. If I could call up a car to go where I want to go it would be brilliant and save us all a lot of money. However, the technology is not here yet for a few years and I do not see why we have to leap ahead at this point in time. I would rather have some of the studies that Senator Ferguson was talking about. Rather than being fast, or early, adopters, I think we should just wait, do some further research and be very careful about what we do, because once we embark on this we get to a stage where we have spent a lot of money and everyone is reluctant to go backwards. I urge people to say it is not as straightforward as people make out. I thought, for example, Senator Mézec was very naïve when it comes to what is going on here. It is not his area of expertise and I do not think he should speak on areas like that, because he does not know. What I would say is I am going to support Senator Ferguson on her Proposition and I might also say too, I do like the idea of the infrastructure being held by one company. We have had complaints in the telecoms industry by some of the other operators that J.T. have had an unfair advantage, or they are not getting the best deal. If we own the infrastructure and J.T. is another retail outlet, like all the others, they can all fight for the

other but we know the infrastructure is sound and is being managed in the best possible way. I will stop at that but I will be supporting Senator Ferguson.

Senator L.J. Farnham:

May I just elucidate very quickly on the question Deputy Gardiner asked me, because I have checked and the process C.I.C.R.A. adopt is an open process, the papers are published on the website, so anybody can respond but in practice, especially on technical issues, it is only generally the stakeholders that keep an eye on this so they tend to be the ones that respond.

The Deputy Greffier of the States (in the Chair):

Thank you, that is helpful, Senator.

12.1.9 Deputy K.F. Morel:

I honestly do not know where to start. If I did not feel I owe it to this Island, I would sit down because honestly I have just heard people trot out Facebook conspiracy theory after Facebook conspiracy theory and it worries me that you guys are taking this seriously. OK, let us start ...

Deputy R. Labey:

Would the Deputy give way on a point of clarification? While there may have been people repeating Facebook theories, the Deputy of St. Peter does have knowledge of this and it is unfair to accuse the Deputy of St. Peter, in an excellent speech, with all his professional knowledge ...

Deputy K.F. Morel:

I am waiting for clarification.

Deputy R. Labey:

... of this of trotting out ... would he accept ...

Deputy K.F. Morel:

There is no clarification.

Deputy R. Labey:

... the accusation is unfair with regards the Deputy of St. Peter?

The Deputy Greffier of the States (in the Chair):

Deputy, would you sit down, please. The Deputy has not given way.

Deputy K.F. Morel:

I have not given way and there was no clarification required. As well as that being an unedifying experience, listening to this debate has been an unedifying experience. If you look at the Proposition before us, if you look at the report that accompanies it, not once are the health effects of 5G referred to in the report that the Senator has given us. The report that accompanies this Proposition is concerned purely with structural separation of J.T. That is what this is all about. There is no actual interest in the health events. There is no actual interest in even the security events. I am not sure off the top of my head, I do not think really Chinese technologies and concerns are raised in that report either. If you want to know about security, rather than going to the Deputy of St. Peter, I would go to G.C.H.Q. (Government Communications Headquarters), I would go to the National Cyber Security Centre. The Deputy of St. Peter shakes his head at me. I will note I am pleased, personally, that our Government, our regulator and the telecoms companies take their lead from Cheltenham and not from St. Peter. That is personally my perspective.

The Deputy of St. Peter:

Can I make a point on that, please?

The Deputy Greffier of the States (in the Chair):

Sorry, Deputy, will you sit down one moment. Are you asking for a point of clarification, or ...?

The Deputy of St. Peter:

No, I feel I have been challenged and I would like to clarify the point that I made.

Deputy K.F. Morel:

There was no challenge, Ma'am.

The Deputy Greffier of the States (in the Chair):

I think, within the speeches made by Members, it is only right and proper that they refer back to the speeches made by other Members and it is not necessarily impugning you in any way for him to say that he does not necessarily agree with some of the comments that you made within your speech.

The Deputy of St. Peter:

My point is he has totally misunderstood my point, that is what I would like to say.

The Deputy Greffier of the States (in the Chair):

Deputy, if you would like to continue.

Deputy K.F. Morel:

Deputy Pamplin referred to Dr. Google and the dangers of using Dr. Google. I am listening to people who have concerns about the health effects of 5G and it is right to listen to people who have concerns about the health effects of 5G, but we must also take the evidence we have today as the best evidence we have, anything else is speculation. You may well have heard these words before, there has been no pre-market testing of 5G, it is assumed safe, it does not burn the skin; like 4G, 3G, 2G networks, they are considered dangerous only if it heats the body. You have heard these words today, because they were uttered by Senator Ferguson today. The moment you type 5G safety test into Google those are the words that come up. They are there on the front page of Google, the moment you type in '5G safety'. That is where part of that speech came from, Dr. Google. What worries me is that we are a tiny Island. We have to make our best way forward, we have to make the best of all the information that comes to us and I appreciate it is confusing, but look at this Proposition. This Proposition is about asking for us to set aside a consultation process. That consultation process was about the allocation of spectrum, it was not about rolling out, it was not about setting up networks, that consultation process, as happened, we will see a report on it in the coming months and weeks, to set aside that consultation process just makes no sense whatsoever. It was just asking a question about how will it be best to allocate the frequencies for 5G. That is all it is. Why do you want to set that aside? If you want to question the health effects, if you want to question the safety, that is fine, there will be other opportunities, this is not that opportunity to do so. What also worries me is the amount of investment by various networks in Jersey. Let us not underestimate just how committed J.T., Sure and Airtel have been to this Island. They have spent many tens of millions of pounds serving this Island, all of them. We have 3 superb mobile networks in Jersey that enable us to communicate here in this Assembly as we send each other little WhatsApp messages, laughing at each other as we make our speeches. We depend on this information all the time, we use it constantly. Just off the top of my head, I think the 4G networks probably cost about £40 million, fibre network we know cost £40 million to £60 million, that is not even talking about the 3G and 2G that went before that as well. This is many millions of pounds that have been invested for us, for our benefit and what this type of Proposition does, what these types of discussions do is they put that at risk in the future because ... and Jersey will suffer as a result of it. On top of that, Jersey's good standing and reputation in the world. I have before me here media clippings. This Proposition itself has hit the trade and

communications media. By its nature that is international. So, we are already in the wider global telecommunications industry, we are already Jersey that tiny Island which is scared to move forward, to use technology to the best extent. This is the media of this week. The Senator's Proposition has hit the international media, it is there and Jersey's reputation suffers as a result of it. I have to ask you - and to some extent Deputy Higgins did mention it - do we all know what 5G is going to be used for? Some people have suggested that we have fibre, so we do not need 5G. To some extent there is an element of truth in that, but 5G is not really about your mobile phone, 5G is not really about you looking at the internet on your mobile phone. It will not hurt. 5G is about the internet of things. It is about digitising society, creating smart cities, creating that smart Island that we have committed ourselves to and say we are so keen on achieving. We will not do that in the same way with fibre. To truly achieve that you need 5G. To truly achieve autonomous vehicle mobility as a solution as opposed to ownership of transport, you will need 5G. I do have to say one thing here. Deputy Higgins, you can call up a car any hour of any day, it is called a taxi. You can do it anytime you wish. Sometimes you can use an app to do it as well, it is quite impressive. I feel like I have rambled, but I am genuinely worried when I hear the responses here. This is not a Proposition that is about the health effects of 5G, this is not a Proposition that is about the concerns we have about Chinese security, this is a Proposition that is just about a consultation process, which is about the spectrum allocation. To treat it as anything else is wrong. The Assembly is playing into the Senator's hands by treating it as this wider piece that it is not. Even the Senator's report does not mention those things, proving that it is nothing of sort. The second part of the Proposition, I do apologise, to bring forward an overall ... it is so absurd it just left my head entirely. To bring forward an overall telecommunications strategy, but we have an overall telecommunications strategy that has been debated, I believe, here. It is barely a year old. I was in the presentation with Senator Ferguson when it was presented last year. The Senator very well knows it is there, has read it, I am sure, so it is ridiculous. Just before I finish, I just wanted to go down to this Chinese idea, this American-led concept - and believe me, I know that China can play games and may play dirty so far as security is concerned - but we have to be realistic about what is going on here. It is a massive geopolitical game of which we know very little. Many of these health concerns, many of these health stories that hit Facebook, were started by *Russia Today*, the Kremlin propaganda arm. You will find that *Russia Today* has started much of this concern about health effects of 5G. As far as American concern about Huawei and ZTE is concerned, if I read to you this from *Business Insider*: "Within 3 days of the Chinese Government agreeing to provide 500 million in loans to an Indonesian theme park that the Trump organisation had a deal to licence President Trump's name to, the President stunningly ordered sanctions be rescinded against the major Chinese telecom company ZTE." What we are debating are the wins of Trump, the wins of Putin and we are sitting here trying to make sense of it. Rubbish. Do not withdraw the consultation document, the consultation was a perfectly reasonable consultation document. Do not ask for a new telecom strategy, we have a perfectly good telecom strategy, you will just be wasting money coming up with exactly the same strategy again. So, please, if you want to debate the health effects of 5G, if you want to debate the cybersecurity issues associated with using Chinese technology, let us do it in a debate which is about those matters, not this debate which is not about those matters. If you want proof of that, look at Senator Ferguson's report which does not mention it.

[17:15]

12.1.10 Deputy R.J. Ward:

A lot to follow; I might have the opportunity to be the voice of reason, which would be lovely, for a change. I think we all need to focus in on the actual Proposition that is being debated here today. We have slipped into a debate about 1 millimetre wave technology which, to be quite frank, if I was to ask many of you, I believe, to write me a little essay on it you would struggle a little without Wikipedia. That is what we need to remember; we are not talking about that today. We are talking about a consultation that happened which, by the way, I have open on my screen, the draft, so it is

already out there, from a group that was employed to do that consultation; and then the telecommunications strategy that already exists which we have already debated. I will also say that we have to have a context to this Proposition which means I will touch briefly on what is coming ahead in the future. The other Proposition that comes forward - and I am not debating it now, I just want to put it in context - is to take note of the emergency restrictions by the United States. So, if we get rid of our consultation and we get rid of our strategy we are going to replace it with something which I would characterise as wild and completely off the point and designed by somebody who is hardly rational anyway. So, I think what we are doing is we are taking something that is reasoned, thought through and considered and we are replacing it with absolutely nothing. This Proposition today is quite negative, quite destructive and not doing what many Members of this Assembly are thinking it is doing. The debate on the effects of 5G is something that we have to take on overall. This is about allocating the different parts of the spectrum of 5G, which is much wider, which is why it is useful, because you can carry a lot more information. The waves are different, so it may have a different effect, but again that is something for the future. I will also add that if you look back at P.96/2017 the Senator did suggest in that Proposition that we use Huawei technology, which is now suddenly the worst possible that we can use. There seems to be a lack of consistency here in what we are doing. When it comes to 5G technology and what we are going to do, what we really need is a consistent, intelligent and considered approach, which I am afraid we do not have with the wording of this Proposition. I say that very carefully: "with the wording of this Proposition." This is nothing personal, it is about the wording of the Proposition that we need to look at. So, I would urge Members really to look at it carefully, think really carefully and read the report, because it is quite disjointed, I believe and there are some factual inaccuracies in there and we need to not accept this Proposition today. Leave the strategy in place that we have and work on that if we need to and let us look at the actual consultation. By the way, the next Proposition suggests that we have a consultation, so there is a real contradiction in place here. So, please, I urge you, we are getting carried away with ourselves here a little, please let us just reject this Proposition and move forward.

12.1.11 Deputy J.H. Young:

I am going to take a different aspect and I am not going to speak at all about the business aspect, nor the strategic aspect, because I have absolutely no doubt this is well outside my pay grade, well outside my expertise and I will leave that to others. Because, clearly, when you look at the number of countries that have implemented 5G and how advanced they are, I am afraid it is like King Canute trying to stop it, I think. But, nonetheless, obviously the regulatory framework that is applied is a crucial matter and the aspects I want to touch on are the environmental aspects and the related issue of health. Obviously, health issues do not sit directly under me and I am going to absolutely, therefore, rely entirely on the Minister for Health and Social Services and his expert team. Nonetheless, when it comes to the erection of new masts and apparatus, the Minister for Health and Social Services is a consultee of the planning process about the installation of those masts; so it is quite right. While everybody was speaking, I was busily fast researching this thing, because I thought: "Where are we with this 5G thing?" I have had quite a few emails from members of the public expressing concern. Usually interested groups, we all have a lot of communications like that and, at the moment, I have not been able to find that there is what I would call the collective base of knowledge about the effects of this new technology. But, of course, again, I am going to give Senator Ferguson praise for bringing the Proposition here so we can talk about it. She has alerted us to a process and like Deputy Ward I read the document and what does it say, it says: "Well, we have done the consultation, here is our document, it closed on 14th June and during July and August we are going to make some decisions and we are going to invite some invitations for licences." But as I understand it, I think these are likely to be test licences, test beds, I do not know, whatever it is. I am not challenging any of that; what I am challenging is whether or not when I ask my teams: "Did we put any submission in, in terms of the environmental issues potentially arising?" The answer is, no, we did not, not anyway from the Environment team, it was the Health. So, as it stands I cannot say.

But, nonetheless, within the Minister's response there is a commitment there that the conditions that go on these licences will be applied. That means both conditions that will be proposed by C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) implied will be about health, power emissions and things like that, that I am told they already monitor and check and so on. But also the big issue is masts and this is where I see there is, potentially, an issue where I think further checking needs to be done, because, obviously, everybody has signed up and the Minister's response is signed up the same as our strategy is signed up, we have got to have mast sharing, because we do not want technology spreading all over the place. Yet, I am sorry; do I make an apology for reading Dr. Google? I think one tries to be selective and pick out the extreme sites from what seem to be well based and what seems to be suggested is that because the frequencies that are being used ... it is non-ionising radiation, but in different frequencies, resulting in a shorter wave length, which means that the waves do not travel exactly the same as they travel from other technology masts. There is a suggestion that that may require us to have more masts, because they may need to be closer together in order to ensure that that effective coverage is there. Of course, there is even suggestion - I do not know and I do not want to be unfair to the people who wrote it - but there may even need to be masts in lampposts and things like that. I do not know but, nonetheless, I am clear this is something that I think needs to be checked out in our work with C.I.C.R.A. and so I think Senator Ferguson has done right to alert us to that work and I will certainly make sure we do more work on that. Because I would like to find out the facts, are these Dr. Google sites that talk about these masts right? But I am afraid, when it comes to the Proposition, well, try as I might, can I see an argument for adopting Senator Ferguson's Proposition? I would like to, because I think she has alerted us to what I call the precautionary principle. When we take these new technologies we should be sure and more confident before we put them in. But I am afraid the actual mechanics of what we have got before us, which is to withdraw something that has already been done and secondly produce a strategy ... if it had said: "Check out the environmental and health aspects" I would probably sign up to that, but it does not say that, it says something else. So, I cannot support the Proposition but, nonetheless, I think it is a debate we need to come back to another time because we cannot stop the world, we have to embrace these technologies and make sure that we use them to best effect.

12.1.12 The Deputy of St. Mary:

I shall be very brief. Firstly, I align myself with the comments made by Deputies Morel and Ward that much of the debate we had today has gone way beyond what is on the Proposition and could have been returned to at a later date. But my sole point is simply this: that part (a) of the debate requests the Channel Islands Competition and Regulatory Authority to withdraw its consulted document and I wish to simply establish and reinforce what the Minister for Economic Development said, that C.I.C.R.A. is not an arm of Government, it is an independent body with its own obligations. I think that, in any future things, we should be aware of that and only in extreme circumstances should this Assembly, or this Government, seek to countermand what C.I.C.R.A. is doing under its lawful authority.

12.1.13 Deputy I. Gardiner:

I will be very brief, 3 sentences, because I did not speak, but I feel like I would like to make a couple of points. I am not against technology, I am not against Jersey Telecom and I think our way forward will be 5G eventually. If we need it urgent, now, to make a decision and to run forward I am not sure. I did meet with Jersey Telecom before this debate and I had a conversation with Jersey Telecom and with a couple of people involved and basically we are rushing into 5G because Guernsey gets 5G, but Guernsey does not have a fibre optic. We do need 5G to have a badge that we are a jurisdiction going forward and can show that we are going together in line with technology. But if we really need today 5G, basically I have been told that most 4G users would not experience any difference in quality if we have 5G network. To be honest, today in a risk of benefit analysis there is a potential in non-defined risk for non-realistic benefit. So, from one side we do need to go

forward, from the other side do we need to rush? I am not sure and there are lots of doubts in this room, so from my perspective I would like to see more consultation sought and us States Members to have more say and not just the professionals in this.

The Deputy Greffier of the States (in the Chair):

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

12.1.14 Senator S.C. Ferguson:

I would like to thank everybody who spoke. Basically, what I am wanting is to pause in the allocation of frequencies to consider removal of a monopoly. I do not think monopolies are a good thing. I want to make a level playing field in retail. But we need to listen to the public and allay the health issues. The Deputy of St. Mary made the point that C.I.C.R.A. is independent, yes, I know it is, that is why it says request C.I.C.R.A., not tell C.I.C.R.A., not command C.I.C.R.A.; request. I thank Deputy Pamplin for his comments. I was delighted to hear his assurances, but we do have fears in the community about it. I have had quite a lot of emails about it. I am interested that he says he has 5G, because I did not think the frequencies had been allocated yet, but we will just have to see. The Connétable of St. Brelade, yes, I think we do need to update that Scrutiny Report and I would hope that either the Environment Panel, or the Economics Panel, would do that. I thank Deputy Wickenden for his comments. I am not against new technology. I was playing with computers, in fact I was in the computer room at Columbia University Graduate School of Business the day when the moon rocket went off and we were watching one of the monitors at the back of the computer room. I am really very *au fait* ... well, I am perhaps not as knowledgeable about technology as I should be, but I am enthusiastic.

[17:30]

Deputy Mézec, I am delighted that he believes every word J.T. (Jersey Telecom) say, but I do not think he quite understands the concept of a monopoly. Obviously the Minister, yes, I agree we need to base opinions on fact, but again the Senator must agree that J.T. has a monopoly. Perhaps he thinks it is the Government's strategy, but it is our strategy, the Assembly's strategy, the representatives of the taxpayers' strategy ...

Deputy K.F. Morel:

A point of clarification, sorry?

The Deputy Greffier of the States (in the Chair):

Are you willing to give way, Senator?

Deputy K.F. Morel:

In what does J.T. have a monopoly?

Senator S.C. Ferguson:

J.T. has a monopoly in the infrastructure. This is the problem. This is why Sure and Airtel have operated around the edges to avoid using the J.T. infrastructure.

Deputy K.F. Morel:

It is very important ...

The Deputy Greffier of the States (in the Chair):

Senator, are you willing to give way for the Deputy to ask another question?

Senator S.C. Ferguson:

No, I am sorry, I am not giving way at this point in time.

The Deputy Greffier of the States (in the Chair):

Deputy, it is not really appropriate to be heckling in this way. The Senator has not given way, so please do let her get on.

Senator L.J. Farnham:

Maybe the Senator is just inadvertently misleading the Assembly. I think what Deputy Morel meant to say is that the mobile networks are independent, they are not held by J.T., that was all.

Senator S.C. Ferguson:

No, I know that they are independent. The whole point is that Sure and Airtel, as I understand it from people in the industry, do not use the fibre network if they can help it - J.T.'s infrastructure - because of the prices that J.T. charges, because J.T. have a monopoly. As a free market trader I do not believe in monopolies. There has been a lot of discussion ... I really could go on for the next half hour, but it is late and we are all going on holiday today.

The Deputy Greffier of the States (in the Chair):

No, we are not.

Senator S.C. Ferguson:

We are not, are we? Right. But I am sorry that Deputy Morel is so against everything. He worries about the frequencies and so on. I want all the telcos to be able to access all the frequencies, so that there is a constant standard of receipt of messages; however, as I say, what I really want is to pause in the allocation of frequencies to consider removal of the monopoly and to make a level playing field in retail and have a strategy which belongs to the taxpayer who is the shareholder and financier of J.T. I ask for the *appel*.

The Deputy Greffier of the States (in the Chair):

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

The Connétable of St. Saviour:

Are we taking it *en bloc* or are we doing (a) and (b)?

The Deputy Greffier of the States (in the Chair):

Senator, that is a matter for you. You would like to take it as part (a) and part (b)?

Senator S.C. Ferguson:

Take it part (a) and part (b), yes.

The Deputy Greffier of the States (in the Chair):

If you would give us 2 minutes to reset the machine. So, we will commence the first vote on part (a) of the Proposition, if I ask the Greffier to open the voting.

POUR: 6		CONTRE: 40		ABSTAIN: 0
Senator S.C. Ferguson		Senator L.J. Farnham		
Senator K.L. Moore		Senator J.A.N. Le Fondré		
Connétable of St. Saviour		Senator S.W. Pallett		
Connétable of St. Mary		Senator S.Y. Mézec		
Deputy M.R. Higgins (H)		Connétable of St. Helier		
Deputy of St. Peter		Connétable of St. Clement		
		Connétable of St. Lawrence		
		Connétable of St. Brelade		
		Connétable of Grouville		

		Connétable of St. John		
		Connétable of Trinity		
		Connétable of St. Peter		
		Connétable of St. Ouen		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy M. Tadier (B)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy L.B.E. Ash (C)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of 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 Greffier of the States (in the Chair):

If we then open the voting on part (b) of the proposition.

POUR: 10		CONTRE: 36		ABSTAIN: 0
Senator S.C. Ferguson		Senator L.J. Farnham		
Connétable of St. Saviour		Senator J.A.N. Le Fondré		
Connétable of St. Brelade		Senator K.L. Moore		
Connétable of St. Peter		Senator S.W. Pallett		
Connétable of St. Mary		Senator S.Y. Mézec		
Deputy M.R. Higgins (H)		Connétable of St. Helier		
Deputy L.M.C. Doublet (S)		Connétable of St. Clement		
Deputy R. Labey (H)		Connétable of St. Lawrence		
Deputy of St. Peter		Connétable of Grouville		
Deputy I. Gardiner (H)		Connétable of St. John		
		Connétable of Trinity		
		Connétable of St. Ouen		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy M. Tadier (B)		

		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		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.E. Ash (C)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of Trinity		
		Deputy of St. John		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		
		Deputy K.G. Pamplin (S)		

Deputy K.G. Pamplin:

Can I just have a point of clarification? I tried to get in before we voted. Senator Ferguson claims that I had 5G, but obviously I do not have 5G mobile technology. We do have 5G Wi-Fi in our homes; they are 2 very separate things. Just for a clarification.

The Deputy Greffier of the States (in the Chair):

Thank you for that clarification, Deputy. It is in Members' hands, the adjournment has been called for. If Members are in favour please show?

Deputy J.M. Maçon:

I wonder if just for clarity tomorrow, as we know we have got the in-committee debate, whether the Chairman of P.P.C. could just advise us when we will be concluding tomorrow.

Deputy R. Labey:

5.30 p.m. at the latest I think.

Deputy J.M. Maçon:

Considering the rest of the Order Paper is quite short, does the Chairman think, perhaps, we might be done by lunchtime tomorrow?

The Deputy Greffier of the States (in the Chair):

If I can interject, the length of time given over for the in-committee debate is a matter for the Chair.

Deputy J.M. Maçon:

Could the Chair then provide some indication?

The Deputy Greffier of the States (in the Chair):

By convention, it has been about 2 hours that have been given up to in-committee debates for matters that have come through from e-petitions in order to give them sufficient time as befits 5,000 people signing a petition. That was the thinking of the Chair at this point.

Deputy R. Labey:

I am very grateful to you, ma'am.

The Deputy Greffier of the States (in the Chair):

Very well, the adjournment has been called. If Members are in favour please show. The Assembly stands adjourned until tomorrow morning at 9.30 a.m.

ADJOURNMENT

[17:37]
