

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 9th SEPTEMBER 2020

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[9:30]

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

PUBLIC BUSINESS - resumption

1. Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201-(P.106/2019) - resumption

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

So we return this morning to the debate on P.106/2019, Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201- lodged by the Minister for the Environment. We are debating the principles and I would ask if any Member would wish to speak on the principles? If no Member wishes to speak I will call on the Minister to reply to the debate.

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

I am going to begin by thanking Members for the debate, so we are going to have the vote, and that is, from my point of view, a very important step. I said yesterday that I respected those who oppose what is being recommended here on principle. Of course what I was meaning there was about underlying political ideology. Thankfully we do not get that many before this Assembly, in a small Island, that raise these issues but clearly this is one. But that is not a concession that I make when those arguments are advanced on false arguments. Arguments based on misinformation and, in particular, I am going to start with the issue of inflation. It has been said, and I just circulated a note, that somehow I must have misled our economic advisers, not given them the right information, not listened to the debate we had on the reference back from Deputy Huelin, our new Assistant Chief Minister, and you have seen ... well, clearly the Hansard question was put and of course the truth is, as Senator Mézec says, it is the answer that is not liked. That is what it is. There are 2 issues obviously from my point of view, which are practical ones on inflation. One is whether the fee is likely to be inflation and the second is whether or not the works that people have to do to bring into compliance, which they should be doing already, is inflationary. Now what we have there is the commonest views are not mine. Of course I am a bit disappointed there, I had hoped that the new responsibility would leave us to have a more ... recognise the importance of balance in our Council of Ministers when we have to judge conflicting issues. There are occasions, in fact there always should in my view, those balances should override no sectorial interests. So I hope this is not a trend. Of course, economists, you do not like the answer, we all know that there are lots of different types of economists. There are all different schools of thoughts, Keynesian, and what have you; I think there is no perfect solution there in the world of economists. What I try to do is be pragmatic and practical. I like the Constable of St. Brelade, I get on with him well, I respect him, he is a great Constable in my Parish but when I hear him say: "I am not taking a blind bit of notice of landlords" it really rankles. He knows, although he was not there, I met them last February. I met them, I have had follow-up meetings with them. I gave them undertakings then and I said I would reduce the cost of what was proposed because the previous figures were higher. I changed the annual licence to 2 years, recognising that I needed to bring a more lighter touch. I changed the law to alter the electrical inspections to every 5 years, where there was any ambiguity over that. I schemed down, I kept it simple. What I did is I said: "Okay, if this is now changing for existing properties is it not fair that those people should be protected for an initial period?" and so I introduced a grandfather arrangement and I made that grandfather arrangement, it was always going to be a couple of months. It is 6 months and free. I have done that against the advice of my officers who tell me: "Oh my word, we have got to do cost recovery because that is the policy that we have had for a long time. All regulatory services should be fully cost recovered" but no, this is about the public interest and those political judgments have been made. But to say: "I am not taking a blind bit of notice" that is not justifiable. The truth of course is that the Jersey Landlords Association do not want a register or do not want licensing. That is clear. I respect that. They are entitled to that view and it is one where we have a sector or

interest that has to be weighed against other sectorial interests. Of course, the Scrutiny Panel itself, I have bent over backwards, Constable, to meet with the panel's requirements. I have got a long list here since last October. Thirty-two occasions; meetings, letters, correspondence exchanged, answering questions, arranging for the officers to come in and deal with points, and my belief is all of the things that were substantively raised, bar one, which is the amendment that the Scrutiny Panel have already lodged, it has been lodged for a long time, to extend the licensing period to 5 years, which I think is worthy of consideration, and I have told the Constable that, that it is worthy of it. I have responded to all of those issues raised in their Scrutiny report, which was published many months ago. I have to accept though the logic that I have changed the scheme a lot in response to the Scrutiny Panel. I see, since that work many months ago, why the Scrutiny Panel might want to have another look at it. But I have a question: if it is their intention to effectively try and negotiate or rework a scheme that completely utterly turns the principle about what we are trying to do here, which is to establish a register so we have a good system of ensuring compliance with the minimum standards, and nothing else. I am absolutely for consultation. Everything I do is I work really hard to do that. But Ministers do have to balance. When they get the consultation responses they do have to balance the issues that are set by one interest against others. They have to make a judgment and that is what I have tried to do here. Then of course throughout the whole debate we had the myth, it is amazing where this happens. A Member says it and other people pick it up and it becomes true. Six extra staff. Rubbish. Not true. Look, any of you who have worked with Environmental Health teams know that housing is one of the majority pieces of work they do. They do it anyway. 50 per cent at the moment of this Environmental Health team is spent on housing-related issues. I mean is it that they go out and they go out policing everything and have to search. No. They respond to complaints. Where do those complaints come from? I asked them. I have got a list there. Citizens Advice Bureau routinely refer issues to Environmental Health, the police, the fire service, social workers, Family Nursing, charities, even agents ask people to go round and sort these issues.

[9:45]

They are providing this work already but the key thing is they are having to do it, and I think Senator Mézec summed it up beautifully in his outstanding visionary speech. I wish I could speak like him but I cannot. I have to deal with practicalities. We want to turn from a reactive system to a proactive one where we can be more organised and efficient and effective in trying to ensure we achieve compliance. Of course, at the moment what we know about the complaints level, 448 complaints since the standards have been in. Of course a lot of these issues are not just straight housing issues. They are also combined often with issues of statutory nuance issues, noise, problems like that, dust, fumes, very complex. The housing officers are trained. We have those staff in place. They have been built up and I suppose Members might be critical, those Members that do not like it, they have been built up over the years. Some 20-plus years, some 3 years, we have got trainees there. We have those people in place now. What we can do and what I have said is there will not be new resources brought to this task. We can use our current team, and we will, more effectively and more efficiently. So the suggestion, for example, that we are going to go out carrying out thousands of inspections is a nonsense. We have already inspected 2,700 properties through Rent Safe. Only properties put up for rental for the first time will require inspection before the licence is issued. Grandfather dwellings, as I said, which is going to be the majority - it will probably be 90 per cent - are excluded from the need to inspect and they will be subject to inspections based on complaints and a very small random sample. There is no army of inspectors waiting to do this. I think we should really lay this. This idea that we are going to throw all these extra staff resources is simply not true. Now I can see a counterargument that I can hear now, and I thought, blimey, you get hung whichever way you do it in this Assembly. I take the costs away, I reduce the costs, I move it away from a full cost recovery scheme to a scheme where I have given the benefit to the landlords by reducing those costs. Then what? I am criticised. "Oh this has got a cost to the public sector." Well I think it is in the public interest because what is at stake here is people's health. Health and safety, nothing else. Of course

what a shame. It is almost as if the Environmental Health team is being treated in some derogatory way. We respect them when they do the work on food standards, when there is an outbreak of food poisoning in this Island. Environmental Health people get the support from the public. In COVID, their work has been outstanding, absolutely outstanding, and they have kept everybody safe. Yet when it comes to housing, no. Of course we can have regulation in financial services, that is okay because we make money, it is our principal earner. But regulation in people's homes, ooh no. I think there are some real issues. The I.T. (information technology) issues; it is said that we do not need a register because we already have the information. I ask Members, please, again, to read the reports that are published. We do not. This is a register only of properties which are rented out, rented dwellings. Nothing else. Not about the tenants, they are not recording those. Those are for other systems. It is true that we could build a complex system using integration from all the various ragbag of systems that the States have got in different areas but I ask, at what cost and time? What is wrong with a simple low-tech solution that is proposed here? A very simple register. Of course, if in time the grand design gets built, as is asked for, then it can be easily integrated into it. So why do we always have to spend millions of pounds on grand design I.T. to deal with simple problems? I am a pragmatist and so I think the regulation, and the way we tend to work it, does that. It is a simple job. Of course suggestions that the Minister will change the conditions in a licence. Absolutely not. I need to deal with Members who raise the issue of delegation. Of course there is delegation. They say this is a bad law because it does not deal with it. Because everybody knows that the powers of delegation apply right across the suite of legislation. It is obviously sensible. You have got to get Ministers involved there but there are some points which I will speak to about that in a moment, which I think are very valid points that can be subsequently looked at. Of course there is a fear here that the number, we will dry up. The number of new landlords and new rental properties will dry up as a result. I have looked at some figures the other day. I think Members saw them in a written answer. I thought they were very impressive indeed. Just take the example of dwellings in the waterfront area. Harbour Reach, out of 39 dwellings 27 rented. Le Capelain House, out of 133 dwellings 88 rented. Millais House out of 193 dwellings 134 rented. Now what it is going to be in Horizon, in the new scheme? Obviously buy-to-let for investment is really a very significant trend. The truth is that there is a constant flow of new landlords, and that is a good thing because what we are seeing, we are seeing a trend of improvement. We are seeing a trend away from poor conditions, badly constructed and sometimes unhealthy older properties or where they have not been maintained to the standards or adapted to new purpose-built building by-law qualified standards. This is really good. I think we have said, I want to pay tribute to our building industry, we have massively improved standards and I think that is a continual process that will go on. There will be properties drop out and there will be new ones come in. It is important to have that market. Inspections: why do we need to inspect all of those new flats? Of course you do not. It is just when a new block gets built you just have a look at one. A sample. It is sensible, there is no bureaucracy intended here. There is no need. But of course if somebody does have a problem with the premises that is causing fumes or something like that then it would have to be followed up and dealt with. I think comparisons have been made to schemes in Liverpool and so on. We have a small population. I think the estimate being spoken of, 20,000 properties, is way higher than the numbers I have been advised to expect. I have been advised to expect about 10,000, and I am advised to expect about 9,000 people will be grandfathered, i.e. in the first 6 months 9,000 will come forward and register and none of those will be inspected. There were some contributions which were much more, I think, balanced and I want to answer those Members because I want to try and see if I can persuade them. Of course Deputy Gardiner said she was in 2 minds. I do understand that because they are complex issues here. She raised the question of lodgers and I have asked about it, and it did occur to me that lodgers share accommodation. They share premises with the householder. Of course what they are is they are all enjoying the same conditions in their premises. So in terms of the purpose of the law, there does not seem to be any need or benefit seeking to include them in this licensing arrangement because we are only interested in the actual main property. Of course if the person that has that lodger, the

householder controls that. There are tenancy issues but of course that is nothing to do with this law. All the tenancy-related issues all come under the Minister for Children and Housing. I have it for my sins. I have the Environmental Health portfolio. That is the only issue that these regulations are designed to deal with. So that change to the primary law that Deputy Gardiner suggested. I think it would be difficult and complex but, above all else, I think it would be a huge extra chunk and it really would be bureaucratic if we had to go and regulate every lodger in every ... I think that would be a really high level of intervention. So I think that is not right. The Deputy of St. Mary raised a very important point. Yes, I absolutely agree with him that having appeals to the Royal Court is a retrograde thing. We should be having a tribunal. Members will know that many years ago I led the move away from Planning Royal Court hearings into planning inspectors. It did not quite come out as I wanted. I wanted a tribunal but we ended up with a single inspector. I am not in command of the Council of Ministers work plan on this. I am frustrated by that and other important matters like the Ombudsman are not progressing. I am very unhappy about that. But I think this is where I look to perhaps our new Assistant Chief Minister in his elevated role. Perhaps he could provide some vim and effort in that to progress those things. I think the Deputy of St. Mary is right but there are some things that I think we could do in the meantime. For example, in the planning side, a kind of halfway house appeal was introduced, whereby if a decision was appealed ... if it was a delegated decision it would be appealed to a Minister. I think that is something that could be done by a protocol. Even if it cannot be done as an official appeal I think it can be done. I think it is probably done as well on the Population Law issues as well. So I think there are some processes that I could look at to find ways to provide pragmatic and practical ways where challenges can be made and somebody does not have to go straight to the Royal Court if they do not like an officer's delegated decision. I will think about that, how we might do it. It might be a Minister, it might be an Assistant Minister. It might have a little group of Members, I do not know. I like to be very pragmatic in doing them. Then I think Deputy Pamplin, he is such an independent thinker and I think it is really important we have that. He said he did not like the tone. I do not like it either. I am having to speak in a way which is foreign to me. I am not a person who likes to have to deal with conflict of opinion. I like consensus. I build consensus. I try to do things by agreement. So I am having to work in a very foreign mode and I do not like it. My duty, and sometimes in life you have a duty to do it, and it is my duty to see this through on behalf of those people that are not enjoying their full share of decent housing standards. So I hope Deputy Pamplin will come on board with us on that because he is right, we all want to see safe places for people to live but please, we do need to have the means of doing it. I am going to thank another excellent speech in favour of Deputy Martin. As long as I can remember Deputy Martin has been the outstanding champion of the people.

[10:00]

Right from the early days when Deputy Martin was a Deputy and I was a mere civil servant at the time, I remember it. The Deputy was in absolute lead in terms of dealing with ordinary people in their lives and housing. That has been a theme. Thankfully we have seen improvements. We have seen improvements in housing standards and some of those problems are less prevalent but they are still there. I think when the Deputy says that we need this I ask Members, please, to listen to what the Deputy says. This is not coming forward unnecessarily. This is really important. Of course, Deputy Wickenden; yes, you are right. Of course delegate. Of course it needs delegating powers. I hope you will come on board - this is another one of our Assistant Chief Ministers -.I hope you will. We all need protocol on that. We will do that and we have time to do it. I think issues of lodging houses has been raised, the spectre of lodging houses. Lodging houses of course are not under this law. They have to be dealt with by the same team, of course. They are under the Minister for Children and Housing and of course they have been a source of trouble and problems over the years. Primarily of course my proposals are not intended to do that. The intention of course is to repeal that law, as I understand it, but it is not in my responsibility. So the Constable complains about heavy-handed processes that he has had experience. There are lots of things I could say but I respect the

Constable of St. Ouen here and so I am not going to say things about his experiences, which I do not think is the right thing to do, but I ask him please, recognise that the lodging house issues are, I do not believe, the same and they are not the same as the rented dwellings issue. I had the issue of what you might call an intermediate-type issue, which are not lodging houses, where you have shared accommodation, which is part of people's employment, which are not risks of lodging houses but they share accommodation, and I have stripped that down to a charges structure that makes sure that all the fears that people had about agricultural industry getting charged huge sums of money on a per unit basis, none of that will happen. That kind of halfway house is ... there are not many of those and of course there are not that many lodging houses either. I think the vast majority are people's ordinary homes. If I may just have a pause, I will just check my notes to see if there is anything else I may need to deal with before it goes to the vote. I am asking Members please try and set aside the ideology, please support this. If the Constable decides he wants to call it in, so be it. I cannot oppose that. It is his right. If he does, I will work with him again to try and see if he has found something new in this scheme where it can be altered but I think within the framework of what we have got here, we have got a scheme which I think, as I said, is ready to go, low cost and will not cause the fears that some Members are seeing. I want this to be a success because I am not ... I have spent a lot of my life as a civil servant doing regulatory work, and I do not do bureaucracy. Systems need to be proportionate and no more level of intervention than what is required, and I have made that quite plain to the officers here and I believe we have got it to that point. Thank you. Can I propose the regulations in principle and ask for the *appel*?

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

So the Greffier will add a vote in the chat channel shortly. The vote is on the principles of P.106. Please try to vote using the forms. I will keep the vote open for a fair period but if you do have a problem you can vote in the chat channel so long as the vote is open. Once the vote is closed that is the end. So I will keep the vote open until we have sufficient numbers to be able to close it. We have had 44 Members using the online form, so I will just leave it another couple of seconds, anyone can still vote. Anyone who has struggled, this is your chance to cast your vote in the chat otherwise I will ask the Greffier to close the vote. Having done that, the Greffier will now publish the results in the chat channel. So the result is that the principles have been rejected.

POUR: 21		CONTRE: 24		ABSTAIN: 1
Senator T.A. Vallois		Senator I.J. Gorst		Senator J.A.N. Le Fondré
Senator S.W. Pallett		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator K.L. Moore		
Connétable of St. Helier		Connétable of St. Saviour		
Connétable of St. Lawrence		Connétable of St. Brelade		
Deputy J.A. Martin (H)		Connétable of Grouville		
Deputy G.P. Southern (H)		Connétable of St. John		
Deputy M. Tadier (B)		Connétable of Trinity		
Deputy M.R. Higgins (H)		Connétable of St. Peter		
Deputy J.M. Maçon (S)		Connétable of St. Ouen		
Deputy of St. Martin		Connétable of St. Martin		
Deputy of St. Ouen		Deputy of Grouville		
Deputy L.M.C. Doublet (S)		Deputy K.C. Lewis (S)		
Deputy R. Labey (H)		Deputy S.J. Pinel (C)		
Deputy J.H. Young (B)		Deputy S.M. Wickenden (H)		
Deputy G.C.U. Guida (L)		Deputy of St. Mary		
Deputy of St. John		Deputy G.J. Truscott (B)		
Deputy J.H. Perchard (S)		Deputy L.B.E. Ash (C)		

Deputy R.J. Ward (H)		Deputy K.F. Morel (L)		
Deputy C.S. Alves (H)		Deputy of St. Peter		
Deputy K.G. Pamplin (S)		Deputy of Trinity		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy I. Gardiner (H)		

2. Draft Taxation (Implementation) (International Tax Compliance) (Mandatory Disclosure Rules for C.R.S. Avoidance Arrangements and Opaque Offshore Structures) (Jersey) Regulations 202- (P.129/2019)

The Bailiff:

The next item is the Draft Taxation (Implementation) (International Tax Compliance) (Mandatory Disclosure Rules for C.R.S. (common reporting standard) Avoidance Arrangements and Opaque Offshore Structures) (Jersey) Regulations, P.129/2019, lodged by the Minister for External Relations. Members will recall that the principles were adopted on 16th June and then it was referred to the Economic and International Affairs Scrutiny Panel. We therefore now return to consideration of this matter in Second Reading and, for completeness, I will ask the Greffier to read the citation again.

The Deputy Greffier of the States:

Draft Taxation (Implementation) (International Tax Compliance) (Mandatory Disclosure Rules for CRS Avoidance Arrangements and Opaque Offshore Structures) (Jersey) Regulations 202- (P.129/2019). The States make these Regulations under Article 2 of the Taxation (Implementation) (Jersey) Law 2004 , and following the decision of the States, taken on the day these regulations are made, to adopt P.129/2019.

The Bailiff:

Minister, how would you like to propose the regulations?

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

I will take them *en bloc* and speak to them briefly, if I may. I would like to start by thanking Scrutiny for the work that they have undertaken over just before summer and during the course of summer. I recognise that it has been a difficult time but I am very grateful for the work that they have done because they have articulated some of the questions which were put to me, and it gave an opportunity to address those questions more fully than it would have done had we just proceeded directly into Second Reading. These are obligations, which the Island has signed up to, but it is important that we consider our competitiveness and the effect that it might have on business here and whether, of course, the regulations that we are bringing forward are modelled on the international standard, and to ensure that we are giving appropriate authority but not excessive authority. If we deal with Regulations 1 to 5, that is the interpretation provisions, and these definitions are taken from the O.E.C.D.'s (Organisation for Economic Co-operation and Development) model rules for mandatory disclosure regime. Regulations 6 to 12, these are the requirements to disclose common reporting standard avoidance arrangements or opaque structures, and these regulations describe the substance of what intermediaries are required to do by the regulations, what is the obligation when the disclosure needs to be made and the information required. Then Regulations 13 to 20 provide for penalties if these obligations are not met and the appeals process. I maintain these regulations in Second Reading.

The Bailiff:

Are the regulations seconded in Second Reading? [**Seconded**] Does any Member wish to speak on the regulations or any of them in Second Reading?

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

It is just to say that, as the Minister mentioned, Scrutiny have undertaken a fairly extensive scrutiny on this Proposition on these regulations and we have finally received the answers that we were looking for from the department, and we have reached out to finance companies and other stakeholders who, to be honest, in their lack of response has led us to believe that they are happy with these regulations. So with our questions answered we are content with the regulations and would support their adoption by the Assembly.

The Bailiff:

Does any other Member wish to speak on the regulations? Then I call on the Minister to respond.

2.1.2 Senator I.J. Gorst:

As I said, I thank the *Chair* and his panel for the work that they have undertaken. I also thank officials, not only in my Financial Services division but in the Revenue Jersey division as well for the constant work that they undertake in this complex but vitally important area, and I call for the *appel*.

The Bailiff:

In a moment the Greffier will add a vote to the chat channel.

[10:15]

The vote has now been added and it is open and I ask Members to cast their votes in the usual way. Forty-two Members have indicated their vote. If anyone has had any difficulty, of course, please do indicate also in the chat channel. I will wait a moment or 2 longer. I now ask the Greffier to close the voting and the results will be posted in the chat shortly. The regulations have been adopted in Second Reading.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
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. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				

Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy 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 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:

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

Senator I.J. Gorst:

I maintain the regulations *en bloc* in Third Reading. Thank you.

The Bailiff:

Thank you. Are the regulations seconded for Third Reading? **[Seconded]** Does any Member wish to speak on the regulations in Third Reading? If no Member wishes to speak in Third Reading then again I will ask the Greffier to add a vote to the chat channel. It is there, I open the voting and I ask Members to cast their votes in the normal way. Thirty-nine votes have been cast and I will wait a moment or 2 longer. I now ask the Greffier to close the voting and the result will be posted shortly. The regulations have been adopted in Third Reading.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
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. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy M. Tadier (B)				
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 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)				
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3. First Tower Park: protection from States development (P.92/2020)

The Bailiff:

Very well, the next item is First Tower Park: protection from States development, P.92, lodged by the Connétable of St. Helier and I ask the Greffier to read the Proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Council of Ministers to remove First Tower Park, St. Helier, from its shortlist of potential sites for Jersey's new hospital.

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

As Members will be aware, the subject of this Proposition First Tower or St. Andrew's Park has been removed from the shortlist; however, I would like to say a few words about the Proposition as I believe it is my right to do. I would first of all note that there are no comments from the Council of Ministers on this Proposition and it seems to me that the Council of Ministers has now so little respect for Back-Benchers that they simply do not bother to put comments to Back-Bencher Propositions and if they do they always leave it to the last moment. I would also add that any last vestiges of trust in the new hospital site selection process were destroyed when a park such as First Tower or St. Andrew's was deemed fit for consideration as a potential building site. If I could refer now to the report that accompanies my Proposition because I am not convinced that all Members of the Government have read it. I would like to quote a few paragraphs from it before winding up. I say in my report to P.92 that: "It is regrettable that the Government of Jersey does not appear to understand the value of public parks despite the many debates that have taken place in recent years and despite decisions by the States Assembly over the years not only to protect those parks which we have but also to add to the quality and quantity of green space in the Island. In putting forward a shortlist of potential sites for Jersey's new hospital that includes People's Park, the Government is attempting to disregard the decision of the States Assembly taken last year on 13th February (P.5/2019 amendment) which specifically rules this out. It may be argued that it is 'the process' that leads the Government to do this, but I would argue that this latest round of site selection in the expensive saga of Jersey's new hospital project has already failed, unless, of course, this is but a cynical ploy to divert public attention away from other sites on the list which have not already been ruled out by the legislature. So much for People's Park, which cannot be left on the new hospital shortlist because the States has so decreed." It will seem clear to Members that when I wrote this *projet* to protect First Tower Park, I believed that People's Park was already protected because the States had taken a decision to do so. It begs the question if First Tower Park had not been removed by the Government, and if this Proposition now was debated and won, would it mean anything at all because it is clear that the Government does not pay any attention to decisions made by the Assembly. This of course is a far, far cry from the days of certainly when I joined the States when a Back-Bencher or any Members' Proposition, once adopted by the States, meant something and woe betide any committee of the States that sought to unpick or simply ignore a decision of the States, they would very quickly be facing a vote of no confidence. I have to ask the question, given that the Government, the Council of Ministers, has simply chosen to ignore a decision of the States, why is the Council of Ministers not facing a vote of no confidence for the way it has behaved? I am now going to go to the end of my report: "As with the reappearance of People's Park on the new hospital shortlist, the inclusion of this public park may be designed to whip up a storm of public protest that will make people who object to the other sites on the shortlist struggle to get their voices of objection heard. An alternative reading of the situation is that the decision to consider First Tower Park ripe for development shows a breath-taking lack of understanding of the importance of public green space in urban communities. I am not

going to rehearse here the arguments which are set out in the Island Plan on why public parks matter, or the principles to which the Government ought to subscribe to as it has signed up to them on many occasions, for I do not believe that there is a realistic prospect of Jersey's new hospital being constructed on the site of First Tower Park." I simply want to wind up by saying that it really would behove the Council of Ministers to go back to its strategic commitments to urban green space. It is not fair to expect the Parish of St. Helier to take the burden of the Island's development, and 3,000 new units are being planned by Andium alone in the next decade, and to deprive St. Helier of the urban green space which is so essential for the quality of life of residents and those who visit and work in the capital. So with those words I would now seek to withdraw this Proposition because it has been overtaken by events, though clearly I remain extremely unhappy about the situation in which we find ourselves. Thank you.

The Bailiff:

Thank you very much, Connétable, you are entitled to withdraw the Proposition because the debate has not yet opened and therefore that Proposition is now withdrawn.

4. Les Écréhous and Les Minquiers: prohibition on the landing of domestic animals (P.94/2020) - as amended

The Bailiff:

The next item is Les Écréhous and Les Minquiers: prohibition on the landing of domestic animals, P.94, lodged by the Connétable of St. Martin. Before I ask the Greffier to read the Proposition, I am conscious that there is an amendment and an amendment to the amendment and could I begin by asking the Connétable whether the amendment is to be accepted. I am going to test the mood of Members to take the Proposition as fully amended if the various proposers accept the amendments. So, Madam Connétable, would you be accepting the amendment of the Connétable of Grouville?

Connétable K. Shenton-Stone of St. Martin:

Yes, I am very happy to accept the amendment of the Connétable of Grouville.

The Bailiff:

Would you personally be content to have your Proposition taken as thus amended?

The Connétable of St. Martin:

Yes, I would, thank you.

The Bailiff:

Connétable of Grouville, will you be accepting the amendment to your amendment as proposed by the Deputy of St. Martin?

Connétable J.E. Le Maistre of Grouville:

I will indeed.

The Bailiff:

So can I take it therefore, Members, please indicate to the contrary, they are content that we take the entire Proposition in its amended form, as both of the proposers accept the amendment? So if anyone does not want that to happen, could they please indicate on the chat now? Very well. Well of course the Connétable of Grouville will be able to speak to the main Proposition when it is read out and make all the points that need to be made, as indeed will the Deputy of St. Martin. So I therefore ask the Greffier to read the Proposition as fully amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion ...

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

Sorry, I have lost the Greffier.

The Bailiff:

It is all right, the Greffier has stopped, you have not lost any ...

The Connétable of St. Saviour:

Bless him, thank you.

The Bailiff:

I think the Greffier is just trying to find the definitive wording to read out. I thought there was a statement as to what the Proposition would look like if amended. Greffier, will you read the Proposition, please?

The Greffier of the States:

Right, I will give this a go. The States are asked to decide whether they are of opinion (a) to request the Minister for the Environment to bring forward primary legislation to provide (i) a framework for the restriction of certain activities on Les Écréhous and Les Minquiers to include, but not be limited to, prohibiting the landing of dogs and other domestic animals, as well as anything else which the Minister for the Environment considers might cause disturbance to wildlife; and (ii) the Minister for the Environment with the power to implement specific restrictions by Order, after consultation with the relevant Scrutiny Panel (b) to request the Minister for the Environment to make an Order without delay (once the primary ...

Deputy G.P. Southern of St. Helier:

The Greffier is not audible, he appears to be breaking up.

The Bailiff:

I apologise. Greffier, I am afraid you are going to have to read that again but more loudly and more slowly, if that is possible.

The Greffier of the States:

Okay. The States are asked to decide whether they are of opinion (a) to request the Minister for the Environment to bring forward primary legislation to provide (i) a framework for the restriction of certain activities on Les Écréhous and Les Minquiers to include, but not be limited to ...

The Bailiff:

No, I am afraid other Members still cannot hear you, Greffier. The Deputy Greffier will read it out.

[10:30]

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion (a) to request the Minister for the Environment to bring forward primary legislation to provide (i) a framework for the restriction of certain activities on Les Écréhous and Les Minquiers to include, but not be limited to, prohibiting the landing of dogs and other domestic animals, as well as anything else which the Minister for the Environment considers might cause disturbance to wildlife; and (ii) the Minister for the Environment with the power to implement specific restrictions by Order, after consultation with the relevant Scrutiny Panel (b) to request the Minister for the Environment to make an Order without delay (once the primary legislation is in force) to prohibit the landing of dogs and other domestic animals on Les Écréhous at any time.

4.1 The Connétable of St. Martin:

As Constable of St. Martin I am in the privileged position of having Les Écréhous reef within the Parish. Les Écréhous enjoys global recognition for its history and biodiversity and as a Ramsar site and O.S.P.A.R. (Oil Spill Prevention, Administration and Response) Marine Protected Area, O.S.P.A.R. Convention for the Protection of the Marine Environment of the North-East Atlantic, it is critical that the Assembly ensure that the reefs are afforded the protections they need to maintain its standing. It is clear that we can go further than what is currently in place. Over the past year, as I have noted in my report, Members of the States and the public will have noticed increased coverage of the environmental protection to the wildlife on the reef and how these protections could be improved in order to bring further protections including to the local tern and seal populations. It is my duty to care for Les Écréhous and to protect the reef from harm and the Constable of Grouville holds this responsibility for Les Minquiers. I have brought this Proposition to the Assembly in order to strengthen the protections for our Island's reefs. As I said, Les Écréhous is a critical breeding habitat for a rich tapestry of wildlife, including seals, roseate terns, which are so rare that they are the holy grail of terns, common terns, cormorants, shags, great and lesser black-backed gulls, heron gulls, oyster catchers and rock pipits. Through this biodiversity, as mentioned, the reefs have become globally recognised Ramsar sites as well as an O.S.P.A.R. Marine Protected Area; however, it is clear that there are concerns over the level of protections currently available to Les Écréhous and its sibling reef. It is critical that this Assembly ensure that these reefs are afforded the protections needed. This Proposition requests the Minister for the Environment to bring forward legislation that would prohibit the landing of dogs and other domestic animals on Les Écréhous and by accepting the Constable of Grouville's amendment, this gives the Minister for the Environment the power to extend this legislation to Les Minquiers as and when needed and to have the ability to ban other nuisance or threats to wildlife. By adopting this Proposition the States Assembly extends a clear and simple message to all that the native wildlife must be respected and we as an Assembly will do our utmost to protect it. Although Islanders have been strongly discouraged from bringing animals on to the reefs in previous information releases from the Government, there has never been a legal precedent to prevent Jersey owners from bringing animals on to the reefs. French visitors, on the other hand, are already barred from this as a result of existing regulations on rabies. This legislation would therefore ensure that this ban on animals becomes universal and we are able to respond to new challenges when they arise. I have been in close contact with Les Écréhous Residents Association and they are fully supportive of my Proposition, as is the National Trust whose chief executive officer Charles Alluto has kindly offered me the following statement to read to you today: "Given the presence of ground-nesting birds and seals on the offshore reefs, we would be supportive of any measures which helps mitigate the risk for these animals and their ability to successfully survive without undue disturbance." Likewise, the St. Martin's Conservation Trust have offered their full support in the following statement to the Assembly: "The Parish of St. Martin and its Conservation Trust have a duty of care for its precious offshore reefs and takes this responsibility very seriously." I am extremely grateful that the Connétable of Grouville supports my Proposition and I am happy to accept his amendment. I also have no problem with the Deputy of St. Martin's additions to the Constable of Grouville's amendment and am pleased that the Constable has accepted this amendment. The Parish of St. Martin's Honorary Police keenly expressed their support for this Proposition during our meeting on Les Écréhous last week. Finally, the Minister for the Environment, his officers and I have held constructive meetings on this issue. It is encouraging to see in his response to my written question that the Ministerial Decision to lodge the Draft Wildlife Law for debate was signed 2 days ago. I am also pleased and grateful to the Minister that he supports this Proposition and amendments and in his comments paper encourages Members to vote for this Proposition. We are all fully aware of the beauty, fragility and priceless environmental value of Les Écréhous and Les Minquiers. By voting *pour* Members will be sending a clear message of support for a natural environment and the willingness to protect and safeguard it for the future. I hope you all vote *pour*. Thank you.

The Bailiff:

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak on the Proposition? Deputy of St. Martin.

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

I will not speak for long, my Constable has said everything that I really wanted to say. I hope Members will appreciate the beauty, the rarity, the uniqueness of, not only the Écréhous but the Minquiers as well. When I was the Minister for the Environment, I worked hard to protect the reef, more particularly underwater than above water, and the benefits of extending a “no mobile gear” zone which means the banning of dredges from a larger area around the Écréhous is already starting to show benefits. I just wanted to speak very, very briefly on my amendment to the amendment to the Constable of Grouville and it was mainly to make sure that the many different people and wildlife are all represented when we come to make changes to the way the Écréhous are administrated. In my short report to my amendment, Members will see that there is a not exclusive list of the very different types of people that visit there. Not only do we have our hut owners but we have commercial and recreational fishermen, commercial and recreational divers, boat owners, the Parish, the Crown, the States, the Government departments, all have a representation there and all have a voice that needs to be heard and I just wanted to make sure that changes ... and changes will be needed, because let us be very clear, the pressures on the reef from all different directions, whether that is commercial, recreational and pressures on wildlife, they are going to continue to increase as we move ahead. Those people all need to be heard and it is important that we take the right measures at the right time, that we hear everybody’s view and we move forward together. Thank you.

4.1.2 The Connétable of Grouville:

I will not speak for very long either but just an explanation as to why I think the Minquiers should be treated slightly differently at this moment in time, although my amendment does allow for regulations to be brought in on the Minquiers if that should be necessary in the future. I consulted with the *Chairman* of Les Minquiers Association who is a parishioner, a well-respected parishioner, and he told me that he thought the status quo should remain at the moment. He was aware of one couple who used the reef probably as much or more than anybody else, who do take their dog there. The couple contacted me and I do know them well enough to know that they are very responsible and, as the *Chairman* of the Association told me, they make sure their dog is well-managed while they are down there. If they were not allowed to take their dog there they probably would not visit so much and they, for want of a better word, conduct the policing of the reef inasmuch as when other visitors visit the reef who do not know it, they will explain to them where the areas are that they should not be going and explain to them how they should behave while on the reef. So if they were not allowed to go so often because they could not find somebody to look after their dog, environmentally it would be counterproductive. The Minquiers are also very different to the Écréhous. All of the huts are on one island on the Minquiers and there is not really room where you let a dog off the lead so that it would worry the wildlife whereas on the Écréhous the huts are spread out over 5 plateaus, I believe, and when the tide goes out there is a very big area where if a dog was let off its lead, you could understand why the wildlife would be worried. So I am very grateful to the Constable for accepting my amendment and I think that the safeguard of the Deputy of St. Martin’s amendment to my amendment is worth having, to be honest. The current Minister for the Environment does listen to people. We have had a couple of meetings with him over this subject and if it was this Minister in the future, I think he would have consulted widely anyway. But we do not know who the Ministers for the Environment will be in the future, so I think the Deputy of St. Martin’s amendment is a good one. So, with that, I hope all Members will support the amended Proposition. Thank you.

4.1.3 Deputy J.H. Young:

I think I would like to say just a few brief words as the sitting Minister for the Environment, as it were. I have been very pleased to work with the Connétable and the Connétable of Grouville and also the Deputy on this because I think they have all come together in what is a very practical proposal, one which I can wholeheartedly support because certainly there is not just local attention on the Écréhous but it is very much an interest, if you remember, we have had reports in national newspapers about where issues do arise. Of course, it is one of the benefits of - no, it is not one of - the COVID pandemic has meant that for a period the wildlife dramatically increased in the reef and we had exceptional numbers. But of course things are going more back to as they were before and so those pressures are renewed and potentially can be even greater, so having the tools to be able to manage that pressure is important. Now the Proposition calls for primary legislation. Looking at what we have on the stocks in this Proposition, I think, I cannot guarantee, but it looks to me that the draft new Wildlife Law which, if Members have read my comments, I am sure they have, that has already been lodged. Well, I am not sure it has gone through to final lodging but I have certainly signed it off to be lodged. Members may see the draft in a short while. That will provide, if it is agreed by the Assembly, the framework to achieve the objectives within the amended Proposition in full. Of course it makes it plain that whatever powers are in that law are exercisable by the processes in it and also that obviously will include consultation under the law. Because if you make restrictions, that is normal, the legal processes require it, so I would be confident that that law when it is debated will provide the means of doing it. I hope that this law has a better chance of success than the one which we have previously spent debating yesterday. So I ask Members to bear that in mind, that there is already work done in place to enable this and so it is not just a theoretical commitment, it is a very practical one. So I wholeheartedly support and also I think I must make the point that because we are dealing with obviously an isolated reef, I think the work done by the Connétable, the Deputy and the Honorary Police and other members of the Parish, have really made the difference in terms of being able to manage those pressures in a pragmatic and sensible way and I want to put on record my thanks for that. Of course, I have been able to support with the Fisheries team. Although they have got huge amounts on at the moment, the Fisheries team, I am pleased to try to continue that as best we can.

[10:45]

Personally, I would quite like a webcam but not to spy on people, but a webcam there to watch the wildlife like the one up in Alderney. You can look at Burhou and places like that. You can see the puffins ... well you can see whatever species are there but that is clearly not possible to do. Nonetheless I wholeheartedly support this but I make that point about the Wildlife Law to come. Thank you.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the Proposition? If no other Member wishes to speak, then I close the debate and call upon the Connétable of St. Martin to respond.

4.1.4 The Connétable of St. Martin:

I would like to thank the Deputy of St. Martin for his support and his comments and the Connétable of Grouville for his comments and the Minister for the Environment for his support and the support of his team as Environment who we meet with regularly. I would also like to thank all those I mentioned in my speech, the Honorary Police, who really do take safeguarding the reef very seriously, the National Trust and the St. Martin's Conservation Trust and Les Écréhous Residents Association who I have met with regularly and it is really important to them that this legislation passes today. It is very important for the uniqueness of the reefs and we are so fortunate to have them. Thank you very much to all Members, I hope you will support this. Thank you.

The Bailiff:

Well, I would ask the Greffier to put the voting link into the chat in the normal way. The link is now there and I open the voting and ask Members to cast their votes. I have 38 Members who have recorded votes already and I will leave it a moment or 2 longer.

The Connétable of St. Martin:

Excuse me, Sir, some of them are having difficulty voting.

The Bailiff:

Yes, if there is any difficulty voting, could people indicate their votes, please? Could Members indicate their votes on the chat? We have 44 who have been able to vote through the voting link and obviously when the results are fully published then those who are voting in the chat will be counted in as well. But if Members have had the opportunity of casting their votes, I ask the Greffier to close the voting, and the result will be placed in the chat box fairly shortly. The Proposition has been adopted.

POUR: 47	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
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 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 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)				

5. Draft Community Costs Bonus (Jersey) Regulations 202- (P.95/2020)

The Bailiff:

Very well, the next item is the Draft Community Costs Bonus (Jersey) Regulations 202-, P.95, lodged by the Minister for Social Security and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Community Costs Bonus (Jersey) Regulations 202-. The States make these Regulations under the Order in Council dated 28th March 1771.

5.1 Deputy J.A. Martin of St. Helier (The Minister for Social Security):

Triennial regulations have been used a number of times to provide an annual G.S.T. (Goods and Services Tax) bonus and more recently a food cost bonus. The food cost bonus for 2019 was paid to just under 1,200 Islanders. The previous regulations which covered 2017, 2018 to 2019 expired on 30th June 2020. Under these new triennial regulations the eligibility for the scheme will remain unaltered. Households who do not receive income support but do not pay income tax can make a claim as long as they satisfy the 5-year residency condition. Following the Corporate Services Scrutiny Panel amendment which was approved by the Assembly during the debate on the Government Plan last year, the bonus will be paid at an increased level for the next 3 years at £258.25 a year, a total cost estimated in 2020 of £364,000. With some very minor drafted amendments, the regulations remain the same as the previous set of regulations approved by the Assembly. I would like to thank both the Corporate Services and Health and Social Security Panels for their time in scrutinising these new regulations and also for the Corporate Services Panel's published comments. I am pleased the panel are supportive of this legislation. I am glad to answer any questions by the Members and I propose the principles. Thank you.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? If they could indicate in the chat box, please.

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

The unamended Government Plan of 2020-2023 would have continued the bonus at a level last reviewed in 2014 without taking into account the impact of inflation. The Corporate Services Scrutiny Panel amendment rectified this. Following the input from the Citizens Advice Bureau, a calculation of retail price index increase of 13.8 per cent led the Corporate Services Scrutiny Panel to propose an increase of the bonus from £226.95 to the new level of £258.25. We are pleased to see

the implementation of our amendment, which will help to protect low income households from the impact of G.S.T. We are slightly disappointed that the Proposition does not increase the value of the bonus in line with R.P.I. (Retail Price Index) for each year of the new triennial regulations running through to 2022. However, following a briefing from officers we are satisfied that this is primarily due to the administrative strain of lodging new regulations for each year and using a fixed amount based on the R.P.I. of the previous 3 years is an effective way of bringing the regulations forward. We expect that should the bonus continue past 2022, as is hoped, then a new value in line with any overall increase of R.P.I. during the 2020-2023 period will be used. In conclusion, we are supportive of the Proposition. Thank you.

The Bailiff:

Very well, does any other Member wish to speak on the principles? If no other Member wishes to speak, then I close the debate and ask the Minister to respond.

5.1.2 Deputy J.A. Martin:

Yes, and I thank Deputy Ahier for reminding us of where we were and there were comments, as he has just said, from the Citizens Advice Bureau and something that was brought to the Government’s attention. From memory, I think the panel’s amendment was absolutely accepted and I also accept where we are, it is a fixed amount for the next few years and again in 2022 when there will be a new Council. I do not know where I will be but I am sure, again, these bonuses, if they are still there, should have to rise again in line with that inflation. So I thank him for the comment but I maintain the principles. Thank you and I ask for the *appel*.

The Bailiff:

The *appel* is called for. I ask the Greffier to add a voting link to the chat box in the usual way. It is there; I open the voting and ask Members to cast their votes as usual. Very well, if Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted.

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
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. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				

Deputy K.C. Lewis (S)				
Deputy M. 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 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)				

Does the Health and Social Security Scrutiny Panel wish to scrutinise the matter, Deputy Le Hegarat?

Deputy M.R. Le Hegarat of St. Helier (Chair, Health and Social Security Scrutiny Panel):

No, thank you.

The Bailiff:

Thank you very much indeed. Then how do you wish to deal with the matter in Second Reading, Minister?

Deputy J.A. Martin:

Could I take the Regulations *en bloc*, please, and if there are any questions I will try to answer them. Thank you.

The Bailiff:

Very well, are the regulations seconded for Second Reading? **[Seconded]** Thank you very much. Does any Member wish to speak on the regulations or any of them in Second Reading? If no one wishes to speak, then I close the debate and ask the Greffier to put a voting link within the chat in the normal way. The link is there, I open the voting, and ask Members to vote in the normal way. Forty-one votes have been cast. I will leave it a moment or 2 longer before closing the voting. If Members have had the opportunity of voting, I ask the Greffier to close the voting. The regulations have been adopted in Second Reading.

POUR: 42		CONTRE: 1		ABSTAIN: 0
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Senator I.J. Gorst		Deputy S.M. Ahier (H)		
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Helier				
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. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy 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 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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Greffier of the States:

The Member who voted *contre* was Deputy Ahier.

Deputy S.M. Ahier:

I apologise, I voted the wrong way.

The Bailiff:

Right, well, there we are. It will not be the first time that has happened, Deputy, for Members of the Assembly.

Deputy M. Tadier of St. Brelade:

It happens most times.

The Bailiff:

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

Deputy J.A. Martin:

Yes, I really only just need to add again and absolutely do say that it was an amendment from the Corporate Services Scrutiny Panel that brought this to our attention. I thank them and I also thank again the Health and Social Security Panel for looking at this legislation. Thank you.

The Bailiff:

Are the regulations seconded for Third Reading? **[Seconded]** Thank you very much. Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I ask the Greffier to put a voting link into the box. I open the voting and I ask Members to vote in the usual way.

[11:00]

Forty-three Members have voted through the link so far. I will leave it a moment or 2 longer. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				

Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.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)				

6. Draft COVID-19 (Social Security - Reduction of Contribution Rates) (Jersey) Regulations 202- (P.96/2020)

The Bailiff:

Very well, the next item is the Draft COVID-19 (Social Security - Reduction of Contribution Rates) (Jersey) Regulations 202-, P.96, lodged by the Minister for Social Security and I ask the Greffier to read the citation.

The Greffier of the States:

Draft COVID-19 (Social Security - Reduction of Contribution Rates) (Jersey) Regulations 202-. The States make these Regulations under Article 2 of the COVID-19 (Enabling Provisions) (Jersey) Law 2020.

Deputy J.A. Martin:

My Assistant Minister Deputy Wickenden is going to act as *rapporteur* for this. I did let the Greffe know, thank you.

6.1 Deputy S.M. Wickenden of St. Helier (Assistant Minister for Social Security - *rapporteur*):

Good morning, everybody. I probably will not make too much about this because it is very self-explanatory, but back in July the Council of Ministers proposed a £150 million fiscal stimulus package. A big part of that is what we agreed in Social Security, which was a temporary reduction in the contributions paid to Social Security from employees. This effectively will help the increased take-home pay of around 55,000 workers in Jersey, basically giving them a 2 per cent pay rise for a short period of time to help boost the economy and put more money back in people's pockets. There was an amendment, could I ask that we could propose this as amended, please?

The Bailiff:

Well that will happen when we reach Second Reading when we deal with the Articles, Deputy.

Deputy S.M. Wickenden:

Okay, thank you. So, yes, this is just a temporary 9 month 2 per cent reduction in contributions to help boost the economy. I do not think I need to egg on more than that so I will just propose this Proposition.

The Bailiff:

Very well, are the principles seconded? **[Seconded]**

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

I will start by saying, because I cannot miss the opportunity, to Deputy Wickenden, my good friend, in response to my first Proposition when he said that speaking simply I get to say the same back to him with good faith. Speaking on behalf of the Scrutiny Panel here, I would like to thank the department for notifying us in July following, as the Assistant Minister said, the Council of Ministers, when they proposed their fiscal stimulus support package, so we would like to thank the department for sending across information to the panel. We had a quarterly hearing with the Minister and their team where we spoke at length about this Proposition. We did not have time over the summer to have a specific briefing on this but, again, I would like to thank the department for their briefing note to the panel on 3rd September. Also pleased to see the amendment that then took away our concern at the beginning so we did not have to bring one, so we support the amendment. Obviously the legal description as in the comments paper is quite self-explanatory. The one issue that we - well it is not an issue, so to speak - it is obviously a concern in terms of the long-term effects of the quick turnaround stimulus that the Government is putting forward and very much like the emergency legislation during the pandemic, this is all unprecedented times. So you need to act fast, especially with the pressures that are clearly out there in terms on the economic effects facing all Islanders, and the actual demands on the Social Security Fund are real. Again, I thank the department and the head of the policy for engaging with us this morning because realistically the current demands on the fund will have an impact, there is no getting away from that, and the need to consider the action, if any, and were that needed we hope has been part of the discussions. If the Assistant Minister can talk about that, about the potential of further ... in the future when the time is right, to make up this reduction, what discussions were had, what options are there realistically if needed to put some pressure off the fund to replace the 2 per cent reduction? That said, the Reserve Fund holds significant assets, it remains in a very strong position. We agree with that as a panel, so there is no absolute need right now for urgent action. So in principle we do support this, we just raise that red flag of caution for the future impacts and what discussions and what impacts could happen to the fund. For example, will we see an increase in social security contributions spread over a period of time? That is for another time but we just want to put that out there but wanted to say that at this time. Thank you.

6.1.2 Deputy S.M. Ahier:

The report states that this action will help the economy to recover as quickly as possible. I can see no evidence that this will be the case. This Proposition asserts that it will help people and businesses to recover quickly but it will in fact only reduce employees' social security charge by tuppence, meaning that the employers' contribution will remain unaffected. The impact on businesses will likely therefore be minimal. It is also worth mentioning that pensioners, disabled people and the unemployed will likewise remain unassisted. I believe that we should be using fiscal stimulus to benefit society more widely with policies that will bring noticeable economic gains to all. Consequently, I believe that this Proposition is not the fairest way of stimulating the economy, particularly when many households are chiefly concerned with repaying debts that they have accumulated during the lockdown and when the cloud of prior year basis tax still looms darkly on the horizon. The expectation is that this Proposition will pump money into local businesses and will accordingly boost trade on the high street. In my opinion, this is unlikely to happen. It seems to me that this Proposition is based on a rudimentary form of trickle-down economics which assumes that

the tuppence saving will immediately be reinvested into the economy. In fact, I believe that most employees in the Island might have already recognised the importance of exercising fiscal prudence at this time, especially given that local restaurants, pubs, nightclubs are not yet operating as normal. If that is the case, then £26 million will have been needlessly wasted. The question therefore becomes: is this really an effective use of public funds? It is my belief that the economic consequences of this proposal have not been fully thought through. I therefore suggest that we vote against this imprudent measure and wait to see the effect of the £100 voucher scheme first. I will be voting against this Proposition. Thank you.

6.1.3 Deputy G.P. Southern:

Yes, contrary to the previous speaker, I am fairly confident that this move in reducing, albeit temporarily, the social security employee contributions will put more money in workers' pockets and that is the most direct and simple way to try to kickstart the economy by getting the economy moving and income and wages circulating and people spending. That has been shown to be effective, it is not trickle-down economics at all, it is building from the bottom up. But I really cannot allow the Assistant Minister to get away with a one-sentence introduction to this Proposition because there are concerns about what we are doing with the Social Security Fund in this case and what we need is an assurance that the Social Security Fund will not be raided again in the future when we get any other particular crisis or need to get some capital out of the system. The fact is, that Social Security is paid for by workers and employers to contribute to their pensions and ought to be strictly and should be, must be, strictly ring-fenced. So, while we are reducing the amount going towards the fund (a) that must not be seen to damage future pensions and (b) must not set a precedent, as was tried earlier in the year, of taking money out of the fund to do something else with because we want to. That must not be allowed to happen and I would seek the complete and utter assurance of the Assistant Minister that this is not a precursor of some other raid on the Social Security Fund that does put our pension fund effectively at risk. Thank you.

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

I just want to respond to the points raised by Deputy Ahier, just simply to say, I want to remind Members that this move is part of a package of measures that the Government is taking forward in order to support the Island and the economy. So, for example, we have already released £100 to pensioners on Pension Plus on income support, for example. Now, again, while that was targeted, of course it would not affect everyone, whereas this element would not have gone, for example, to help workers, whereas this measure will. So, again, if you take these things in isolation there is that criticism but the thing is it has to be seen as a part of a package, and this is one constituent part of that wider package which targets different groups in order to encourage that spending behaviour. So while in some ways business might not get a direct advantage to this of course they will benefit in other ways and that workers will have a greater spending power which they can use, so I just wanted to make that point. The points that Deputy Southern raises about what is happening with the Social Security Fund, which has a very good balance as far as the last actuarial review, which of course Members will have read and be aware of, is obviously something which of course as the team at Social Security we are very much aware of and there is a review going on which will be part of the Government Plan and more information will follow then. But those are the points I wanted to make, thank you.

6.1.5 Senator S.Y. Mézec:

There will always be potential alternatives that we could argue about to decide what would be a more effective measure to put more money in people's pockets or to stimulate the economy, get people spending, so is this the perfect Proposition in front of us? Quite possibly not and, as Deputy Maçon said though, there are other measures being taken at the same time and Members will have multiple

different views about what is the best way to achieve this. But I will be voting in support of this and I disagree with what was said by Deputy Ahier.

[11:15]

I agree wholeheartedly with what Deputy Southern said and just want to add a few extra points to what he said. But it is quite funny, I guess, that the irony of having a regressive social security contribution system where the wealthiest people in Jersey get to pay the lowest rates, the irony of that is that when we undertake a measure like what is proposed today it ends up being progressive in that the people proportionately who will benefit the most from it are the people whose earnings are beneath the standard earnings limit. This is a more effective way and a more progressive way of getting money into people's pockets than an alternative like, for example, cutting income tax would be because there are allowances in that system so the lowest earners would not benefit from that whereas they will under this measure, and that has to be a welcome thing. It is obviously stated to be temporary and that is right because we will have to take a long-term view at the Social Security Fund. What Deputy Maçon said before about having it at a healthy balance at the moment is correct but we have made some decisions in the last few months about not putting extra money in that fund and now this decision about reducing the rates for many thousands of people means at some point when the future is a bit more certain we will have to have a real think about the Social Security Fund, what position we think it ought to be in decades to come to make sure that there is the funding in there necessary to do what a civilised society needs to do and be able to support not just the vulnerable but ordinary working people when they might fall on hard times or retire or anything like that. When it comes to that point I hope we will have the guts to do what quite frankly we ought to have been doing before this crisis hit, which is to look at making the entire social security contribution system more progressive and ask those who are most capable of contributing more into it to be able to do so. The fact that we are proposing this as a measure that is meant to help the economy, and is clearly an acceptance of the fact that it is better to support those on lower incomes to help stimulate the economy rather than the real scandal of an idea of trickle-down economics, that if you simply stack things in favour of the rich then everything else will magically just fix itself and they will be the ones who lead economic growth when quite clearly that is not the case and this Proposition itself accepts that that is not the case. When we get to that debate those will be the points that we will need to seriously consider and I hope Members will support this Proposition today as a good step, the right move at the right time but still look to the future, and know there are very important decisions we will have to make and frankly they will need to be brave and have the guts to take on the vested interests who will not be happy about that when it gets to it but do what is right for the Island.

6.1.6 Deputy K.F. Morel:

I have to admit this is not as easy a measure as one would have wanted for part of a fiscal stimulus package because, to be honest, it is not a great fiscal stimulus measure that is being proposed here. Yes, it will give Islanders more cash in their pockets, £26 million, and yes, it will benefit the self-employed and for that I am thankful because the self-employed have found it very difficult during this period and will continue to find it difficult in the next year or 2 to come. But the Investment Appraisal Board has rated the risk of leakage of this measure at 5 out of 5. It is basically 100 per cent risk of leakage for £26 million that will be put into Islanders pockets. Much of this will be saved by those on higher and middle incomes, those who feel they currently have enough money to put aside and given the uncertainty that lies ahead will think: "Let us put this in the bank because we do not know in a year's time whether we will be earning quite as much as we are today." We know that a lot of this will be saved. We also know that a lot of this £26 million will be spent with off-Island businesses. Large multinational retail companies will benefit from this £26 million. There is no question about that and that is backed up by the Investment Appraisal Board. It is noticeable that the Minister does not provide an estimate of how much she believes will be spent in the local economy of what proportion of the £26 million will be spent locally. Why does she not provide that estimate?

Quite simply because she has no idea because it is impossible to tell. We just know that not all of it will be. This means essentially because she does not know how much will be spent locally in Jersey that it is not a targeted measure. It may well be timely but it is not targeted. Also the question has to be asked why are employers not being helped to employ people by cutting employment costs through a cut in the employers' social security contribution? I think that is something that may well have been discussed by the Council of Ministers and I think it is a shame that at a time when you want people to continue employing there has not been a move to try to encourage that employment by cutting the costs of employment. One good thing that is within this measure is that with more than 50 per cent of employees in Jersey being women this is a gender-balanced fiscal stimulus measure because it will put more money in women's pockets as well as men's. That is an important point because fiscal stimulus often when it is concentrated, and we will see this in future measures, on capital projects, namely construction and technology projects, they put money in men's pockets at the expense [Interruption] ... I apologise, Sir, that was not my phone. Construction and technology fiscal stimulus measures put money in men's pockets at the expense of women's pockets so I definitely see this as welcome in terms of being gender balanced. In summing up, in my view this is a hit and hope measure rather than a truly targeted measure and I also have to agree that we have to be concerned that, as Deputy Pamplin rightly raised the issue of how would this be balanced in the future, it is a shame the Minister is silent on this point because will we see an increase in social security contributions in the future? Is that how this will be repaid or will we just go back to the same levels as before and have a constant diminishment so to speak, in the value of the Social Security Fund? In summing up, I am loath to vote against it because I do want to see Islanders given the protection they can, the financial protection they can be given in the coming couple of years, so in that sense I will probably vote for this but I believe the Minister could have done more research and perhaps could have chosen other measures that would be more likely to be spent locally. It is very far from being a perfect measure and with that, Deputy Mézec is right and sometimes you just do have to hit and hope. But it is a shame that more research was not done and more finessing of this measure was not undertaken.

6.1.7 Deputy S.J. Pinel of St. Clement:

I would like very briefly to speak in favour of this part of the fiscal stimulus package that was launched by the Government, being bold, expensive and much needed to inspire confidence and encourage people to shop, support the economy and invest in employment. The previous speaker mentioned that this would not extend to the employers' contributions but the employers have been very successful and, with many complements, happy to cope under the payroll scheme that was introduced in March and still continues, so employers have had quite a large investment. I think a faster and better recovery will also help in our public finances in the years to come and I am quite sure this temporary reduction in contributions will help to do this.

6.1.8 Senator L.J. Farnham:

I too hope that Members will support this given the somewhat catastrophic impact that COVID-19 has had across the economy and the impact it has on some members of our society and community, especially those in the lower income sectors who appear to be the hardest hit. I would argue that it is in line with our timely, targeted and temporary approach because we are asking this be put in place for 9 months and those 9 months are estimated by our economists to be the time that we are going to see some vital recovery required during that period. We have possibly been through the hardest part of it although I think many of us are planning for a long, hard winter but hoping it is not going to be as bad as it might be. As we hope to see a reduction in COVID-19 we are hoping for a vaccination, we are hoping for the situation to improve as we get towards Easter as Dr. Ivan Muscat and Dr. Susan Turnbull have mentioned on numerous occasions. It is timely insofar as it will be available. That £26 million, which will be increasing the take-home pay across all working households will be available when the economy needs it most. While I understand the comments made about targeting,

I just want to push the point that this is not a benefit ... sorry, not a benefit, it is fiscal stimulus. When I say “benefit” I mean it not in the words of a benefit as such but it will be a benefit to all working households. In relation I think it was Deputy Morel that talked about saving. The benefit of stimulus can be constrained by the extent of savings but households on lower incomes save much less than those on higher incomes. Again, this is going to help the working population on lower incomes who have been hardest hit. Another aspect of this being targeted relates to the capacity of the economy, especially the sectors within it to absorb the stimulus without higher inflation and I know that is another area close to many Members’ hearts. We need to make sure that the stimulus we do put into the economy is not going to have an unwelcome impact on inflation. I think that has all been taken into consideration and while not a perfect solution this is a good solution and it will put £26 million into the pockets of working families across all genders, across all working households across the Island, and I hope Members will support it during these really challenging times.

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

I would like to first comment on the concept of sustainability. I think part of the problem some Back-Benchers seem to have with this is that it does not provide a sustainable answer to the current situation. I appreciate that in a time of crisis sometimes we just strive to find sticking plasters but I do not see how this is a sustainable policy, and for that reason I do not understand the rationale for putting it forward in its current form. I think the most socially responsible thing to do is to develop sustainable policies that ensure that people on the lowest incomes are supported throughout their lives and that their children are also able to access opportunities that they themselves may not have had access to and, for me, that requires legislation and policy that looks over a much longer time period.

[11:30]

It is my belief that in a time of crisis we should be looking to develop sustainable policies. I think this is exactly the right time to start thinking about the long-term impacts of what we are going through and what we currently have to live with. Tax and social are minefields when it comes to understanding the intricacies of the systems, particularly if you are not an expert or of you do not work in social services or the Tax Department. It can sometimes be difficult to understand exactly what has been calculated and how and when but for me the distinction between the 2 is simple. The Tax Department is where we make money, where revenue comes in and for me social services is where money goes out. We make money through tax and then we support people through social. While you could argue that cutting social contributions is a method of support I do not think it is a demonstration of tax and social coming together and working in that complementary fashion. That is probably my main issue around this kind of policy in general terms. It is about sustainability but also the very function of social services versus the function of tax. It would maybe be really helpful to me to understand how the Minister will attempt to balance out this reduction and is it the case that there is an intent to put contributions back up and if so to what level will they be put up beyond the current level in the future in order to redress the balance? If that is so then I would not be in favour but if that is not the case and there is another method of balancing that loss then I would like to know what it is. Are we intending just to take money out of the Reserve Fund? What is the method by which we pull that money back because you cannot just spend that money without knowing that? If that question can be answered that will go a long way to enabling me to support the Proposition but as it currently stands I do not feel like I have enough information to support it.

6.1.10 Senator K.L. Moore:

I am very pleased to follow the previous speaker who has very succinctly set out the argument and the concerns that Members have with aspects of this Proposition that is a £26 million spend when we do not know how the money will be recouped in the future. To touch on the further point that our Reform colleagues have highlighted, which is the distribution and effectiveness of such a measure, it is worth just doing the simple maths here and the maximum impact to somebody on an average

wage of this measure would be a discount of about £10 a week in their pay packet, obviously leading to almost £600 over the year. But those higher earners at the upper earnings limit will be the ones who benefit from the greater discount to their contributions over the 9-month period and that could be up to £5,000 discount over the year from those people who have most ability to spend without receiving some of this £26 million of public money that will have to be found at a future point to replenish the reserves. Deputy Morel quite rightly pointed out the Investment Appraisal Board's advice to Ministers, and without wanting to reiterate the very fine points, it leaves us as Members in a very difficult place and albeit we can see that in some ways it may benefit some people who will need it, it is not a targeted measure and we do not know how it will be repaid. Therefore I will have great difficulty in supporting this.

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

I am generally supportive of this measure. There is a well-known U.K. (United Kingdom) supermarket that has a slogan that every little counts and I think we are in unprecedented times. The economy is on its back, people's wages and their incomes are dramatically decreased and I think this little injection, this little extra little bit of money that they can take home I am sure will be most welcome. I too, like Deputy Southern, have concerns regarding the funds and it is relatively easy to spend £26 million and it is so much more difficult to put £26 million back. I have to say while I was at Social Security we kept an eye plainly on the funds and while times were good some of the funds could return well over £150 million a year. In that context, and should the markets return, this could be replenished quite quickly. There is one fund I have particular concerns about, the Long-Term Care Fund, which does rely on tax take and I think that we should all keep an eye on going forward. The Fiscal Policy Panel indicated we should do as much as we can to stimulate the economy and I think this goes a way to doing that. I am happy to support the measure.

6.1.12 Deputy M. Tadier:

I thought it was necessary to speak after some of the comments from the liberal party members in the States building. I am very pleased to follow my St. Brelade colleague because he understands that this is essentially fiscal stimulus and it also has the benefit of putting money into the pockets in a timely fashion of those who will spend it back in the economy and those who have been struggling. That is part of a wider package that this Government has done and it is never going to please everybody. Interestingly the one argument that is put forward by some people who seek to critique this, and it is a valid critique but if only they were consistent in their ideology and in their policies when they say they cannot support this, for example, because it might mean that some rich people at the top end of the earnings cap get something that they do not need. It is up to those members of the liberal party to therefore present changes to the tax regime or the Social Security Fund because we know there is a cap there for a start so the cap in itself is inherently regressive because it means the very wealthiest do not pay the full contribution in the first place. These are perhaps arguments for another day but we cannot expect this to be all things to all people and rather than calling it a blunt tool I would just call it a broad-brush approach. I understand that there are those who prefer means testing but means testing itself has significant costs in administration. It is bureaucratic. I think we should support what the Government are trying to do because this is not just a Social Security issue. This is just one of the mechanisms to returning money into people's pockets and that should appeal to those of us who have a tradition of supporting working class people, those who are struggling. But also the conservatives in the Assembly who think it is better for people to decide how to spend their money than the Government to do that. The question, of course, about affordability is the right one but we have been reassured by the Minister that there are sufficient funds at the moment and the Government can afford to do it and it is the right time for the fiscal measures and the balancing act to take place. I think it should not be that controversial and it is not going to be perfect but it should be something we can all support.

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

I was not going to say anything on this but there just a few points I think do need to be made. I will be supporting this simply because it is a gesture towards giving people who are really struggling a little bit more money in their pockets. Let us be honest about this, people are struggling not only because of COVID-19 but longer term because of the structure of our society and the way that incomes are distributed on this Island. What this does is it gives a small amount of money for people and they may be able to do something with it and I see it as part of a package. What I am concerned about, and I share the concern, is that a cut in social security contributions now, what is going to happen long term? We are 2 years away from an election and perhaps some of the decisions made now, the consequences of them will not be taken on by the next Assembly and we are unsure as to what that will be. I would like to have seen a genuine addressing of the inadequacies and the inequalities in our system and the unfairness of the social security contribution, and the cap is one example of that. We have a decision to make as we repair the damage to the Social Security Fund in the long term. Are we going to do more of what we have now, which is unfair and uneven, or are we going to be brave enough as an Assembly to make a progressive step forward? Already today we have shown we are not willing to do that so that is my concern in the background, but I will be supporting this.

6.1.14 Senator J.A.N. Le Fondré:

To try to bring some of the strands of the debate together, and some Members have already said it, do not forget this is part of the overall package and it is laid out on page 4 of the report. It is worth remembering we started this in July with the payments to what is described as low income households including pensioners of £100 per affected person. The vouchers again go to everybody on the Island and those I believe are being delivered, the delivery started today. This is another element of the wider package that is detailed in P.96 and it is around we all know in everything here we have had to move at pace. We would have loved to have done more consideration, taken more time. We have not had the time to do that so this is about getting in the right measures with the best economic advice we had and, as I speak, I have just been joined by the person giving that advice, to give support to the overall package. In summary, what we were told at the time was go soon, go big and go bold because it is better to go early on this rather than be too late. That is the measure we put in place and I certainly absolutely stand by that advice. That is what we have done. It will help households and this element of the package will give certainty. It is for a 9-month period if the Assembly approves it and rather than, for example, while the vouchers once they are in their hands there is certainty but you do not know what is coming down the line. This, if the Assembly approves, is in legislation. It is for a fixed period of time. The whole point of fiscal stimulus is the 3 Ts. It is about being timely and it is about being temporary and obviously targeted but what we are dealing with here is overall the economic and fiscal stimulus package. Just to give some comfort, the Social Security Reserve Fund, as a ballpark, is around £1.7 billion to £1.8 billion. What we are talking with this measure is about £26 million but that does not mean the comments around the long term and securing like funding and things like that are relevant and is part of that discussion that we are bringing back to Members in the Government Plan. There is one thing I do want to verify, which has just been confirmed to me, the comment I sent to them all, I think is not quite right because if Members look at the legislation it is capped basically at the standard monthly earnings limit. Therefore I am informed that the maximum is in the order of £800 over the 9 months and I think that is just for clarification. That will be seen in the Articles when we go there. I do not have much more to say except I reiterate the advice, go soon, go big, go bold. That is what we have done. I thank the Members who have made a positive comment and hope Members will support this.

[11:45]

It will be of great benefit to around 50,000 Islanders and in the whole package measures, if I remember correctly depending on the type of family household, was worth around £1,350 over the period we are dealing with, and that included the vouchers and other measures that we are putting in

place. But that is illustrative, it does indicate we are serious about helping Islanders, which helps employers, particularly through things like the co-funding payroll scheme. This is about helping Islanders directly. I absolutely support the Proposition and I hope all other Members will do so.

The Bailiff:

Thank you, Chief Minister. Deputy Ward, I am not sure, you call it a question of procedure, is it a point of order?

Deputy R.J. Ward:

I was not quite sure what to call it, Sir. But I just note that some time ago we had a situation where officers were present in the States Chamber and we made a decision that they would not be. I just wonder whether officers are becoming more and more present with Ministers, as they are speaking. I wonder whether we are going against that decision, whether the officers should be declared and so their presence when we are doing this for transparency. I am afraid I cannot quote the Proposition number that we took on but I can remember it. It just seems to have been lax, Sir, and I did not know where to raise it but I thought now would be a time to do that.

The Bailiff:

Thank you very much. Deputy, it does not call for a ruling from me at the present time but what I would say is that my recollection of the desire to remove officers was to prevent those officers interfering, and I use that in the most general sense, not deliberately interfering but causing interference, as it were, to other Members who were going in and out and not to prevent people from consulting with them. It seems to me that it would be artificial to say that if people are in a private room under current circumstances an officer could not be with them if they wished it because they could obviously take advice electronically in any event. But that is a matter for Members and I do not make any ruling on it at this stage. Of course that was a direction from my predecessor, as rightly observed in the chat, but this is not an opportunity for debate on that matter. I would simply ask now, does any other Member wish to speak on the principles?

Connétable J. Le Bailly of St. Mary:

A very quick word, Sir.

The Bailiff:

I am sorry ...

The Connétable of St. Mary:

John Le Bailly, Constable of St. Mary.

The Bailiff:

We normally indicate a desire to speak, Connétable, by mentioning that in the chat. Are you looking to speak on the principles?

The Connétable of St. Mary:

Yes, please.

6.1.15 The Connétable of St. Mary:

I would just like to say that I fully endorse the wise comments of Senator Moore. We need to target the needy, not hand out a bonus to those who clearly do not need this. At some stage this will have to revert, thereby the people on the lower wage will suffer the most. There is a mechanism in place at Social Security to help people who are struggling; that is the way to go in order to avoid hardship in the future. That is all I wish to say.

The Bailiff:

Thank you very much, Connétable. Does any other Member wish to speak on the principles? If no other Member wishes to speak, then I close the debate and I call upon the Assistant Minister to respond.

6.1.16 Deputy S.M. Wickenden:

I would like to thank everyone for their participation and comments in this debate on the principles. I am not going to go through person by person or States Member by States Member because there are some very clear themes that ran through a lot of the challenges to this Proposition. Firstly, I would like to say that this is part of a package of measures for economic stimulus and recovery. There has been a challenge about the gradual reduction in the reserves but if we do not do something now about the economy and supporting in many different ways, as what we are doing in these packages, the loss to the Social Security Fund could be even greater than what we are doing here now. The Social Security Fund is in a very strong position for this and we take long-term sustainability at Social Security with this fund extremely seriously. We would not be bringing forward this package of measures or this part of the package of measures if we thought that it would have a serious long-term effect on the fund. There have been words like raiding of the fund at the moment and I think we need to clear up that we are not pulling money and we have not been pulling money out of the fund. This part of it has been about making sure that less money goes in so that people have it in their pockets. We have agreed not to put money into the fund through the Council of Ministers and the Government Plan so that we can use that money on things like health, mental health, education and other areas of support that had long been underfunded. Again, we would not be putting that request through if we thought that it was going to have a long-term effect on the fund. The many, many amazing staff at Social Security do look at this day in and day out and they certainly would not be advising this position if it was going to have a long-term detrimental effect. There has been talk about this not being a very well-targeted approach and that people could spend it out of the Island or they could save it. I have got to say that the Members that mentioned that, I would say I have got a lot more faith obviously in Islanders because we have seen over this COVID period that Islanders have all got together and they have really done what is in the best interest of the Island in so many ways, and we should all be very proud of how the Islanders have got together and reacted and behaved during this time. There was concern that Tax and Social were not working in alignment but all along with the economic recovery work we have been working with Tax and Social and Economic Development to make sure that we know what each other are doing. There has been strong alignment between the 2 departments in looking at this and trying to work in the timely and targeted manner. This is a 2 per cent increase in wages for working people and I think many, many Islanders will appreciate it at this time and over the next 9 months. I think with that I will stop talking and I will propose the Proposition.

The Bailiff:

Very well. I would ask the Greffier to put a voting link in the chat box in the normal way. The link is there. I ask Members to cast their vote and open the voting. There are 42 votes cast thus far. I will leave it a moment or 2 longer to see if more can come through. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted.

POUR: 40		CONTRE: 6		ABSTAIN: 0
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Connétable of St. Peter		
Senator J.A.N. Le Fondré		Connétable of St. Mary		
Senator T.A. Vallois		Connétable of St. Martin		
Senator S.W. Pallett		Deputy S.M. Ahier (H)		
Senator S.Y. Mézec		Deputy J.H. Perchard (S)		

Connétable of St. Helier				
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. 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 St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Very well. Does the Health and Social Security Scrutiny Panel wish to scrutinise the matter, Deputy Le Hegarat?

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

No, thank you, Sir.

The Bailiff:

Thank you very much indeed. Then how would you like to propose the regulations in Second Reading, Assistant Minister? You have lodged amendments to Regulations 5, 6 and 7, do you wish to take those regulations as amended?

Deputy S.M. Wickenden:

Yes, please, Sir.

The Bailiff:

As they are your amendments, that seems entirely appropriate. How would you like to deal with the matter then?

Deputy S.M. Wickenden:

Sir, I am quite happy to take these *en bloc*.

The Bailiff:

Very well. Are the regulations seconded *en bloc* in Second Reading? [**Seconded**] Very well. Does any Member wish to speak on the regulations or any of them as amended? If no Member wishes to speak, then the debate is closed and I ask the Greffier to put a voting link in the chat. I open the voting and I ask Members to cast their votes in the usual way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Second Reading.

POUR: 39		CONTRE: 6		ABSTAIN: 0
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Connétable of St. Peter		
Senator J.A.N. Le Fondré		Connétable of St. Mary		
Senator T.A. Vallois		Connétable of St. Martin		
Senator S.W. Pallett		Deputy S.M. Ahier (H)		
Senator S.Y. Mézec		Deputy J.H. Perchard (S)		
Connétable of St. Helier				
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. 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 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

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

Deputy S.M. Wickenden:

Yes, Sir, please.

The Bailiff:

Is the Proposition seconded in Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I ask the Greffier to add the vote to the chat channel. The link is there and I open the voting and I ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

POUR: 41		CONTRE: 5		ABSTAIN: 0
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Connétable of St. Peter		
Senator J.A.N. Le Fondré		Connétable of St. Mary		
Senator T.A. Vallois		Connétable of St. Martin		
Senator S.W. Pallett		Deputy S.M. Ahier (H)		
Senator S.Y. Mézec				
Connétable of St. Helier				
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. 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 St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (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)				

7. C.I. Lottery - Allocation of 2018 Balance (P.99/2020)

The Bailiff:

The next item is the C.I. (Channel Islands) Lottery Allocation of 2018 Balance, P.99, lodged by the Minister for Economic Development, Tourism, Sport and Culture and I ask the Greffier to read the Proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to agree, in accordance with the provisions of Regulation 4(5) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, to allocate £374,112 of the 2018 proceeds to the Association of Jersey Charities to continue its grants programme.

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

Deputy Tadier, as the Assistant Minister with responsibility for the lottery, will be acting as *rapporteur* for this item.

7.1 Deputy M. Tadier (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):

This is, essentially, a very straightforward Proposition. It seeks to distribute more funds to the charitable sector in Jersey.

[12:00]

We are asking Members' approval today in line with the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975 for an additional £374,112 from the proceeds of the 2018 Channel Islands Lottery to be given to the Association of Jersey Charities to allocate to good causes in line with the service level agreement that is in place. Members will recall that in November we agreed to give the A.J.C. (Association of Jersey Charities) an initial tranche of £1 million from the 2018 lottery and this was an interim measure, pending finalisation of the accounts. That was an underestimate, essentially, and what we are seeing here is the excess amount from that, which we are pleased to have, of course, to distribute. The funds we are seeking to distribute today present the balance of the proceeds from that 2018 lottery therefore. The Association of Jersey Charities say that they would be open for applications immediately and would work to distribute the money to charities by Christmas. Of course Members will have views about the method we use in future to allocate proceeds. We are in the process of finalising a proposal for the allocation of proceeds from 2019 and beyond and we hope to bring this to the Assembly as soon as possible. But I do emphasise that will be a separate debate. I know that there will be Members in the Assembly who have legitimate comments and critiques to

be made about what might be the new future model. I would emphasise that this is not really the debate for that; this is a very straightforward matter about allocating the funds. I do also note that the Scrutiny Panel submitted comments. Firstly, I would like to thank the Economic and International Affairs Scrutiny Panel for putting their comments paper together. I think that was a really useful paper. I do note that in the opening paragraphs they say that they were disappointed that there was not more context, and that is partly why they submitted their paper. First of all, I think that their comments are really helpful because they do provide context. I would simply say that the reason that our report is perhaps slightly thin is because this is a very straightforward Proposition and the wider context can be seen in previous documents and previous debates that have been submitted to the Assembly. But that said, I do appreciate where the Scrutiny Panel are coming from. In their final paragraph they have kindly acknowledged that they understand the reasoning about the balance and how it arose. They have said that they wished to emphasise that their comments apply strictly to the balance of 2018 lottery proceeds. The panel is aware that the Minister is giving consideration as to how future distributions of lottery proceeds might be best made and that they would expect to be furnished with full information to enable them to conduct a comprehensive review prior to the debate of any relevant Proposition. I am certainly happy to give that undertaking that we will work closely with the Scrutiny Panel to make sure that we do give them all the information that they require to do their job. Essentially, I think we all want to see the proceeds of the lottery going to good causes, whatever those good causes might be in the future and however they might be distributed. Finally, I would like to just give some more thanks very briefly. I think it is important to say thank you to the Association of Jersey Charities for the work that they have done and that they will be doing in allocating this funding. This might be slightly strange but I think it is also important to thank the people who play the Channel Islands lottery because it is they who have, effectively, raised this money that is going to be donated to charitable causes. I do not think we often mention them. Because by continuing to support the Channel Islands lottery and, of course, in both islands and the funds are split on a pro rata basis, those players are donating money to charity. For example, for every £10 that somebody spends on lottery tickets they are, effectively, making a £3 donation to charity on average. I just say that by way of background information. In the meantime, I commend this Proposition to the States Assembly and welcome Members' comments with the caveat of asking them to keep it to this very narrow subject. But I do of course welcome, and the department welcomes, Members to come and talk to us and give us their input on how future changes might be played out in this important area.

The Bailiff:

Thank you very much, Deputy. Is the Proposition seconded? **[Seconded]**

7.1.1 Deputy K.F. Morel:

I would like to thank the Assistant Minister for drawing Members' attention to the comments paper that the Economic and International Affairs Scrutiny Panel has provided and I hope it does provide the context that we felt was missing. Just one little word of warning for the Assistant Minister, one trend I have noticed during my 2 short years in the Assembly is that when Ministers and Assistant Ministers describe a Proposition as being straightforward we then embark upon 5 hours of debate. I agree that this should be a straightforward Proposition and I hope it does turn out to be the case but I would warn off any Ministers from ever describing a Proposition in that way, from what I have seen so far. This is very much about the 2018 lottery proceeds. We are pleased, as a panel, to see them being distributed to the Association of Jersey Charities so they can be put to good work within the community. In that respect, I personally will be supporting this Proposition and I would suggest Members think similarly with regard to their vote.

7.1.2 Deputy K.G. Pamplin:

I would just like to echo my *Chair*. One of the many reasons I rejoined the Economic Affairs Scrutiny Panel was my individual support and connections to local charities. As Members know, I was a business manager of one small charity and a similar role at another charity and continue to support many charities across the spectrum for mental health, *et cetera*. It has been a very challenging and topsy-turvy few years for the charity sector over the last few years; the introduction of the Charities Commissioner, the register, the changes in law, what has been happening with different groups forming, funding group changes and, of course, roles within Government and coming on board the Jersey Care Model, *et cetera*. Then of course you include the pandemic, which has affected this sector like it has affected all sectors. It has been a very difficult time for charities, especially this year. I think there was some very good, again, quick thinking across the spectrum from Government and within the sector as well to make processes more simpler, including the coming together of funders groups, as I would do in my former life when requiring funding for the charity; I would look out to all the grant creditors and put forward our application for funding. Having that group together to look at all funding through the pandemic was an excellent example of efficiency and the simplicity of how it should be, while the actual process is rigorous and independent, which is very important, especially when distributing money of people who have donated or played lottery or whatever; that is really important. But the process is easier and simpler for the charities to apply to. I want to see that across the board going forward, not just because of the effects of the pandemic. Yes, this is about, as the Assistant Minister quite rightly says, the 2018 funds. To that point I would say, what are we now, September 2020? Why could not this decision be made earlier to give the reassurance to the Association and its members that have been waiting for this money? That leads me into my other concern about the 2019 lottery funds, and the comments speak for themselves to this Proposition. We are looking at this as a panel but me speaking as an individual, as Deputy Pamplin of St. Saviour, I want more reassurance to the sector. The A.J.C. have done an extraordinary job over many years and is now the time to make it more complicated for charities? I think the distribution of the lottery money could be re-reviewed and I know the Minister is looking at that as well. We want to be part of that process. But I just put this down again, we need to make this process much simpler and above board because we cannot have any conflicts. When you are putting together an application for your charity you are putting forward your ideas, all your plans and so the people reviewing your application should be wholly independent to not only other charities where the information, rightly or wrongly, could be seen. I think that is a really key and important point. Also, if the Assistant Minister could give any allusions to what the future of the Channel Islands Lottery, the funding of the ticket, that was a problem last year, can he allude to the cost of the lottery? I think this year particularly, that is going to be really crucial to the success, I believe, of this year's lottery. If the pricing of the ticket does not work for Islanders, especially during this time, that can have a detrimental effect. I welcome the Assistant Minister's email to me and I will be seeking to work as constructively as possible, as I always seem to do, as I like to do. But I just thought I would take this opportunity now, welcome this Proposition, support it wholeheartedly. But let us not come to this point again, let us just get this reassurance to the charities that the money is coming in a more timely and transparent way.

7.1.3 Deputy S.M. Wickenden:

I am very happy to follow on from the previous 2 speakers. I know both of them work very hard for charities in this Island, in ways being on boards and in many ways of support. Charities over this period are really struggling. We have seen lots of corporates not handing out money to charities as much as they could because of loss of income. We have even seen trusts have stopped giving out money to certain charities that they used to, which has caused a real struggle. I think the charities sector over this period has been amazing with online, on social media, in engaging in different ways, in some very difficult circumstances to try and support people that are really struggling over this period; to do it in a safe way over text messages, over emails, over using technology to make sure

that people are okay in this Island. I very much appreciate what the Assistant Minister has brought forward here and I hope the whole Assembly will unanimously support this Proposition.

The Bailiff:

Thank you, Deputy. Does any other Member wish to speak on the Proposition? If no other Member wishes to speak, then I close the debate and call upon the Assistant Minister to respond.

7.1.4 Deputy M. Tadier:

Thank you for those Members who have contributed. I will just quickly respond to what I think are the ones that need to be responded to. I do share the thoughts that sometimes in the Assembly the most straightforward Propositions, the ones that are on paper that should be straightforward, are the ones that often end up causing the most debate. Conversely, some of the most complex debates that we should be having just go through on the nod, including in the Third Reading. But that does not seem to be the case here and that is a problem we cannot really solve. That is the beauty or the *chagrin* of politics. But I do thank him for his support and, again, for the comments that were issued by the Scrutiny Panel. I would like to also thank Deputy Pamplin. He is well-known for his support of the charitable sectors. I know he is not alone in that because I know that there are lots of Members in the Assembly who also are very supportive of lots of charities or of their own charities but perhaps not as well-known for it. But I do really appreciate his knowledge that he will be sharing with us and the department and his continuing championing of the sector. I do not know if it is really fair to suggest that this is not timely or transparent. I think there is clearly an issue with an excess amount that needed to be allocated and I would say that this is done in a very transparent way. But there is a bigger issue about the way that funds are allocated in the future, about what is the perhaps most legitimate and effective way to allocate those funds? Certainly what I would not want to see is that whatever body is allocating monies in the future, I want to make sure that they are doing that efficiently and not taking big cuts for what, effectively, should be a fairly straightforward mechanism. I think there are lots of ways to do that and I welcome the input from the wider membership, so just to renew that commitment. Yes, Deputy Wickenden, I thought, again, just paying tribute to the good work that is done by the sector, I think the other questions are probably outside the remit to do with costings of tickets, *et cetera*. I know other Members have got similar interests and that they were perhaps restrained in this debate. I look forward to hearing from them soon on those subjects. I do commend the Proposition to Members and ask them for their support on the vote.

[12:15]

The Bailiff:

Thank you very much, Deputy. I ask the Greffier to put the voting link in the chat box. I open the voting and ask Members to cast their vote in the usual way. We now have 44 votes that have come through. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The Proposition has been adopted.

POUR: 46		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				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				

Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. 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 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)				

8. Minimum Wage Increase and Productivity Support (P.100/2020)

The Bailiff:

The next item is the Minimum Wage Increase and Productivity Support, P.100, lodged by Deputy Southern and I ask the Greffier to read the Proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to request the Chief Minister, in co-operation with the Minister for Social Security, to take such steps as are necessary to increase the minimum wage to £8.66 per hour from 1st April 2021 and (b) to request the Minister for Economic Development, Tourism, Sport and Culture to introduce a Productivity Support Scheme for low-pay

sectors by 1st April 2021, in line with the programme for Economic Framework and Productivity Support (CSP 3-2-06) set out in Government Plan 2020-2023: further information on additional revenue expenditure and capital and major projects expenditure (R.91/2019).

8.1 Deputy G.P. Southern:

It feels like it has been a long day already but I hope we will not take too long - I hope - in debating this particular, which I believe, highly important Proposition. We start back in 2018 with our comments on the strategic policy where it says clearly: "We will reduce income inequality and improve the standard of living as one of our strategic priorities." It goes on to say: "Why is this a shared priority? Our average income per person is high but this hides large gaps between the highest and lowest earners. There is concern about growing levels of income inequality and the negative effect this will have on our community and our economy." Down the page it starts with: "Where we need to focus our efforts." I think this particular Proposition is part of this effort: "We will work towards a fair balance between wages, taxes and benefits, rents and living costs, enabling Islanders to achieve a decent standard of living and have secure incomes into older age. For example, through meaningful increases on the minimum wage, together with supporting mechanisms to increase productivity in specific affected sectors." This 2-part Proposition does exactly that. It proposes a meaningful increase in the minimum wage, together with, part (b): "Supporting mechanisms to increase productivity in specific affected sectors." This, particularly in this case, means the low-paid sectors. We start by noting, I think, first thing to note is that the most direct way to inject cash into the economy and ensure that it circulates is to increase the incomes of the poorest and that means those on or around the minimum wage. Quite surprisingly but interestingly it seems to me that the Council of Ministers has accepted this factor because they have interfered with the economy, with the market in a very, very significant way and we have been talking about that today with their payroll support, which has put in £60 million or thereabouts into the economy. We have just done the reduction in Social Security contributions by 2 per cent over 9 months, which has put a further £26 million in people's pockets and we are now talking about the £100 voucher and I received mine today significantly - we'll see where that gets spent - the £100 voucher. Lots of input to try and stimulate and get the economy kick-started again but all of them temporary. Some time down the line those workers who find themselves benefiting from these moves will find that benefit taken away again. This proposal is for support for the economy and for workers, which is permanent. What we heard when we first met the pandemic and its significance became apparent and its impact on the economy became obvious, we heard a lot of people talking about it is time to move to the living wage, it is time to get rid of this low-wage economy; we must change significantly the way in which we operate. Despite the Chief Minister's urging all morning to go big and to go bold, what we have got here is a Proposition which does not deal with the living wage, which is significantly greater than the minimum wage, it deals solely with the level of the minimum wage. It does so on the back of a report from Oxera examining the potential impact of raising the minimum wage, to which the then Chief Minister, Senator Gorst, published a statement as follows: "Overall, however, this report shows that the States aspiration to achieve a minimum wage of 45 per cent of earnings by 2026 is too slow. I, therefore, want to accelerate the timetable, delivering this change by 2020. This will benefit many workers and support our overall objectives for our economy, population and society. I will be bringing a proposal to the States later in the month to deliver this." Unfortunately, he did not do that but some time later in March then Deputy Mézec did bring a successful Proposition, the minimum wage should be set at 45 per cent of average earnings by the end of 2020. We look at the mechanism by which we set the minimum wage and, as a consequence of that Proposition being successful, the Employment Forum was asked to take into consideration 2 further factors, in addition to its statutory duties in its review of the minimum wage. This is back in 2018: "The minimum wage should be set at 45 per cent of average earnings by the end of 2020 and that associated with this that it further requested the Council of Ministers to investigate and propose a programme to deliver productivity improvements in low-paid sectors, with outline proposals to be delivered in April 2018 and a detailed

plan by December 2018.” This was 2 years ago. The fact is that those aims were not completed. In its report in 2019 the Employment Forum noted: “A number of stakeholders commented on the importance of Government providing a productivity plan to assist lower-paying sectors.” In October 2019 they said: “If a productivity plan is not delivered or it is not effective, this is likely to have an impact on the Forum’s minimum wage recommendation for 2020.” The end result of course was that the minimum wage was set at £8.32 and not £8.66, as would have been the case if we were meeting that target of 45 per cent of the average. We did see a Government Plan on productivity and it came in the Government Plan of 2020-2023 where it stated under the Economic Framework for Jersey: “Funding for implementation plans may be made available through a new Productivity Support Scheme from 2021. It is envisaged that the scheme will provide discretionary grants or other forms of funding to organisations and departments whose business plans or proposals demonstrate potential for material productivity gains and which are aimed at addressing one of the 5 key drivers of productivity growth; investment, infrastructure, innovation, enterprise, skills and competition.” Having failed to deliver a productivity support plan in 2018, 2019 and indeed in 2020, we now are in a position in 2021 and I believe the Minister for Economic Development, Tourism, Sport and Culture has this in his remit: “We can deliver an effective productivity plan to support the low-paid sectors, basically farming and hospitality, in 2021.” At last we have finally got a package which says you could have an increase to what we have aimed for, what this Assembly has approved, 45 per cent of the average wage, along with the required support for the low-paid sectors of the economy, namely farming and hospitality. I note for the first time in a long time the letter from the Jersey Farmers’ Union, which supports part (b) of this Proposition. With regard to the second part (b): “While we wholeheartedly support the principle of part (b), it should be noted that the Minister for Economic Development has already given the rural economy team some money from budget to improve productivity in our sector. However, it would be nice to see States Members support this part, part (b), for 2 reasons; to reaffirm the commitment and, secondly, it is essential that productivity is improved before wage rises, so that speeding up the process is imperative.” We have support from the J.F.U. (Jersey Farmers Union) for the second part of this Proposition. I am aware that the Minister for Economic Development, Tourism, Sport and Culture has a plan almost ready and certainly a plan which could be delivered in the first part of 2021 ready to go. I have been asked whether I would consider separating this Proposition into part (a) and part (b) and have ascertained from the Greffe that certainly would be possible. I think part (a) and part (b) go entirely together but there may be some Members who wish to vote for part (b) on its own. I think I am of a mind to have separate votes from parts (a) and (b). Having said that, I make the Proposition.

[12:30]

The Bailiff:

Thank you very much, Deputy. Is the Proposition seconded? [**Seconded**] Does any Member wish to speak on the Proposition?

8.1.1 Senator S.Y. Mézec:

Members are holding back I see. I urge Members to support this Proposition and I am extremely disappointed that the comments issued by the Council of Ministers are not supporting it. I am disappointed that there currently is no planned rise in the minimum wage because the States Assembly has itself agreed that the minimum wage is meant to be rising to 45 per cent of the mean wage by this year and we are going to fail. What Deputy Southern’s Proposition does is try to salvage that to at least get to that position slightly late. The minimum wage in Jersey has fallen behind the U.K. now for several years, despite the fact we know that the cost of living is higher in Jersey. Our lowest-paid workers are worse off than their counterparts in the U.K. and that is a political choice made by the Assembly, an unnecessary political choice and one which we can choose to depart from and do something different. In fact, such is the indignity of it that our minimum wage has also fallen behind Guernsey’s; their minimum wage, as it stands, is £8.50 an hour, we are on £8.32 an hour.

Deputy Southern's Proposition will get us to 45 per cent of mean wage, up to £8.66, an important step in the right direction. We have had a very difficult time as an Island community over the last few months. We had a really interesting debate in the Assembly before the summer recess about economic recovery, the future for the Island, not just its economy but socially and everything that goes with that as well, where we got lots of supportive words from Members about the idea of the living wage and moving to a situation where if you are working full-time hours you should not be paid a poverty wage; you should be paid an amount that is enough to sustain a basic standard of living on. It is the case that our lowest-paid workers in Jersey are paid poverty wages and these are people who are working, they are not lazy, they are not scroungers, they are not any of the other disparaging adjectives that some might choose to dismiss those on lower incomes in our society. These are people who are doing their bit to help our economy and help the industries and services that many of us enjoy in the Island. They deserve to be paid a decent amount for it; that is a basic principle. The argument against the minimum wage are rehearsed every year when we have this debate. When the minimum wage was first introduced people said that it would be doomsday, that it would cause mass unemployment and that it would end up harming those it was seeking to help but the doom-mongers were ignored. It was introduced, it had nothing but a beneficial impact. They continued to argue that if you raise it it will cause unemployment. We have year after year of example demonstrating that it does not. A few years ago the Assembly contracted Oxera to do a report to examine what the impact could be of a substantial rise in the minimum wage or a medium rise in the minimum wage; that report was 2017. It examined what would happen if you went to 45 per cent of the mean wage immediately and what would happen if you went to 60 per cent of median earnings. The 45 per cent of mean at the time was to be £7.88, so substantially lower than where it is now and lower than what our minimum wage is now and 60 per cent of median earnings at the time was £8.40 an hour, so just very slightly higher from what the minimum wage is now but still less than what Deputy Southern is proposing. That report basically said that the consequences of doing that were not that bad. They said that where there was likely to be negative impacts, that they could largely be addressed by the economic stimulus effect that there would be from lower earners being paid more, the job creation that that would stimulate and how if people were to lose their jobs, jobs would be created elsewhere providing better paid opportunities elsewhere anyway. Okay, the disruption to their working life might be unwelcome but at least the long-term picture was positive and, of course, we save money in income support. We are currently, essentially, subsidising low-wage employers now through the income support system, as was discussed in a previous debate, paid through a regressive tax system through social security contributions and our wider regressive tax system as well subsidising low-wage employers to sustain the living of people who are working hard, who are doing jobs that throughout the crisis have been demonstrated to be so essential to our well-being as a community. The least they deserve is to be paid a decent wage for it. It is nothing more than a political choice that we have not decided to do this already. Do not accept the nonsense that this will somehow have a negative economic effect when there are jurisdictions very close to us that already have higher minimum wages with lower cost of living and who have often similar economic difficulties that we do. The real economic difficulties that we will suffer from are the continued degradation of the wages of the lowest paid and the difficulties they have and the social problems that that can often cause as well, that we, as a society, ultimately, have to pick up the tab for. I urge Members to support this Proposition. Put your money where your mouth is and do something to help those lower-paid employees. Except that this is a political choice and the nonsense that is normally trotted out about the role of the Employment Forum, again we have the absolute right to decide our own destiny on this and to choose what our minimum wage rates are. We do not have to go by what an outsourced body, essentially, comes up with. We are a democracy, we do not have to bind ourselves to the decisions or views of people who ultimately are not accountable to the electorate. If you are somebody who genuinely believes in a living wage and believes that low-paid people ought to be treated with respect and dignity in the living that they are able to earn, then there is not really an excuse for voting against this, beyond some weird dogmatic attraction to some sub-line in a document

somewhere that says we have a process for doing this, when that process, evidently, is not working and has led us to a situation where we are, essentially, in contempt of our previous States Assembly decision. Let us rectify that and vote to support Deputy Southern's Proposition.

8.1.2 Deputy R.J. Ward:

Often in this Assembly there are games played about when people speak and we go later or whatever. I would like to speak early on this because I simply want to put, if you like, cards on the table about what this is about. I would like to say something first that perhaps may be a little out of order in some ways; we have seen Deputy Southern bring this Proposition and this drive to increase the minimum wage so many times over so many years, way before I was in the Assembly. I would like to thank him for his contribution to what is going on there in terms of increasing working people's wages at every opportunity, with all the knocks that he is taking along the line. I really urge people to please listen to the argument, listen to the debate, listen to the facts. Let us apply some logic to this debate. I come from a background of a logical discipline and I have looked at this and I can only come to one conclusion and that is that if we are going to agree, as we have done in the past, to set a minimum wage at 45 per cent of the average wage, then this is the figure it has to be at. It seems to me that what we have done is classically got ourselves into a situation where there has been a reliance on the productivity plan that has not been produced in order to produce the increase in minimum wage that we have said that we will do and it has been stuck, it has been trapped. What this Proposition, I think, extremely cleverly does is it gives that productivity plan as part (b) but what it urges the States Assembly to do is to take the action to change the minimum wage first and then it gives time up until April 2021 to act on these sectors that may need support. I am sorry, if you look around the Island more and more and more companies are paying a living wage. We had announcements from the finance sector about supporting the living wage. I have seen adverts outside food delivery shops saying it will pay a minimum of £10 an hour. Employers are seeing that that small extra investment is absolutely necessary to attract and to keep staff. At all levels if staff are valued they will stay and they will be committed. Before you dismiss this, and I really hope you do not, this has come again from a Back-Bencher to try and drive Government policy that is there. I think that should be absolutely commended and not dismissed. We need to invest to improve our economy. The COVID pandemic has shown us the vulnerability of so many people, not just those on minimum wage but so many more. I think I have said before in this Assembly there are so many people are 2 pay packets away from homelessness. What that shows is that a low-wage economy is not a sustainable economy that can protect its people and make this Island a protective place. Those who will argue against this, I really would like you to account for why you feel it is okay to have such a low minimum wage. Okay, to support a wage, I would say it myself, below Guernsey; we cannot do that. What I want to do is to call for leadership here, leadership from the Chief Minister and leadership from the Council of Ministers, who I will remind, as we were reminded yesterday, do not have to vote together on Propositions. They are free to vote in whatever way that they want with their conscience on this. I would ask the Chief Minister to change his mind and support this, to show genuine support for low-paid workers on the Island and tell them directly: "No, we will support you in increasing your wage. We do not want you to be so reliant upon Social Security to back up low wages and we will support those fewer and fewer businesses that rely on lower wages to sustain themselves, so that we can give them a productivity plan and support" out of that, I think, downward spiral into low wages. I think we have to make a decision today,; do you want to subsidise low pay? Do you want to continue to invest a figure that we do not even know from Social Security, and for those who are working full-time but have to rely on Social Security or do we want to make this minimal step, this minimal increment towards giving people that self-reliance and the value for the work that they do? I think this is a really crux issue for this Assembly, for the people of Jersey as well. We need to do that. I recognise we are coming up to the lunch break and so I will keep this short but I would ask you, this is your chance to make a positive change and you are elected to make positive change for all your constituents but in particular those who are on poverty wages, so we can

make a small change today, supported by part of a Proposition that will mean a sustainable change to incomes and, therefore, we can move this Island forward. I really hope that you can support this Proposition.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment has been proposed and, therefore, the Assembly stands adjourned until 2.15 p.m.

[12:45]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

Very well. We continue with the debate on P.100/2020, Deputy Southern's Proposition on minimum wage increase and productivity support. The next person who I have notice of wishing to speak is the Chief Minister.

8.1.3 Senator J.A.N. Le Fondré:

To an extent, this is a Proposition of 2 parts, as they say and as Deputy Southern has referred to, and just to be very clear for Members, myself and Senator Farnham in particular but Ministers as a whole, are obviously very happy to support part (b) assuming there is a separate vote. Part (a) is obviously going to be the centre of attention and while we really want to make it very, very clear that the Government does remain committed to achieving a minimum wage rate of 45 per cent of average earnings, unfortunately this is not the time. I think really in response to both Deputy Ward and other previous speakers, there are 2 words that respond to that and they are COVID-19. At the beginning of this year, no one could have forecast the effect that the COVID-19 crisis was going to have on the health of our citizens or on the health of the economy. We have worked really hard to ensure, through a whole variety of Government-backed schemes, that wages continue to be paid, that funds are available to help those businesses in distress and that help and guidance for employers and employees is in place and is accessible. Also, as we have said, we have put a variety of packages in place and I am very pleased and thank the Assembly for their support today on the reduction in the social security rates, i.e. that measure that we have now agreed. The Minister for Social Security has also made it very clear that she will keep the issue of when to direct the Employment Forum to consult on the minimum wage rate and she will keep it under constant review. The Employment Law, as I understand, requires the Minister to ask the forum to consult and neither I, nor she, can ignore that process. What we have to be as clear as we can be on is how the COVID-19 crisis will affect employers and employees in the coming weeks and months, which remains uncertain. We do not know and, as such, we have to be sensitive and realistic about the capacity of employers to meet an increase in the minimum wage rate in the short and medium term. I do not think it is an exaggeration to say that any additional financial burdens that are imposed on employers could well prove a tipping point into business collapse with all the implications for future employment opportunities and the economic well-being of Islanders and businesses. We have already seen significant falls in the average earnings in those sectors whose employees rely mostly on the minimum wage, and that is obviously agriculture and hospitality. I think the other point for me I would like Members to try and take away with them today - and it is in the comments from the Council of Ministers - is that the aim of 45 per cent of average earnings is not an absolute one. When the States adopted the Deputy's Proposition in 2017, it did so with the really important caveat, which I will summarise, but it was subject to the consideration of economic conditions and the employment of the low paid in Jersey. That is obviously a reduced rate but that is the point that was in the Proposition, consideration of the economic conditions, and that is probably most valid and most appropriate at this time when we are debating this matter when we are still in the COVID-19 pandemic and in the middle of the crisis as

a whole. My view is that we, as a Government, will be failing absolutely in our duty to those currently on the minimum wage if we approved a rise in the rate which then caused employers to make the very enviable decision to lay off staff just to keep their businesses afloat, and that is a real risk. When we see evidence of the economic stability, we will ask the forum to do its work. Unfortunately, it is an expression but now is not the time to take such risks and really, as Chief Minister, I do urge Members not to support this part of the Deputy's Proposition. I absolutely am very happy to support part (b) of the Proposition. Senator Farnham will no doubt talk about that later in the debate but it fits in with work that is being done and that is why we have absolutely no issues in giving that our backing. For part (a), assuming it is a split vote, I will not be supporting that and I really do urge all Members not to vote for part (a). Thank you.

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

I am pleased to follow the Chief Minister who has probably made a number of points that I was going to make. Firstly, I would just like to say that the speeches made by Deputy Southern, Senator Mézec and Deputy Ward, in broad principle, I agree with them. It is important to push the minimum wage up and I am also a keen advocate to get as many people as possible on the living wage. However, I have to say, listening to their speeches, I felt that I might be living in a parallel universe. Then we had the break for lunch and I went back and looked at the BBC news and thought: "No, the pandemic is still here." Cases are rising dramatically in the U.K., as they are throughout the rest of the world. I do not really want to talk to Members as though they do not read the news but I just have to remind people of the devastating effect that this pandemic has had on our economy where we have seen devastation in our hospitality industry. The transport industry is on its knees, a lot of hotels have either not opened or are only running on a minimum of staff and these are the very employers who employ a lot of people on the minimum wage. Also, I just have to say that these are also the businesses that we have spent millions and millions of pounds nursing those businesses through this pandemic and I think if anyone thinks that we are there yet, they are kidding themselves. You only have to see the spike in cases to realise that it has not gone away and even those jurisdictions that thought they were completely immune, namely Guernsey and New Zealand, have now seen further cases. So it has not gone away and it is not going to go away until we get a vaccine, and we have already seen today that there is a setback in that. I have to ask myself: "Is this a good time to be talking about introducing a further 4 per cent in addition to the cost of those businesses that are already on their knees and, by the time we come to April, are probably still going to be on their knees?" I have to say, sadly, because I think our move towards increasing the minimum wage is a good move, this is not the time to do it. All this will do will be to push some of those businesses over the edge and will achieve what we do not want, which is job losses and what we have spent millions of pounds trying to avoid. I find great difficulty in supporting this and, frankly, given that I am an advocate of increasing the minimum living standards in this Island, it grieves me not to be able to vote for this but I really cannot do it. It is a question of timing. The other issue I have with this is that it is all very well to want to increase the minimum wage but, in my view, it is a great mistake to do this without consulting with the very businesses that are going to have to pay for this. If I was a private employer and one of my employees said: "Well, just give me another 4 per cent and I will not talk to you about it and I do not really care about what conditions you are operating in", I think I might be a bit aggrieved. Throughout this pandemic, we have had a policy led by the Deputy Chief Minister of consulting with industry and working with industry and I think we have built up a very good relationship with them. They know that we support them. We have put our hands in our pockets to do so and then to do something that could be at this stage, and may not be at further stages, potentially damaging without even talking to them seems to me to be a bit of a mistake and does not do much for our relationship with industry. I accept of course that by not increasing the minimum wage this is going to increase people's hardship and increase their reliance on the state but then we have to set that against the fact that we are already spending millions of pounds to keep these industries afloat, so to have to delay this for a bit is probably quite sensible. We do not know when

this is going to drop out, we have no idea what our economy is going to look like when it does or indeed whether some of these businesses, particularly transport, is even going to be viable at the end of it. We also do not know what the unemployment figures are going to look like. We have heard mutterings of redundancies in the finance industry and we know that the hospitality and transport industries are struggling. Condor have already made a series of major redundancies. We are not in a good place at the moment so, for all those reasons, I find myself really struggling to vote for this. The second part of the Deputy's Proposition I think is eminently sensible. I would support it completely and I think Members should do so. Building on an economic platform is a good idea. In conclusion, with great regret, I find myself unable to support the first part of this Proposition and I think patience is required here. I wrote down: "Frankly, the timing sucked." Let us come back to this when we know what our economy looks like. These businesses who employ labour at minimum wages will have a much clearer picture towards the end of next year of what their costs are going to look like, what their business plan looks like and indeed, in some cases, whether they have a business so some delay, unfortunately, is inevitable in this process. I would urge Members to not support the first part but to support the second part. Thank you.

8.1.5 Deputy S.M. Wickenden:

There have been some really good speeches and there have been a couple of facts that have been thrown around to support this Proposition but not all the facts have been laid out. Now it is true that our minimum wage is lower than the U.K. and it is lower than Guernsey but you cannot take that statistic on its own into how it affects people on the lowest incomes. Jersey also has a difference between the U.K. and Guernsey in tax allowance so in the U.K., once you reach the target of earning £12,500 or more, that is when you start paying tax on your income. In Guernsey, for a single person, it is £11,000 and then you pay tax on any income that you gain after £11,000 and, for a married couple under 64, it is £20,000. Now if we take Jersey's figures where, in Guernsey, it is £11,000 before we start paying tax, in Jersey for a single person, it is £15,400. So lower income earners do not pay tax on a large majority of their income through the Jersey system, so you have to take facts and figures and what we do for our low-income earners and our economy into a whole picture and not just pick one piece of it out and try and make a change to that. I thought I would address that. Of course when you put a minimum wage up, it has a trickle-up effect so it affects all of the wages lower down. When I first joined the Assembly and I was researching Propositions, I was always advised by Senator Vallois and Senator Ozouf that I should read the law first. So where Senator Mézec said in his speech that we should not do something because of a sub-line in a document, well, unfortunately, the document is the Employment (Jersey) Law 2003 and the sub-line is Article 17, 18, 19 and 20 where Article 18 states that: "Before the Minister makes an order to change the minimum wage, the Minister shall refer the matters to the Employment Forum." So even if we passed part (a) today, it would be the instruction of the Minister for Social Security to go to the Employment Forum and ask them to do the review that we have not been able to ask them to do due to COVID-19. It is not the right time or place to start sending people out to go and speak to employers, employees, focus groups and the like. Because of COVID-19, it is not the right decision to make. It would be irresponsible to go and say that that piece of work should happen but the Employment (Jersey) Law which sets out requirements for minimum rest periods, annual leave, rights in respect of pregnancy and breastfeeding, redundancy and many, many other aspects is a law that we ask all employees to adhere to, not to break these laws, and it sets everything out. If we were to go and then break that law or not listen to what it says ourselves, surely we cannot expect employers to go and follow the same rule.

[14:30]

The law does state in different areas in 17 and 18 that the States can make regulations but it always goes back to 18 that states that the Minister has to go and set out asking the Employment Forum to go and do a review within a timescale. Then if the report does not arrive in that timescale, there are

clauses in the law that states that we can start moving forwards but it does not stop the fact that we have to ask the forum to go out and to consult. Now that would be an irresponsible move on this Assembly and I am sure this Assembly does not want to start saying that we are going to break our own laws or we are going to ask the Minister for Social Security to go and do something that they cannot do; setting a timescale that will not be met so that we can get further into the law. It would just be utterly ridiculous to do that. There are other areas. Within the Oxera report, yes, the overall impact was broadly neutral but impact on traditional entities such as farming and hospitality is much bigger. The Oxera report did not examine these in detail and we know that the effect on the minimum wage in areas such as tourism and agriculture has a very large impact on them, especially during COVID-19. The agriculture industry in Jersey, depending on weather and depending on markets, really struggles and we do not give them the same amount of money to keep going as other areas that they compete with in Europe, the U.K. and other markets. They really do struggle hard year by year, depending on what is happening, and to do something like this to them without knowing the full impact and without knowing the impact of what COVID-19 has had on our industry would be irresponsible. The agriculture industry, in general, mostly look after our green zones that we want to protect. We will be talking about an Island Plan at some point. They look after our fields and our green areas, not all of it because I know we have the National Trust and other areas that look after large swathes, but if we were to lose our agriculture industry, what would that mean for our green Island, how beautiful it looks and then the tourism that comes with it? So I have to say the law states that if we were to pass this, it would have to go to the forum. I just think that we should not be messing around and trying to bypass a law or do something differently that we rely on every other member of this society to pay attention to. For that reason, I think that, as good as (a) would have been to be able to pass and try and get in there, the world has changed right now, and I think we all know it has changed right now, and it would be irresponsible to go ahead with this Proposition part (a) and, with that, I am going to finish. Thank you.

The Bailiff:

Thank you very much, Deputy. Senator Mézec has asked for a point of clarification. Senator, is the point of clarification of what you have said or are you asking for clarification of what the Deputy was saying?

Senator S.Y. Mézec:

It is for clarification of what the Deputy was saying.

The Bailiff:

Yes. Are you prepared to give a point of clarification, Deputy? Deputy Wickenden, are you prepared to give a point of clarification?

Deputy S.M. Wickenden:

Yes, Sir. Yes, it is a very important debate. Of course I will.

The Bailiff:

Yes, Senator, what is your point?

Senator S.Y. Mézec:

The Deputy made reference, quite extensively in his speech, to the laws surrounding the actions the Minister for Social Security has to take when being able to pass orders on the minimum wage. Could I just ask him to clarify if he is therefore suggesting that this Proposition from Deputy Southern is out of order?

Deputy S.M. Wickenden:

I can clarify that I am not saying it is out of order. I am saying that it would request the Minister for Social Security to do something that I think would be ill-advised because we cannot ask, and we should not be asking, for this consultation to happen during this period of COVID-19. Is that okay, Senator?

Senator S.Y. Mézec:

Well, just then to clarify that point. So he is being clear though that this Proposition is in order, it is possible, it can be adopted and it can be done. He may say: "It is ill-advised." That is fair enough but he is not suggesting, is he, that this Proposition cannot be adopted for the reason that it is unimplementable because of the law?

Deputy S.M. Wickenden:

Yes, I am saying that it could be. You could follow through the law and you could ask the Employment Forum to go and do the review but I would say that it would be ill-advised to ask them to do so at this current time within the timescales that are set. We do not know what is going to happen at winter.

Senator S.Y. Mézec:

Thank you.

The Bailiff:

I think that is clarification.

8.1.6 Deputy L.B.E. Ash of St. Clement:

I have to say I am rather distraught in following the last speaker as he has taken away one of my main reasons for speaking and that was to address Senator Mézec's assertion that the Guernsey minimum wage was higher than ours without putting it in context. It is worth doubling up on what Deputy Wickenden said that should you own, say, for example, £16,000 in Jersey, you are going to have an extra £800 or thereabouts in your pocket compared to the amount you would have in Guernsey if you earned the same amount purely due to our tax allowances. So I think it is worth repeating that. We also heard some very, very good points from Deputy Southern and, on much of it, he is right. The Government is indulging in some vigorous stimulus and vigorous attempts to put money in people's pockets. The only difference being is governments have no money of their own. They have taxpayers' money and what the Government is doing with its voucher scheme, as an example, is it is giving people back money they have paid to the Government. Let us make no mistake about that. People say the Government are handing away money. They are not. They are giving the taxpayer back money. In the case of the social changes and the reduction in percentage, all we are doing there is telling people to hang on to their money. We are telling taxpayers: "You hang on to some of that money." What Deputy Southern is trying to do here is to tell employers to give their money out in an increased manner to people and that is a very big difference to what we, as a Government, have done. Now do not get me wrong here at all. I support the minimum wage very strongly and I think we have to try to address a social imbalance in Jersey that has existed for some time. However, and it is a big "however", I do not support raising it at a time when many businesses are on a knife-edge, particularly in the area that will be affected by this. The finance industry is not going to be affected by this. The finance industry pays well above the minimum amount to anybody that I know. The hospitality areas are really, really struggling. Now there is little point of people being entitled to more money if there is no job there to provide it. These are difficult times and we have to now help stabilise the situation as soon as possible and I do not believe that, however well-meaning this is, putting companies and consequently jobs at risk is the way forward. Thank you.

8.1.7 Deputy I. Gardiner of St. Helier:

What I have done during the lunch break, and I would like to share it with Members, is I decided to read the last report from the Employment Forum which was published on 9th October 2019 regarding the minimum wage. This report brought to my attention a couple of facts that I think is important to bring in because it is not that the Employment Forum did not mention these figures. We all know that we would like to reach a figure equivalent to 45 per cent of average earnings by the end of 2020 or 2023 and the conversation about 45 per cent goes back at least to 2015 and maybe even earlier. I was not in the States so I am not sure but in 2015 there definitely was a conversation about 45 per cent. What is written in this Employment Forum report is that the current mean weekly earnings of £770 for June 2019, if we implement the minimum wage to 45 per cent, it means it should be £8.66 per hour and I am talking back about June 2019. What we have today in front of us is it is April 2021. It is almost 2 years after this figure should be relevant to Jersey. It is only a 30 pence increase and the Employment Forum already stated this figure and this is what I am finding difficult to maybe liaise again with the Employment Forum to understand what is happening. Yes, all businesses are in a difficult situation. We are all in a difficult situation. At the same time, we support businesses with co-funding, so almost for a year to April 2021 businesses will get some support with co-funding. It is not just on the businesses. They have rent and they have all the other expenses for the businesses. It does feel that we have to move slowly forward and it is not slowly at this time. I have not supported it before without consultation with the businesses but when I looked back on the figures and the report from the Employment Forum, I am likely to support this Proposition this time. Thank you.

8.1.8 Deputy M. Tadier:

Yes, rather asking for that point of clarification from Deputy Ash, we have to be careful when we dismiss the comparison with Guernsey and say: "It is not valid" because the point that the proponents of no change - if that is not an oxymoron - say is: "Well, of course Guernsey has a lower tax threshold." I think Deputy Ash said that therefore somebody earning £16,000 a year in Jersey would be better off by £800 versus somebody in Guernsey who also earns £16,000. That is what I remember hearing and I am happy to give way if that is not what the Deputy said. The amount of G.S.T. that a Jersey person on £16,000 a month would pay because they are likely to spend all of their income and probably more because someone earning £16,000 a year probably needs some kind of state intervention if they are entitled to it, that is, because many of the lowest earners will not be entitled to claim on our benefit system even though they may pay social security. The point I am going to make is that they pay G.S.T. in Jersey. Because despite the promises of the well-known establishment figures in the past who said: "Do not worry, G.S.T. will be fixed at 3 per cent", it very quickly went up to 5 per cent as soon as they were re-elected and did not have to face the electorate for another 6 years. The strange coincidence is that 5 per cent of G.S.T. on £16,000 is £800 so the £800 better off that we might be in the allowances, that person is worse off because they are paying £800 out in G.S.T. even on things like basic food, reading materials and children's clothing which is not the case in the U.K. and of course Guernsey, as I have said, does not have G.S.T. at the moment. The other point is that this is not a new policy. It does not really need a great deal of consultation because this is States policy that was agreed years ago and we agreed to set it at 45 per cent of the average wage and to hit that target by a certain date, which we failed to do. I guess the one problem is that, at the time, an amendment was adopted that said: "Subject to economic conditions" which is of course a rascal's way of saying: "We will not do it if we do not want to." Because when are economic conditions ever such that the capitalist class want to give up a concession and pay workers more? There are never going to be economic conditions out there when the capitalists will want to pay the poorest workers in society more money because capitalism necessarily relies on exploitation because that is how they make their money. It is by extracting the surplus from the labour of the worker and that is how profit is derived. Of course, when conditions are great and when we have high inflation, you do not want to give them the pay increase because it could be inflationary. A few years ago of course it was the crash so the capitalist elite caused the crash by being reckless and being unregulated by having not enough state and too much free market. Then of course it is the ordinary people that

have to pay the price because they are the ones who are having this forced wage suppression on them and they are the ones struggling. You have to ask the question: “Well, when will the conditions be right?” Surely, at a time when businesses accept the role of the state and many businesses in this Island have been kept afloat and they appreciate that ... I have seen people who never thought they would have had to claim benefits or claim any kind of support from the state who are really grateful and have perhaps understood for the first time the role of the state and that there is a 3-way relationship because the state is there to look after them as employers and now it is time for us to ask those who pay poverty wages. Remember, this is not going to affect people who already pay a decent wage, who already pay a living wage.

[14:45]

It is only going to affect those who are paying poverty wages and they should have been aware of this for years because this is States policy, so it is not a surprise, so let us scotch that. People are saying: “I really struggle with this because it is not the right time.” I am afraid I do not think you are struggling with it; you are finding it very easy to not support this using, I think, some flawed and well out-of-date ideology that does not hold muster anymore. Jersey is a beautiful place to live and COVID has shown so many of the good aspects, both in the human nature that we can see in the Island, and also in our natural surroundings, the community spirit. But one thing that comes back time and time again about one of the problems living here for the vast majority is the cost of living. It is a very expensive Island to live in and housing costs are clearly one of those big issues as well as perhaps other living costs, bills and food bills. If we cannot do something to address the income inequality that this Council of Ministers is signed up to do, and they did not have to do this, they said: “We are committed to reducing income inequality.” Well you cannot address income inequality unless you raise the standard of living for those at the bottom, and that includes working towards a living wage, a wage that people can afford to live on. The other point is people talk about COVID and saying: “What have we learned from this?” Surely the one thing we have learned is who are the important people in society truly in terms of roles? I am not talking about personal value; I am talking about the roles that people play, the jobs, the industries that really matter in the Island when push comes to shove, are those that we cannot do without and those are obviously the ones who look after us in terms of our public sector. They keep law and order, they look after the hospital, the emergency services. But more fundamental than that, you could argue, are the ones who put food on our table, who are out there in the c tils, and while some of us might have been lucky to have some downtime during COVID and walk around the c tils either at Grouville or walk around the fields in the breadbasket of St. John and St. Lawrence or other parts of the Island, and we see people labouring under the hot sun on those c tils, perhaps speaking a different language, and I am thinking of people 100 years ago, my ancestors too, and perhaps Members in here, who would have had their ancestors labouring in the fields, back-breaking work, and we cannot even be bothered to pay them an extra few pence when we are quite happy to give millions of pounds out to businesses using quite a blunt tool. We are giving money out to very rich people in this Island who do not need it, we are giving them a £100 card, and I do not disagree with that, as I said earlier. There are reasons not to adopt means testing, and we are begrudging some of the lowest-paid workers in our fields, and let us look at the shops as well? Who were the most vulnerable people during COVID when everyone else was being told to shield? You had young and older people working behind the tills, many of them from ethnic minority communities who did not have the same voice or the representation, even from the trade unions perhaps because they may not have been members, and they were the ones being breathed on, on a daily basis, until there was sufficient P.P.E. (personal protective equipment) in place for them. They were the ones taking the risks while we were all there so we could buy our chickpeas and hummus at Waitrose, at the Co-op, and at Marks and Spencer’s, *et cetera*. So I really think this Assembly needs to take a long hard look at itself and, notwithstanding long-held ideological differences, this Council of Ministers is committed to reducing income inequality, it is committed to helping young people and putting young people first, and I am glad that there are people putting their

lights on to speak. I would expect some proper leadership from this Council of Ministers. But of course we are seeing leadership from this Council of Ministers because, while the Chief Minister might scuttle away to avoid the occasional inconvenient vote that he does not want to be present for, because he cannot support 2 of his key Ministers when they are trying to do things that the whole Council of Ministers have signed up to, he does come back in for this debate of course. Now, has he declared an interest in this debate? Does he or his family employ people in certain sectors, which might pay low wages? I do not know about that; I leave that to his conscience. But clearly there are people who might also have declared an interest in this debate and not taken part in it. I would ask the whole of the Council of Ministers to support this in its entirety, stop giving excuses. Deputy Martin, I think, the Minister for Social Security, wants to speak. Is this not another case of jam tomorrow, Minister, that we are quite happy to help those businesses which are struggling - quite rightly - endorse all the work that the Government is doing? But it is time now to put some extra money in the pockets, like we have been doing, of those who will truly appreciate it, to lift them out of poverty and to close the inequality gap. It is already States policy, we are not asking for anything new, we are just asking to stick to States policy, which has been well-known and the industry has already been consulted on this. I do ask Members to support this Proposition.

The Bailiff:

The Solicitor General has indicated a desire to offer legal advice on the Employment Law to the Assembly.

Mr. M. Jowitt., H.M. Solicitor General:

I hope this will be helpful. Article 16 of the Employment Law, at paragraph 3, provides that: "The minimum wage shall be such hourly rate as may from time to time be prescribed." The question then is who has the duty and the power to prescribe the hourly rate? The direct answer is found in Article 18(1) and it is the Minister who, before he makes an order setting the minimum wage under Article 16(3), which is what I have just quoted, shall, which is to say must, refer the matters specified in paragraph (2) to the Employment Forum for their consideration. Those matters are what the single hourly rate should be under Article 16(3), among other things. Once that referral has been made to the forum, the forum shall, which is to say must, after considering such matters as are listed, make a report to the Minister, which shall contain the forum's recommendations about what the Minister thinks the hourly rate should be, among other things. Under paragraph (4) of Article 18, the Minister is free either to adopt the forum's recommendations or to adopt them in part or to reject them and set whatever hourly rate he considers is appropriate. Where he departs from the forum's recommendation he is required to lay a report before the States containing a statement of the reasons for his decision. So the power to make or rather to prescribe the hourly rate appears to lie solely with the Minister. Article 17 does give a power to the States Assembly, but by regulations, which this Proposition does not anticipate. It may by regulations make provisions, which, among other things, will determine various relevant matters, which may bear upon the minimum wage. But my understanding of that is that, as it were, that descends to details, which may underpin or lie behind the way in which it operates, but the power to prescribe the minimum wage lies with the Minister. Now, it would be open to the Minister, it seems to me, to say: "I reject the forum's proposal or recommendation and in the report I lay before the States for that decision I explain that my reason for rejecting it is that I have effectively been ordered by Proposition of the Assembly to set the hourly rate, the minimum wage, at a different figure." It seems to me 2 things potentially flow from that, if that decision were to be challenged by way of judicial review. The first is this, and it relates to the particular wording of Proposition (a), which, when I read it, begins by sounding like it is an invitation, it requests the Chief Minister to take such steps. It is not a request that he considers an appropriate minimum wage figure. It then goes on to use the language of compulsion: "To take such steps as are necessary to increase the minimum wage to £8.66 per hour." That reads as effectively the States Assembly seeking to compel the Minister to proceed in a certain way when he prescribes that rate

under Article 16(3). It may be said by way of challenge that in passing that Proposition the States was seeking to take to itself, in reality, a power that it does not possess pursuant to the Employment Law. That would be the first ground of challenge by way of judicial review. The argument might be made along the lines that the decision made by the Minister was unlawful for that reason. The other challenge might be that the law mandates the Minister to seek the forum's recommendations. Presumably the purpose behind that was that the Minister should have reasonable regard to the forum's recommendations in reaching his decision. But that if he had already decided, by virtue of a direction of the Assembly, to come to a particular view regardless of the forum's recommendation, his decision might well be susceptible to judicial review on the grounds that it was either procedurally improper or was *Wednesbury* unreasonable because it paid only lip service to a process that the law had mandated he should follow. I simply give that advice as sounding a note of caution and of warning at this stage and I hope that it is helpful that I have done so.

The Bailiff:

Deputy Higgins has a question for the Solicitor General, presumably arising out of that.

Deputy M.R. Higgins of St. Helier:

Yes, it is. Would the Attorney General tell us, is this Parliamentary Assembly supreme or not? If the Parliamentary Assembly decides on a particular course of action and instructs, let us say, the Chief Minister or another Minister to do a particular thing, is he really saying the courts can go against what the Assembly's wishes are if the Minister complies with what this Assembly is doing? Is he really saying that?

The Solicitor General:

The Assembly is as much bound by the laws that it has chosen to enact as any other person living in the Island. If the law stipulates that a certain process must be gone through and the power to make decisions lies with a particular individual, then that is the law that must be applied and followed. The States is not able constitutionally to override the law of the Island, which itself has enacted, because, for whatever reason, good or bad, it decides that it ought to do so. The States is sovereign in the sense that it is sovereign in the laws that it enacts but, having enacted a law, it is subject to its own laws. I hope that is helpful.

Deputy M.R. Higgins:

I would like to just say that we shall review this because I am not convinced. Thank you.

Deputy K.F. Morel:

My question for the Solicitor General, and I would like to thank the Solicitor General for his input, it is helpful and important that we understand the legal position. Just following on though, I would like to ask the Solicitor General if he would agree that, given the Proposition asks the Chief Minister or requests the Chief Minister to take the necessary steps to raise the minimum wage, one of those necessary steps then to avoid any legal proceedings later on would be to change the law with regard to seeking the recommendation of the Employment Forum. In that sense, this Proposition could be passed with the knowledge that one of those necessary steps would be to seek a change of that law.

The Solicitor General:

I can only advise on the law as it presently is. I am not saying the States cannot pass the Proposition if it wishes to, as a matter of law it can. I am simply highlighting the potential legal challenges that may lie down the line if the Assembly proceeds in this way.

[15:00]

If the Minister acts upon it in such way that he sets the hourly rate because he is directed to do so by the Assembly, there may lie a challenge in judicial review on the 2 bases that I have explained.

Deputy K.F. Morel:

Apologies, I missed the beginning of the Solicitor General's response to me. So could I ask, if then the Chief Minister were to seek the changes to the law with regard to looking at the Employment Forum's recommendation, and was successful in that matter before accepting the minimum wage recommendation, would that then mean that one of the challenges the Solicitor General just previously described would necessarily fall away?

The Solicitor General:

Forgive me, if I have not understood the Deputy's question. It is always open to the legislature to change the law as it presently is, to, for example, remove the requirement for the Minister to seek a recommendation from the forum. But that is not the law as it presently is and it seems to me that it would be somewhat speculative for me to seek to advise on a different law from the one that we presently have. The one that we presently have, I think this Proposition risks a challenge in the way that I have advised.

Deputy K.F. Morel:

Sorry, I shall have one more attempt at understanding, which would the Solicitor General then consider one of the necessary steps as written in the Proposition would be indeed for the Chief Minister to seek to change that particular element of the law where he has to seek the recommendation of the Employment Forum in order to proceed with the Proposition in a legal fashion and in a way that would not be as open to challenge in the courts later on?

The Solicitor General:

Forgive me, and it was my fault, and I understand the question. Yes, it would be open to the tabler of this Proposition to amend Proposition (a) to include within it a request that the Minister brings a Proposition to amend the Employment Law to remove the potential problem, which I have identified.

The Bailiff:

I have notification for questions from Deputy Southern who was not able to ask his question earlier, perhaps still has a question, then the Connétable of St. Ouen and Deputy Tadier, and I know there is a question directed to me, presumably on a point of order, from Senator Mézec. It is obviously difficult to judge which one of those should be taken first, so in strict order of time I think we should deal with the questions of the Solicitor General first and therefore Deputy Southern.

Deputy G.P. Southern:

To the Solicitor General, the States passing a law that the minimum wage should be set at 45 per cent of average earnings by the end of 2020, what is the status of that particular aspect? Second question: why has the Solicitor General decided to intervene when, as far as I know, no Member asked for advice on this particular topic because I believe what he has just done has been very, very political in giving a steer to this particular Assembly?

The Bailiff:

I will certainly allow the Solicitor General to answer the first question. Of course it is, as Members will know, the law officers do not only give advice in response to a direct request, they proffer advice and generally the view that they have to take when they proffer advice in this Assembly is whether there is a risk that, but for their advice, the Assembly will be misled as to the legal position. That would be a perfectly normal way for a law officer to offer advice without being asked. There is, if I can put it this way, a put option for a law officer for advice as well as a call option that can be exercised. Mr Solicitor, if you would like to answer Deputy Southern's first point?

The Solicitor General:

Yes. I am not familiar with the 45 per cent provision and whether that was enshrined in legislation or whether it was a statement of intent contained within a Proposition.

Deputy G.P. Southern:

Can I just give you a little steer on that? In March 2018 the States voted on a Proposition brought to the States by then Deputy Sam Mézec of St. Helier that the minimum wage should be set at 45 per cent of average earnings by the end of 2020. That was a Proposition that was passed by the States.

The Solicitor General:

If it was a Proposition then it was a statement of intent falling short of law and it is the law to which, at the moment, this Assembly must have regard. The law is as I have advised it to be in terms of who has the power to prescribe the minimum wage and the process that it is mandated for the decision maker to go through in order to reach that decision. Whether or not there was a Proposition, which set out a statement of clear intent, that falls short; it is the law that has to be applied and that is what I have sought to offer my advice upon.

Deputy G.P. Southern:

Could I just follow up again, because I do not want to have another set of questions elsewhere?

The Bailiff:

These are questions for the Solicitor General. I should mention to Members, if they are not following the chat, there are a number of Members now who have listed questions for the Solicitor General and there is a point of order for me and I am very aware that Senator Mézec wishes to raise a point with the *Chair* as well.

Deputy G.P. Southern:

If I may, it is my Proposition.

The Bailiff:

No, I am not in any sense preventing you, I am simply setting the scene as to where we are at the moment, but I was going to come along and say please do ask your supplemental question.

Deputy G.P. Southern:

When in the comments on P.100 the Minister says the Minister cannot take a decision or make an order in respect to the minimum wage rate without having asked the forum to consult and prepare its conclusions, she then goes on to say: "The Minister for Social Security is not required to initiate a minimum wage review at any particular time." So presumably she could take it whenever she wished. Then finally the Minister says: "On 26th June 2020 the Minister for Social Security wrote to the *Chair* of the Employment Forum indicating that she did not intend to refer the matter of the minimum wage rate to the forum in the present economic conditions." Is his interpretation of that, that it says there will be no new minimum wage because I am not going to refer it?

The Solicitor General:

I am not sure it is my job to interpret ministerial intention, in fact I am sure it is not. It seems to me the way the law works, or the way that our system works, is that it is perfectly open to the Assembly, by Proposition, to ask the decision-maker - in this case the Minister - to consider making decisions and to consider making particular decisions. What I have simply advised on is that it is doubtful that it is open to the Assembly to mandate the Minister or to prescribe that the Minister will make a particular decision because the power to make the decision under the law lies with the Minister. If the Minister decides not to prescribe a minimum wage or drags heels over doing so that raises political considerations, which fall very well within the ambit of the Assembly to take the Minister to task over.

The Bailiff:

Then there is a question from the Connétable of St. Ouen. I am conscious that there is a point of order for me and I think I must take the point of order before anything further. Deputy Morel, was there a point of order from you?

Deputy K.F. Morel:

There was, and it is slightly relevant, but it was just when the Solicitor General was speaking, Deputy Southern, while I know his intentions were positive in the sense they just show clarification, Deputy Southern railroaded right into the Solicitor General's speaking and cut in, and I just felt that it should be raised as a point of order that that is not how you behave in the Assembly.

The Bailiff:

Thank you. That does not call for me to make any ruling. The matter is passed and there is no direction to give for the conduct of the debate, but thank you very much. Senator Mézec, I have not forgotten you, but you were expressing yourself as a point for me, but not a point of order. Do you have a point of order for me?

Senator S.Y. Mézec:

That depends on what your response is; whether you interpret it as a point of order or not, it is difficult to judge these things. I was hoping to save time and ask for your ruling, so I guess it is a point of order, to ask for your ruling as Presiding Officer, is this Proposition in order? Does it contain something, which falls within our legal competency constitutionally as an Assembly and therefore will be upheld if this Assembly adopts it, rather than a Proposition to do with something, which we have no say or legal control over and therefore are we wasting our time with this back and forth? That this is a Proposition, which is in order, and can be accepted and implemented?

The Bailiff:

The Proposition is in order in that the Assembly is always able to, by vote, express a view and a direction that it wishes to go in and to ask the relevant Ministers to take the appropriate steps. If a Minister fails to take those steps, the consequences are inevitably not legal but political. In this Proposition the Assembly is not changing the law, the Assembly is depending upon the actions of third parties, namely the Minister, and Chief Minister in this case, to make the alterations necessary. Therefore the consequences of them not doing so are political consequences and it will flow from the fact that Ministers have not done what the Assembly has asked of them. So, to that extent, the Proposition is entirely in order. As to what the steps may be necessary to give implementation to paragraph (a) of the Proposition, that is a matter that would need to be considered and dealt with by the Chief Minister were he to follow the request of the Assembly to him. But I am not able to advise the Assembly; I am not able to give legal advice to the Assembly of course. But in terms of is the Proposition in order; yes, in my judgment it is. The Connétable of St. Ouen had a question for the Solicitor General.

The Connétable of St. Ouen:

As with all legal opinions, there are always 2 sides to the story. Could it be construed, Solicitor General, that part of the steps in the Proposition: "To take such steps as are necessary to increase the minimum wage", and part of those necessary steps would be to consult the Employment Forum, so if the Minister did take those steps then this Proposition would be in order? It is only if the Employment Forum came back with a recommendation about the hourly rate that we could have a problem?

The Solicitor General:

I am mindful that the President has said it is in order. I am sure it is in order. If it is not followed, the consequences are political. In terms of, if the Minister were to follow it in such a way that it created the fewest hostages to fortune ultimately, I think the potential problem lies in the stipulation that he will take steps, or she will take steps, to fix the minimum wage at a particular amount of money. That, it seems to me, is where the potential problem would lie if the Minister were to simply follow the Proposition. Inviting him to take such steps as are necessary to increase the minimum wage, without stipulating a particular sum, would remove that potential problem down the line, it seems to me. That would include asking him to seek a recommendation from the forum, which he would have to do in any event.

The Bailiff:

Deputy Tadier, you had a question for the Solicitor General, or was it a point of order?

Deputy M. Tadier:

Initially as a question, because I think your intervention with Senator Mézec was helpful to me, but the point I am trying to ask the Solicitor General is that I do not have so much of a problem with him intervening when not asked, but he seems to be speaking to a hypothetical question that is not the case before us because, as he touched on, the Proposition here is to request 2 Ministers to do something and not to compel them in any way. So earlier he spoke of compulsion and surely it is up to the Chief Minister and the Minister for Social Security, and it is all very hypothetical of course because it presumes that we would have the kind of Assembly that would endorse part (a), but if we did endorse part (a) then it is up to the Ministers then to decide what the necessary steps are to increase the minimum wage and whether they can legally do it, and they will be taking legal advice at that point as to whether or not they decide to comply with the requests of the States Assembly.

[15:15]

So surely, and again it is part of my question, surely if the Ministers at that point were in receipt of legal or even political advice to say: “We do not think you should do this because the legal ramifications potentially outweigh the political consequences for you”, then they would not have to do it. This is basically what happens every time we ask any Minister to do anything. There was a second part, if it is not too long, and this might be the point of order, I think I heard the Solicitor General say it is possible for this Assembly to mandate the Minister to do something. I do not think that is possible. I think whenever we lodge a Proposition asking for something to be done we have to do it in a legally correct way, which is always to request the Minister to do X, Y or Z, and it is understood that there is a political fiction, if you like, that while the Assembly is sovereign that it is up to the Ministers to take that political judgment on board as to whether they comply with the decision and request or whether they do not.

The Bailiff:

That is not for the Solicitor General; I think it is a matter of simple interpretation of (a) of the Proposition, which is a request to the Chief Minister, and that seems to me to fit the normal method when the Assembly requests a Minister to do something. The consequence of not doing it is a political consequence; it cannot be a legal consequence if the power to do something is within the Minister’s power. I hope that assists the Assembly. In any event, Deputy Ward, you had a question?

Deputy R.J. Ward:

I am regretting leaving until late because a lot has been asked and I think it is partly what Constable Buchanan asked. I will try to form this into a question for the S.G. (Solicitor General). My concern is, at what point can any change in the minimum wage happen that does not face a legal challenge? As somebody who has brought a change to the minimum wage in a Proposition that was defeated, however we did not receive that legal advice then, and what do Back-Benchers do regards legal advice for this if we are going to suddenly find this out within the Assembly? At what stage is this

going to be legally acceptable if he sees a concern? If you like, it is the alternative to where the problem is, where is the solution, if that question makes sense?

The Solicitor General:

I can only repeat or echo what the President has said. It is open to the Assembly to pass this Proposition. If it is passed, it is then a matter for the Chief Minister to decide whether he acts upon it, and if he does not the consequences are political. If he does act upon it in the way stipulated, then potentially any decision on the minimum wage in conformity with (a) would be challengeable in judicial review. In terms of giving advice to Back-Benchers on the issue of the minimum wage and how one might go about bringing about a change to it, then the Deputy knows that this department is always ready and available to give that advice.

The Bailiff:

I think those are all the individuals who had wished to either raise points or ask questions of the Solicitor General, we therefore continue with the debate, Connétable of St. John.

Connétable C.H. Taylor of St. John:

I have not asked to speak.

The Bailiff:

I beg your pardon; I wrote it down incorrectly. Connétable of St. Mary.

8.1.9 The Connétable of St. Mary:

I shall be very quick. It has been said that this is a difficult time to raise the minimum wage. That is the comment year after year. This year we are blaming COVID. Who in their right mind would work for £8.32 per hour? I do not think that any States Member would do that. However, people do, otherwise they would not have a job. It is time that all employers paid a decent minimum wage. If industries cannot make a profit, then perhaps they should be subsidised by Government if they are viable. Of course their books should be examined first. Is £8.66 such a big deal, which will only be paid from 1st April 2021 anyway? I do not think so. If we do not agree to support both parts of this Proposition, then our low-paid workers will be going backwards, because this does not keep up with inflation.

8.1.10 Deputy J.A. Martin:

I thank the Solicitor General for his advice and I do understand, I think, where I am under the law. Deputy Southern is totally right and I informed the Assembly as early as I could. We were in the middle of COVID, I was not just meeting normally weekly, and all these things: "Are we going to go out to consult?" I went: "What?" No one is even in work, we were just coming out of lockdown, so at that particular time it just was not practical and I informed the Assembly I think in open questions as soon as possible, and we are where we are. I just need to reemphasise word for word, and Deputy Southern keeps stopping at a particular point, on the Proposition of the 45 per cent. I am going to read word for word: "The States adopting the Propositions of Deputy Geoff Peter Southern of St. Helier, as amended, agreed that the minimum wage should be set at 45 per cent of average earnings by the end of 2020." In bold letters, and I think this was a Senator Gorst amendment: "Subject to consideration of economic conditions and the impact on competitiveness of the employment of the low-paid in Jersey." Every time the forum has gone out to consult, they have had this in mind, and every time over the years we have had a challenge, except I think 2 years ago when it went up in April and October. Over the years, whether I was Minister or not Minister, obviously were not Minister, but I have been an Assistant Minister, when I thought the argument made it, I have supported sometimes only a couple of pence. So I really am not going to have this that this is totally a party line and the Minister is just not doing this. I am absolutely dealing, right from the beginning with the screaming and the anxiety and the people that saw their business fall beneath their feet

overnight, where was our support. We were doing co-funded payroll, we were doing C.R.E.S.S. (COVID-19 Related Emergency Support Scheme), and giving money to keep these companies, and rightly so, and still supporting them there. I did not think, and I still do not think, it is the right time to go out at the moment and ask for the minimum wage to be consulted on and, if this is passed, I am basically saying, if I follow the letter of it, I will consult on £8.66 and see if everyone comes back and makes sure that is the right amount. Because I have heard, I think, from questions after the Solicitor General spoke, could we not just go and then change the law? We have consultation in lots of parts of our Employment Law and over the years we have been told we do not do it enough; it does not work. But I just want to stick to where we are. The Constable of St. Mary just said: "Would you work for £8.32 or even £8.66?" but some people are. Deputy Tadier said it is jam tomorrow. What about bread and butter today? Bread and butter today. Deputy Southern says in his report that we have seen so many more people unemployed. Then he goes on to say, and I would love him to justify this at the end, on page 5: "If we increase a rough estimate of the total cost to Income Support, a raise in the minimum wage as proposed would save some £600,000 annually from the Income Support bill." I do not know where he got those figures from; it would not have been my department. Let me tell you, on average, every 100 people added to actively seeking work and getting income support is £1 million and loss of jobs. We are all sure now, we are over COVID, there are no companies teetering on the brink because we are still supporting thousands of them, thousands with the co-funded payroll scheme, but we are all sure today, everyone can swallow that minimum wage uprate.

The Bailiff:

Deputy, could I interrupt you, Deputy Ward has metaphorically stood to his feet and asked for a point of clarification. He is entitled to do so at this time, you are not in the slightest bit to blame, it is my job to bring that to your attention. But you only have to take the point of clarification if you agree to give way, it is a matter for you whether you agree to give way or not.

Deputy J.A. Martin:

It would be churlish not to, of course I will give way to Deputy Ward.

The Bailiff:

In which case, Deputy, is it a point of clarification of something you have said or something that Deputy Martin has said?

Deputy R.J. Ward:

It is something that Deputy Martin said, and I apologise for interrupting Deputy Martin, I know how difficult it is. It came from something the S.G. had said and something you had said and it might just give some clarity, that is all, it is not trying to interrupt your flow. I do apologise for that. Basically, you suggested that you would consult and the increase may not happen, and can I ask therefore that if the Proposition was passed as to the request to take the necessary steps then the Proposition may not be followed in your opinion; you see why I asked that I hope.

The Bailiff:

Deputy, if you could make those kinds of inquiries through the *Chair* please?

Deputy R.J. Ward:

Yes, sorry, it is very strange being online sometimes.

The Bailiff:

It is very strange being online for certain purposes, but through the *Chair*.

Deputy J.A. Martin:

Sorry to the Deputy if I had misunderstood. What I thought I said was basically, if we followed what the Solicitor General said and I should go out to consultation, but we have written in here: “You will go and consult on a minimum wage of £8.66.” I am not saying it would not happen, I am saying basically what is the point of consultation? Because when the forum comes back they have always had in mind, since this was passed about the 45 per cent, they know, we have asked them, and Deputy Southern was at some point my Assistant Minister, has looked them in the eye and said: “Do you tell people this?” Absolutely they do, but they have to then listen to the concerns of how many jobs that may be lost. We have heard jobs in farming, and absolutely it is the majority of farming, and that is normal years, and hospitality, and that is normal years. Again, I think somebody else had lived in a parallel universe but today we have to make a decision on companies that are struggling; we know they are struggling. To the extent we do not know they are struggling is because of the millions we are still pumping in, and then we can tell them, I think it was Deputy Ash said: “You can up your minimum wage but you can get rid of maybe a worker.” This is how business works I am told. What is that then? Jam tomorrow. No, I really am being realistic. I have always thought that the minimum wage should go up. I waited as well. I was waiting for the economic debate when everyone did speak about the living wage, and would it not be lovely in an ideal world that everyone is paid a good wage and nobody needs the net of income support. But we are not there and absolutely to think that we are there today in the middle of September when, as I say, I cannot emphasise enough the amount of people we are supporting. We are trying to kickstart the economy, we passed the social security this morning, the £100 cards are going out today, spend, spend, spend, keep the economy going. But we do not want to lose jobs and I will just end on that figure: 100 people unemployed, actively seeking work, average cost to the taxpayer £1 million. If you think the economy can do that and if you think people would rather just wait a bit and find out what the employer can afford, or you force them to pay more than they are ready, we will lose jobs, and that is the opinion of, not just me, but many people who are much, much more on the economy button than I am.

[15:30]

So I will leave it there. Remember those 2 figures: 100 people, £1 million. Thank you and I urge them not to support this Proposition.

8.1.11 Deputy K.F. Morel:

Perhaps another way of saying 100 people, £1 million, is to say: one person £10,000. Perhaps it does not have the ring that the Minister wanted it to. Also, before I get going into my speech, I would just like to say that I thank the Solicitor General for his intervention, I found it very useful, and I know there were some Members concerned about a sense of politicisation or that sort of thing, and I think that is absolutely incorrect. The Solicitor General was bringing to our attention where there may be a possibility of legal challenge to this Proposition should it be passed, and to the Chief Minister’s actions in response to the Proposition should it be passed, and that was absolutely the right thing to do. As it is, I am satisfied that the Proposition could be addressed, were it to be passed in a way in which the Chief Minister would avoid any possible judicial review. But we are, as Members, bound by previous laws that this Assembly has passed, and one of those laws says you have to consult with the Employment Forum; so be it. We need to deal with that and unpick that as necessary. But I would like therefore to thank the Solicitor General, it was genuinely a very useful intervention. It is interesting, and there is no question that this is very difficult. I would also like to start by saying there is no question in my mind, I have no doubt that this Proposition will fail. But perhaps when we argue against a rise in the minimum wage we should start to think about what would it look like if we brought in a law to cut the maximum wage paid by a business; would that look so terrible at this time? That would save businesses money. That would enable them to pay more at the bottom end. But it is interesting that kind of discussion is never had. Certainly last time a Proposition along these lines was brought to this Assembly, by Deputy Ward I believe, he referenced it himself, I did vote against. I did so because I felt at the time the importance of staying within the process framework

that was provided, and includes the Employment Forum. But then I found it difficult because in Jersey we have problems and we have an enormous problem with income inequality in this Island. There is no doubt that my reasons for rejecting the last Proposition along these lines do still stand, you do need to consult. You do need to consult the Employment Forum and business; that is ordinarily absolutely correct. It is good to know that the Minister for Social Security believes consultation is important because in one recent set of legislation that the Minister was trying to pass, the failure to consult was one of my criticisms of it. But, in my view, these arguments about consultation are not as powerful today as they were the last time that we debated this matter and, certainly, I would not ordinarily advocate supporting such a Proposition without the requisite stakeholder consultation. But I believe it is necessary to send the strongest possible signal that I, as a single Member of the States Assembly, can. That signal is that the minimum wage situation in Jersey does need to change because this Island is becoming more unequal on a daily basis. I was characterised in the debate on P.106 earlier today as someone who is against regulation. There is certainly a lot of truth in that. However, I am also someone who believes that businesses need to stand on their own 2 feet and the truth is that currently we subsidise the wage bills of businesses outside of the co-funding payroll scheme, I am not referring to that, that is an individual temporary matter. We permanently subsidise the wage bills of businesses through income support. It has long been a problem in my mind that the public sector picks up the bill for those businesses, which feel they are unable to pay a higher minimum wage. To some extent in an area like agriculture this is understandable because we believe that agriculture itself has a value to the Island, which goes beyond the economic. Agriculture, on a tiny Island, exists in an economy of mass agriculture, which means that we can ship in fruit and vegetables from overseas at cheaper prices than we can grow it over here, so there is an understandable dynamic there. But in other sectors those dynamics do not exist in the same way. One of those sectors, in my view, is, for instance, private care homes. Workers there, many of them, are paid a minimum wage, yet in these last few months we have seen those workers paid £8.32 an hour putting quite literally their lives on the line. We can only all of us be thankful that none of them died as a result of their contact or potential contact with coronavirus. So to those who say that COVID is the reason that we should not bring in such a rise in the minimum wage right now, I say the opposite; COVID shows us that the most unskilled of jobs can become essential and at the same time life-threatening at any time, and so COVID indeed is a reason why we should be paying such people more than they currently earn. It is in fact the situation in certain areas of the private sector that show us we cannot let the minimum wage drift further away. This year we saw a decrease in the average earnings of agriculture of 11.9 per cent, and the average earnings of hospitality there was a decrease of 10.2 per cent, while the average in other business sectors saw an increase of 3.2 per cent. So we can see how those 2 sectors are becoming unmoored from the rest of the businesses in the economy in Jersey. It is clear that those sectors have to be pulled back up because those wages will not rise naturally. Let us not forget as well something that I raised earlier in the debate today, and it is the sad truth that those lowest wages are most often paid to women, and I believe it is women who are most likely to be paid the minimum wage, so men certainly tend to benefit from higher wages in those sectors where men dominate. It is those sectors where women dominate that we see the minimum wage most often paid. At the end of the day, Jersey needs to remain an attractive place to work for our hotel workers, our bar workers, our care staff, our farm workers, and it is not just here to appeal to a millionaire class, a millionaire class who apparently feel happy paying a lower rate of tax than the rest of us indeed. So I believe it is in our Island's social interests that we send the strongest possible signal to the Employment Forum that they need to push up the minimum wage for the good of the whole Island. To do otherwise risks condemning Jersey to an increasingly divided future, in which the haves live in luxury and the have-nots are left to scramble for scraps under the table. Yesterday I asked a question about inflation caused by Brexit in the coming 2 years. It was confirmed that inflation is certainly going to rise strongly and, yes, the minimum wage rise will feed into that but it will feed into that at a far lower level than any of the other forces that are coming to bear on prices. If we do not give those who earn the least in our

society that help up through those businesses that employ them, then it will be the public sector, which faces an enormous deficit as it is, which will be struggling to fill the gap. So, contrary to my vote the last time we raised this matter, I now feel that it is imperative that I vote in favour of this Proposition, because to do so means that thousands of Islanders will continue to suffer as many thousands more Islanders continue to benefit, and that is the situation that we cannot continue if we are to maintain a stable and an inclusive society.

8.1.12 Senator L.J. Farnham:

I would just like to address some general points on the productivity issue, but I would take this opportunity to remind Members that I do have an interest in a local hotel and that my interests are correctly registered as required. In relation to productivity, as Members will know, productivity is the measure of economic output per unit of labour, as we measure it. Economic output can be expanded by immigration, which is a big challenge for us because that impacts on our population, but as we grow the size of our population or allow immigration to increase, our G.V.A. (Gross Value Added) figures will rise with this. It is a measure of well-being, which I think is something we need to focus on far more than we do on the pure G.V.A. figure. Productivity is more important because it determines the per capita income of the economy. That is something we have all committed to see rise, as we have committed to a living wage and we are now heading towards debating the timing of that. The key ways in which productivity is lifted and the most is made of a labour force, what we have to do is produce more economic output with less resource, and that is going to be one of our biggest challenges. But 2 of the key ways of doing that is through investments and capital, or more commonly physical equipment, but also covering intangible inputs, economic inputs, such as computer software as well as education, training of employees, improvements in technology, and the ways in which we all work, and that is something ironically that COVID-19 has had a big impact on. I know many of us, using local businesses while we support our local economy, have witnessed some pretty innovative changes to businesses who have been forced into rethinking the way they do things that have been very successful. In fact I know of many businesses that are going to continue to embrace the changes they have made and stay with them because it has made them, as a business, more productive. They are able to produce more economic output with less input. The 5 key drivers of productivity are: investment at a business level; infrastructure is also vital, that tends to be public investment in commonly used resources and facilities; innovation and enterprise, something I have just alluded to but the pursuit of new products; and new ways of working; very importantly education and skills and investment in that, which is essential, because we will have to offer a far greater range of education, skills, vocational training, to lift the skills of Islanders if we are to improve productivity without having to input resource. I know that is something that the Minister for Education is working as part of the economic recovery answer, so we are making progress there. Of course something that we have talked about recently is competition and that is something we are going to be focusing a lot more on with the newly constituted Competition Authority, but that is really motivating firms to pursue the measures I have just spoken about and improve their output without it having a detrimental impact on the Island's resource. Consistent with all of this is the Island's Future Economy programme, as currently being advised by the Economic Council, which continues to assess the future policies that we will be introducing to boost all sectors of the economy and, in particular, the impact that these may have on the Island's economic sustainability moving forward. So the productivity support, which Deputy Southern is asking us to bring in under part (b) of his Proposition, which is something I am very pleased to support, will enable businesses, especially in those sectors that are hardest hit and impacted, that would be impacted most significantly by the move to a living wage.

[15:45]

To me, to pay higher wages, to make the contribution which we all support, without the risk of reducing jobs in those sectors, while being able to stay in business and support sustainability of the jobs we need, and the design of the proposed productivity support schemes is currently being

progressed by officials, so that work is ongoing. We are well into it, of course it is subject to the funding being approved in our 2021 Government Plan, which we will be debating soon, and I undertake to ensure that work is delivered in the first quarter of next year. I undertake, if we vote separately and approve part (b) of Deputy Southern's Proposition, to ensure it is delivered by the deadline the Deputy has asked us to follow.

8.1.13 Deputy M.R. Higgins:

I really was not going to speak in this debate, mainly because I am suffering déjà vu, I have heard it all before. Although we now have new faces in the States repeating what others have said before, it is the same old arguments. Unfortunately, we are doing the workers of this Island a disservice, especially the lower paid workers of this Island, and again, although Deputy Morel alluded to it, he mentioned the care home workers. Look at the supermarket workers. All the people that we have been relying on over the last few months while we have been shielding at home because of the COVID, they have been providing services that are absolutely essential and they are among the poorest paid in this Island, and yet we are not prepared to give them a pay rise. I find that absolutely disgusting and what a short memory we all have. Equally, I look at the employers that we have out there that we are *pouring* in millions to keep their businesses afloat, who in the past have always gone on about state aid and the state should not be supporting people. We are supporting them and we are asking them to support their employees, the lowest paid employees. I find it unacceptable that we hear these arguments against. We are all in this together, I believe, and I believe the States should be helping businesses stay in business, should be keeping employees in employment, but equally that we should be paying reasonable wages. Unfortunately, we are going to be seeing job losses whether we like it or not. COVID has brought the fact that we have workers working at home and those who can by using computers, many firms have decided they do not need their offices, they do not need as many workers perhaps, they are finding they have increased productivity through their workers working at home, there is going to be a lot of changes. I have gone on repeatedly in the Assembly about the effect of machine learning, artificial intelligence, robotics, it is changing. In fact the Council of Ministers have already had a report, I cannot remember was it Ernst Young or one of the other large accountancy firms, who have mentioned we could be losing 20 per cent of the jobs. We are going to have to address these issues and rather than go on about whether we should be paying workers 30 pence more or 40 pence more or whatever, I think we should pay a reasonable wage and let us address the major issues that are going to be facing our economy going forward and let us just be equitable and reasonable to the Island workforce for a change. I have never changed my view from the moment I came in the States, I have always supported a living wage, I always will, and I shall be supporting the Proposition.

8.1.14 The Deputy of St. Martin:

I will be brief. When this first came before the Council of Ministers in the previous Government, the economic advice was moving to 45 per cent was neutral for the Government and the money we saved on one hand we would pay out on the other and vice versa. On that basis we moved forward and said we would support this. But I always argued, and I made the case then, I have made it every time since, there are 2 industries on this Island that cannot survive if we move to these levels of pay: hospitality that Senator Farnham has just mentioned, but agriculture is the other. I am surprised in a way that Deputy Morel has moved his position. I can understand why he may have done that but I would urge Members to consider the case of the farmers, the case of growing local crops, the case of the countryside, and consider what happens if we do this without finding a mechanism to support that industry very specifically. We promised to do it. We said we would do it when we said we would move to 45 per cent, and we are still to do it and the Minister is still to come forward. This Government has not come forward with any plan to see how we can support that industry and pay this larger wage, which we want to do. So I will support (b) and not (a) but the moment (b) is done

let us get on and do it, let us move this wage, let us get this wage rise in place, but it cannot be at the expense of the countryside and the agricultural community.

8.1.15 Senator T.A. Vallois:

Just listening to the whole of the debate, I think from what I have heard so far, and it is reasonable examples and arguments that have been made towards whether it is part (a) or part (b), I think we need to appropriately consider everything in context. I would like to raise the issue of the fact that this is a repeated request and maybe the questions that were raised with the Solicitor General, and of course the points of order that have been made, around whether there should be a consideration around how we address this going forward as an Assembly. If the Assembly wish for a 45 per cent going forward, it should maybe be laid down in legislation rather than a requirement for consultation with the Employment Forum. But, having listened to other speakers and referring to the Employment Forum recommendations, the one thing that does worry me, and of course this was a 2019 report and it did recite a specific impact on employees, and I will quote from that report where it states: “The forum asked employees if they had personally experienced certain workplace changes in the past year. The responses were very similar to last year, almost half of the employee respondents had experienced a business restructure, 46 per cent, and changes to other terms and conditions of employment, 45 per cent. Almost one-third of employee respondents had experienced an increase in their basic working hours, 31 per cent, and 16 per cent had experienced redundancy compared to 11 per cent last year. One in 5 employee respondents, 21 per cent, had experienced reduced overtime hours or a reduced rate of overtime pay and 19 per cent had experienced reduced benefits and/or perks. An employee working in hotels, restaurants and bars, commented that their employer had reduced working hours but maintained annual pay levels, thereby increasing the hourly rate of pay above the minimum wage.” So, when I say we need to consider this in context, we should not just be focusing on supporting certain industries as the last speaker referred to, we need to be considering this in the round. With what we have experienced with regard to COVID-19, it does concern me what effect this will have on employees, but on the other hand I do understand the arguments that have been made with regards to our commitment to 45 per cent. I also go back to the iterations, the arguments I have heard time and time again in the States about a hand up or a handout. The issues around our housing and rent policies that we have, which I think has drawn more people into a benefit system than what we would have probably experienced if we had not changed it to a 90 per cent of market rent. So this poses the question for me, I am totally supportive of part (b) where Senator Farnham refers to the importance of education and skills. Productivity and the importance of supporting productivity in our Island is upskilling and supporting those children and young people, and not just children and young people, but everybody in our Island. To reskill themselves into different industries and different areas within our Island to support the economy and to support each other. This is what it is all about, we are here, we take income from the public in order to support public services to assist them in their lives, whether that be health, whether that be education, whether that be in terms of emergency services, which we have seen absolutely fantastic people going completely above and beyond during these completely unprecedented times. So I think the bigger discussion here for me is about the labour input and the labour output and the value of that labour that we have within the Island. I think this is a global issue, is this higher earner and lower earner issue between who is valued more and who is not valued more. I believe everyone is valued, everyone has a purpose and opportunity in life to reach their absolute potential. So, in terms of part (b), absolutely, in terms of productivity, if we were ensuring the right support in terms of training and employment skills for young people and people in employment to change industry and be flexible in their movement in terms of the economy, which we have within the Island, we could have that productivity improvement. I work diligently and really well with the members of that economic group and Senator Farnham, recognising the importance of the economy for the Island, because it all benefits us. In terms of the minimum wage, and I suppose going towards the argument around the living wage, we have significant changes in the working environment, which has been mentioned

already, and we have uncertainty and we always will have uncertainty with regards to that. Technology plays a huge part in this, but I do not believe we should just focus on one particular industry over another. I have noticed that many people have mentioned the cost of living. The fact the cost of living in the Island is so much higher than other areas, so it is so difficult to compare. But also I know, as Minister for Education, the cost of living can impair your ability to deliver in terms of outcomes for the service that you provide to the people, whether that is in the public service or whether that is in the private sector. We need to recognise that we do have higher tax exemption thresholds but I would raise the point here, and I will probably get kicked back for mentioning this, because I will probably be told that I should have brought an amendment. Maybe I should have, but I would raise whether us as an Assembly should be deciding on a change to the legislation to determine our requirement for that 45 per cent within the legislation rather than returning to this debate year on year. If that is our goal, then maybe that is where we should be aiming for and requiring it as a statutory requirement across the Island. From what I have heard from other Members and listening and respecting absolutely people's views on this particular subject, it is not particularly easy when it comes to what we have been through in the last 6 months with the COVID-19. I recognise many industries have been affected, but I also recognise that we have a goal to aim for and we are the legislature. So I just wanted to raise those points now and therefore I will stop my speech and thank those for listening to what I have to say.

The Bailiff:

Does any other Member wish to speak on the Proposition? In which case I close the debate and call upon Deputy Southern to reply.

8.1.16 Deputy G.P. Southern:

It reminded me of the old days, an intervention from the S.G. and a long debate, a long and impassioned debate. So I thank everybody who took part in the debate and I will pick out just a few comments, starting with our Chief Minister who came out with the first excuse, which was COVID-19.

[16:00]

To which I have to say to him: who is it most likely to suffer from COVID-19 and the pandemic? Not just the elderly, but those essential workers at the shops or domiciliary workers in people's homes, looking after people, and who are exposed to COVID most thoroughly. He was the first also, I think, to say now is not the time, to which I have to respond with the words of the Constable of St. Mary, very brief but to the point, he said it is always not the time, according to this Assembly. I would like to also pick up on Deputy Morel's contribution. I thought he was very sensitive and very germane and focused on the essential part here, as I said, minimum wage in Jersey needs to change and that businesses have to stand on their own 2 feet. So it was refreshing to hear that from his different political philosophy to me but coming to the same conclusion that we should not be subsidising low wages on the Island. I think that is essential if we are going to get anywhere with, quite frankly, the new opportunities we are presented with as a result of COVID-19. There are all sorts of changes going to happen. I believe one of those should be we start paying our low-paid workers far, far more, far better treatment of them, because they are going to be essential. As our ageing population grows, so they are going to be essential; we must treat them better than we currently do. Really, what I would urge Members is to take these 2 Propositions together, they have been widely consulted on and this is basically the Employment Forum in 2019 coming to the conclusion that you could have a rise in the minimum wage provided that we had a productivity deal, which protected the low-paid sectors, particularly farming and hospitality. To the Deputy of St. Martin I say that is there; that is there waiting to go. So I will just use 2 quotes from the Minister for Economic Development, Tourism, Sport and Culture or the Council of Ministers: "Increasing productivity and the creation of an effective economic framework is intrinsically linked to increasing

the economic success of the Island and, as such, remains a central priority for the Council of Ministers.” Increasing productivity in those 2 sectors in particular, protecting them, is essential. Then, finally: “The desire of the proposed productivity support scheme is currently being progressed by officials with the aim of bringing a scheme forward in quarter one of 2021, subject to funding being approved in 2021 within the Government Plan.” So here we are absolutely timely, we are about to go into the Government Plan, it needs knocking together and here is a priority area, I am suggesting, that should happen in there, providing consistency with the current Common Strategic Policy, it links in with that, the Government Plan, and Proposition P.100. Absolutely timely that we should be bringing this today because this productivity deal is ready to go and covers the area, which was the weak area of raising the minimum wage. So I urge Members to vote for both parts of this Proposition and I will, if you wish, take it in parts.

The Bailiff:

So you agree to take the matter in parts, do you, Deputy?

Deputy G.P. Southern:

Yes.

The Bailiff:

Very well, it is open to you to do, and therefore the first vote will be on part (a) of the Proposition and I ask the Greffier to put the voting link for part (a) of the Proposition on to the chat in the normal way. The link is now there. I open the voting and ask Members to cast their votes in the normal way, it is on part (a) of the Proposition. Forty-five have been indicated as received, I will allow a moment or 2 for Members to record their votes. If Members have had the opportunity of casting their votes, then I close the voting. The result will be posted shortly. Part (a) of the Proposition has been defeated.

POUR: 23		CONTRE: 25		ABSTAIN: 1
Senator K.L. Moore		Senator I.J. Gorst		Senator T.A. Vallois
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of St. Helier		Senator S.C. Ferguson		
Connétable of St. Saviour		Senator J.A.N. Le Fondré		
Connétable of St. Peter		Senator S.W. Pallett		
Connétable of St. Mary		Connétable of St. Clement		
Connétable of St. Ouen		Connétable of St. Lawrence		
Connétable of St. Martin		Connétable of St. Brelade		
Deputy G.P. Southern (H)		Connétable of Grouville		
Deputy M. Tadier (B)		Connétable of St. John		
Deputy M.R. Higgins (H)		Connétable of Trinity		
Deputy L.M.C. Doublet (S)		Deputy J.A. Martin (H)		
Deputy R. Labey (H)		Deputy of Grouville		
Deputy J.H. Young (B)		Deputy K.C. Lewis (S)		
Deputy K.F. Morel (L)		Deputy J.M. Maçon (S)		
Deputy of St. John		Deputy S.J. Pinel (C)		
Deputy M.R. Le Hegarat (H)		Deputy of St. Martin		
Deputy S.M. Ahier (H)		Deputy of St. Ouen		
Deputy J.H. Perchard (S)		Deputy S.M. Wickenden (H)		
Deputy R.J. Ward (H)		Deputy of St. Mary		
Deputy C.S. Alves (H)		Deputy G.J. Truscott (B)		
Deputy K.G. Pamplin (S)		Deputy L.B.E. Ash (C)		

Deputy I. Gardiner (H)		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		

The Bailiff:

We now open the voting for part (b) of the Proposition. The link is now in the chat and therefore I open the voting and ask Members to cast their votes in the normal way. The vote is on part (b) of the Proposition. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Part (b) has been adopted.

POUR: 49		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
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 G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
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. Millbrook Playing Fields and adjacent agricultural fields to the north: Protection from development (P.102/2020)

The Bailiff:

We now come to Millbrook Playing Fields and adjacent agricultural fields to the north: Protection from development, P.102, lodged by the Connétable of St. Lawrence 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 Council of Ministers to remove the Millbrook Playing Fields and the agricultural fields to the north from its shortlist of potential sites for Jersey’s new hospital.

9.1 Connétable D.W. Mezbourian of St. Lawrence:

Obviously, I would like to withdraw this Proposition as the playing fields and the adjacent fields to the north have now been removed from the 5 shortlisted sites. I wanted to leave it on the Order Paper because I just wanted to say a few words similar to those of the Constable of St. Helier this morning. First of all I would like to thank all members of the public who contacted me to express their shock, I think is the correct word, and dismay at the inclusion of the playing fields on the shortlist and to thank them also for taking part in the consultation that was run by the Our Hospital Project Team. I am sure that their contribution to that played some part in having the site removed from the shortlist. The site, in my opinion, and as Members can see from my report, was clearly inappropriate and I believe that it was a waste of time and money to include it on the shortlist and to subsequently have to prepare assessments, both technical and financial, on the site. I would like to remind Senator Farnham that he has said that the reports will be made public and we can see then reasons why the site should not have been included in the first place. Finally, I would just like to apologise to those Members who had taken time to prepare for this debate, albeit that clearly I am very pleased that we do not have to waste the Assembly’s time in moving forward with it. So, in conclusion, I would like to withdraw P.102.

The Bailiff:

Thank you very much, Connétable, it is entirely within your rights. We then come on to the last 2 items of public business, but neither of them have been lodged for the requisite time period and therefore we will need to reduce the lodging period in accordance with Standing Order 26(7) to allow them to be considered at the present meeting. Would you like to deal with both of these at once, Deputy of St. Ouen?

[16:15]

10. Reduction of minimum lodging period

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

Yes, I would like to propose that these items be dealt with today. It is possible to deal with them next week or in a fortnight, but it would run the risk that any delay then, such as an I.T. failure or similar, may mean that we run beyond 30th September when our emergency legislation expires, which means that we presently are able to require people to go into self-isolation, we can restrict workplaces, all of that would expire on 30th September. It was thought safer to try to bring that today for renewal, if the Assembly agrees. I would remind Members that we had a briefing on 7th August, so Members have had some weeks to consider this, and Scrutiny had a briefing also on 6th August. So I would ask the Assembly to debate it today but of course I am entirely in the hands of Members.

The Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak on that Proposition? If nobody wishes to speak, are we able to put a vote into the box, Greffier?

Deputy R.J. Ward:

Clarification, is that on the lowering of the lodging time?

The Bailiff:

Yes, purely on the lodging time. Members will see this now, a voting link. The vote is on whether or not the lodging period should be shortened to enable both of the last 2 matters to be debated today. So those who agree to that will vote *pour*. The vote is now open. We have received 44 notifications back. If Members have had the opportunity of casting their votes, I will ask the Greffier to close the voting and the result will be posted shortly. The Proposition has been adopted: 45 votes *pour*, no votes *contre*, no abstentions, accordingly the debate will take place at this sitting for the next 2 items.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
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. 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. Tadier (B)				
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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

11. Draft COVID-19 (Amendments - Extension, Suspension and Repeal) (Jersey) Regulations 202- (P.103/2020)

The Bailiff:

The next item, the first of those, is the Draft Covid-19 (Amendments - Extension, Suspension and Repeal) (Jersey) Regulations, P.103, lodged by the Minister for Health and Social Services and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft COVID-19 (Amendments - Extension, Suspension and Repeal) (Jersey) Regulations 202-. The States make these regulations under Article 2 of the COVID- 19 (Enabling Provisions) (Jersey) Law 2020.

The Deputy of St. Ouen:

I am grateful to Members for their agreement to take these regulations today.

The Bailiff:

Minister, before you start, I am sorry to interrupt you, but Deputy Young has a point relating to a conflict of interest. Deputy, presumably it is a point of order, is it?

Deputy J.H. Young:

I am not quite sure but because this particular piece of regulation is a whole *potpourri* of different items, I do think I have an interest under item 8, which is the residential tenancy amendment, and so I do not know whether that means that I should take no part or can I abstain from that one item when we get to it? I do have a direct conflict in there.

The Bailiff:

What is the nature of your direct conflict, Deputy?

Deputy J.H. Young:

It regards the repealing of the law will in fact result in an ending of where there is a disagreement, where there is an issue, which normally would go before the courts on eviction proceedings. That is, I think, a very direct interest. I am aware that the law automatically expires at the end of September anyway, even if we do not pass this amendment today but I still feel very uncomfortable about voting on that one item.

The Bailiff:

I am sorry, but I do not really understand what your direct interest is, I might have misheard you, perhaps you cut off slightly when you were explaining it. If it is an interest you share, if it is a non-pecuniary interest or one that you share in a way that many other people will, then the appropriate thing is to declare it, you do not need to leave it. If it is a direct pecuniary interest then you should take no part in the debate.

Deputy J.H. Young:

The debate of the whole item, on the whole composite item, or in respect of this tenancy item?

The Bailiff:

It is Regulation 8 and accordingly you should not vote on Regulation 8, if you feel that you have a direct interest.

Deputy J.H. Young:

I am trying to avoid spelling it out in public, but I will; I do have a current eviction proceeding pending on a tenant in my property.

The Bailiff:

Then it may be the case that you should not vote as an abundance of caution at least in connection with Regulation 8.

Deputy J.H. Young:

Thank you, I will withdraw in that case, thank you.

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

These draft regulations set out the treatment of the emergency legislation that the Assembly has brought into course since March 2020 to manage the coronavirus pandemic. I do acknowledge it is a complicated piece of legislation but the indication the Council of Ministers has received from Members has been that the Assembly is keen to see an overview of the legislation in force rather than to try to address all the various items in a piecemeal fashion. Our hope is that this will support an informed decision about each item in light of its place in the wider framework. There are currently 24 pieces of legislation in force to address the coronavirus pandemic, not counting those that have been superseded and repealed during the course of the pandemic so far. Some of these are effectively dormant, some are live but awaiting orders to give them effect, and some are in use each day. This legislation has been introduced as required since March, often at great pace, initially under Jersey's existing laws and our right to make triennial regulations, and later under the COVID-19 Enabling Provisions (Jersey) Law 2020. Some of this legislation reflects the need to establish new ways of working that limit interpersonal conduct, such as changes to the marriage and civil partnership arrangements as well as the making of Wills. Some is made to support difficult but necessary decisions in the early stages of the pandemic to break the chain of transmission, such as the Screening, Assessment and Isolation Regulations, which underpin the Safer Travel Scheme, and have allowed for the early lockdown approach that halted the initial growth of the spread of the virus. Some

legislation was made in the hope that it would never be used, such as the Crisis Management Provisions placed in reserve should services start to buckle under pressure on our healthcare sector or staff sickness or possibly even the need to evacuate one or more residential nursing homes. Fortunately, it did not prove necessary to use those regulations. The main objective of these regulations before the Assembly today is to ensure that all this disparate legislation passed since March is treated in a consistent manner, the powers relinquished to the greatest possible degree when it is safe to do so and to the degree that it is safe to do so. To that end, we have dealt with each piece of emergency legislation in one of 3 ways; either to extend it or to suspend it or to repeal it. Legislation that is extended will continue to have effect until 30th April 2021. This will usually be the case where legislation is still being relied upon for some purpose, such as the Screening, Assessment and Isolation Regulations, which are used to enforce isolation and underpin the Safer Travel Policy, and the Workplace Restrictions Regulations, which are used still to keep some areas of business closed. Legislation that is suspended will also have its expiry date extended to 30th April 2021 but it will also have a suspension provision amended into it by these regulations, which will leave it inactive until 3 criteria have been met: firstly an order is to be made by me as the Minister for Health and Social Services or in a few cases with my agreement; secondly, after consultation with the Council of Ministers; and finally only after it is deemed necessary and proportionate following advice from the medical officer of health. This means that any revival of restrictive powers will require a whole of Government decision supported by medical advice. The intention of the Council of Ministers is that this will leave a set of suspended emergency legislation ready to be revived as necessary by a single coherent and clearly articulated decision to move up and down levels of control and readiness should we be advised by medical experts that this is necessary. Examples of regulations that will be suspended if the Assembly agrees are: firstly those that recommended the requirement for 2 medical practitioners to authorise cremation; secondly, those that authorised the closure of schools; thirdly, those that gave power to enforcement officers to require people to keep 2 metres apart out of doors, all of those and some others will be suspended but are held in reserve and could be revived if the Government is advised by the medical officer of health and if there is agreement in the Council of Ministers. As to legislation that is repealed, that will be removed from the statute book and any similar provisions, if needed again, will need to be remade by the usual democratic process. This has the same legal effect as simply allowing the legislation to expire on 30th September but it is felt more appropriate to ensure that this Assembly can make a clear democratic decision to effect the repeal, as well as helping to avoid confusion from expired material remaining on the statute book and not formally repealed. So 3 examples of the regulations that will be repealed: firstly, those that amended provisions for the admission and detention of patients under the Mental Health Law; secondly, those that introduced the new authorisation process for imposing significant restrictions to liberty, largely affecting people in care under the Capacity and Self-Determination Law, and thirdly, those that permitted the opening of a new care facility without the full involvement of the Jersey Care Commission.

[16:30]

I well recall difficult debates over those; no one wanted to introduce a relaxation of safeguards, but it was difficult to do. We have not needed to use those regulations and it is proposed they and some others be repealed. 30th April next year has been chosen as the date for the extension of the legislation, as it allows the Island to move through the winter period with some emergency powers still in reserve. Also, whatever the coming winter may bring, decisions will need to be taken as to how the Island will move through the medium term with COVID-19 as a potentially very serious public health issue, rather than an imminent crisis, which it was in March. I believe we must be prepared to extend some of the remaining legislation, even in suspended form, over into 2021 and continue to retain the capacity to react until a proven vaccine is universally available. Assuming the Assembly will be asked to debate a Proposition to that effect in early April 2021 with a 6-week lodging period, decisions regarding any continuation of emergency legislation must be taken no later

than mid-February 2021. If we had a shorter extension period, say to March, it would mean taking those decisions during midwinter right at the beginning of the new year, at which time we may well not be able to predict the conditions in the spring of next year. So that is the reason why we are proposing 30th April. As I have said, there is much detail and the Proposition covers a variety of regulations previously introduced over the last 6 months, but I can deal with all of those in Second Reading if Members have questions as to specific pieces of legislation. But insofar as the principles are concerned, I think that is all I would wish to say at the moment and I will of course be pleased to answer any questions.

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

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

11.1.1 Deputy M.R. Higgins:

Just a brief comment. When the measures came in originally, obviously COVID was a great threat, we all felt the urgency to take measures, but in the intervening period we have learned a great deal more about the disease. It is still a horrible disease, it is still a deadly disease for some, and we are learning as we go on. As we go through, in fact when we get into the regulations, I will still oppose the one I opposed last time to do with Wills and I hope the Minister, when he gets to that, will take that one separately. But I do think, the longer that we leave these regulations in place, we are not having the chance to review what has gone on in light of new evidence that is coming forward. So, I must admit, I am uneasy with the length of time we are planning on extending them for, but I do think that we may have to revisit some of these things later on and in fact have to bring a Proposition to revisit certain things later on.

The Bailiff:

Does any other Member wish to speak on the principles? Very well, if no other Member wishes to speak on the principles, I close the debate and call upon the Minister to reply.

11.1.2 The Deputy of St. Ouen:

I note Deputy Higgins and I note his position with regard to the amendment on the Wills and Successions Law. I think he has said that there is no opportunity to review these pieces of legislation, but of course the Scrutiny Panel has carried out a review of the Safer Travel Policy recently, we have had comprehensive debates on them, and it remains the position that the Assembly can review these as much as at any time. Of course they are under constant review by the medical officer of health, by S.T.A.C. (Scientific and Technical Advisory Cell) members, by Ministers, these regulations are needed only if it is proportionate and necessary to prevent the spread of the virus and, when it ceases to be necessary or proportionate to have them in place, the Assembly will know that provisions have been suspended or orders have come to an end and we have moved through the levels. We now have a much greater degree of freedom fortunately than we did at the outset of this pandemic. So I believe matters will and can always remain under review.

The Bailiff:

Thank you very much, Minister. I will ask the Greffier to put a link in for voting on the principles of the Regulations. The link is now in the chat and I ask Members to vote in the normal way and open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
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. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
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 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy Le Hegarat, does your panel wish to call the matter in?

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

No, thank you.

The Bailiff:

Thank you very much indeed. Minister, how do you wish to propose the regulations? I think there is an amendment proposed to insert a new Regulation 25, so that appears to be a natural point for a break I suppose.

11.2 The Deputy of St. Ouen:

If I may go through the regulations until we reach 25. Of course I was wondering whether to go through them all one by one, and I can do, but there are also some breaks the Members will note from the report that, for example, Regulations 1 to 6 are bunched together as standalone legislation, so if I may take them in bunches as per the report, but I am aware Deputy Young and Deputy Higgins have indicated that they wish to vote on individual regulations; I will take those as individuals if that is acceptable.

The Bailiff:

Yes, indeed.

The Deputy of St. Ouen:

First of all, may I propose Regulations 1 to 6, which are standalone pieces of legislation introduced by triennial regulations or by regulations made under the enabling law.

The Bailiff:

Are Regulations 1 to 6 seconded? **[Seconded]** Does any Member wish to speak on any of Regulations 1 to 6? Deputy Young.

11.2.1 Deputy J.H. Young:

Can I ask the Minister a query on Regulation 6, which is construction work? Obviously the building control team have been involved with this in practice, which has turned out to be a useful piece of legislation, but of course it is not needed at the moment but that can all change. It is not just the expansion of the time, but there is a change, which means it moves from the Minister for Health and Social Services at the moment who has that decision-making power to the whole Council of Ministers. I would like the Minister for Health and Social Services just to give us assurances that by making that change it is not going to dilute the importance of the overriding importance of the health decision that should see as health as being the main purpose of that rather than a broader responsibility, and I would like the Minister to comment on that please.

The Bailiff:

Does any other Member wish to speak on Regulations 1 to 6? If no other Member wishes to speak then I close the debate and ask the Minister to respond on those regulations.

11.2.2 The Deputy of St. Ouen:

When we introduced those regulations, they would come into force by means of an order, which was to be made by me as Minister for Health and Social Services but there was a specific requirement to consult with the Minister for Economic Development, Tourism, Sport and Culture. The only slight change here is to expand the consultation and it is just to bring these regulations in line with all regulations. As I outlined in my speech on the principles, they would need to meet 3 criteria: first of all, there would be consultation with all of the Council of Ministers, so in this case not just the Minister for Economic Development, Tourism, Sport and Culture, but with all Ministers; and then it would only be if the Council had received advice from the medical officer of health; and finally the third criteria is, as before, from myself as Minister to make an order. I hope that explains matters for Deputy Young.

The Bailiff:

Very well, then we will vote on 1 to 6 now and I will ask the Greffier to put in a link to enable the vote, so the link is there, open the voting and ask Members to vote following the link in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Those regulations have been adopted in Second Reading.

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
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. 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. Tadier (B)				
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 R.J. Ward (H)				

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

Which regulation do you wish to deal with next, Minister?

11.3 The Deputy of St. Ouen:

The next bunch of regulations are Regulations 7, 8 and 9.

[16:45]

But to give Deputy Young the opportunity to abstain on Regulation 8, the residential tenancy one, I would propose to take all those separately, so may I therefore propose Regulation 7 only at this stage. That is the decision to repeal the order made under the Control of Housing and Work (Exemptions), and this was introduced to allow licensed or registered persons to work for undertakings and it has served its purpose and is repealed. I would propose Regulation 7.

The Bailiff:

Very well. Is that seconded? [**Seconded**] Does any Member wish to speak on that Regulation? If no Member wishes to speak then I ask the Greffier to post a voting link in the chat as usual. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Regulation 7 has been adopted.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
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. 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. Tadier (B)				
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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you wish to take Regulation 8, Minister?

11.4 The Deputy of St. Ouen:

I do, if I may. Regulation 8 is to repeal the COVID-19 (Residential Tenancy) (Temporary Amendment of Law) (Jersey) Regulations. This was introduced at the time when people were unable to move and we wished to ensure that they were not faced with eviction or becoming homeless. Fortunately, the situation has changed, people are now permitted to move, and we trust they will not face the same level of financial hardship as at the outbreak of COVID-19, so it is proposed to repeal this legislation.

The Bailiff:

Is Regulation 8 seconded? [**Seconded**] Does any Member wish to speak on Regulation 8?

11.4.1 Deputy R.J. Ward:

I understand that this now allows people to move home, which is a step forward. There is just a comment in the regulation on the paper there that says: “A court direction issued alongside the regulations will continue to apply in relation to how landlords and tenants should deal with COVID-19 related rent arrears, and the court will take the reasonableness of people’s actions into account when determining any eviction/claim for rent arrears claims that involve legal proceedings.” I wonder if the Minister could just add a little to that and obviously a concern is that we have a sudden increase in evictions, *et cetera*, due to rent arrears and even increases in rent at this stage. That is a concern that I have so I wonder if the Minister could address that concern.

The Bailiff:

Does any other Member wish to speak on that regulation? If no Member wishes to speak then I close the debate and call upon the Minister to reply to that regulation.

11.4.2 The Deputy of St. Ouen:

I understand the Deputy’s concern but these matters are, I would consider, a matter for a court. Specific court directions have been issued and parties to court proceedings would be required to

observe the directions of the courts and will need to explain the reasonableness of their actions to the court and we rely on the judiciary to makes these difficult decisions around evictions and the like. It seems to me that matters raised by the Deputy can be dealt with in the courts rather than requiring the restrictive regulations to remain.

The Bailiff:

I ask the Greffier to put a link into the chat. I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. There are some slight technical difficulties in getting the result of that vote up, so if Members would bear with us for a short while we will sort it out, there will be a minute or 2 yet. Very well, Regulation 8 has been adopted.

POUR: 44	CONTRE: 1	ABSTAIN: 1
Senator I.J. Gorst	Deputy J.M. Maçon (S)	Deputy J.H. Young (B)
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
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. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (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)				

11.5 The Deputy of St. Ouen:

Regulation 9 is proposed to be repealed; it is an order that was made to allow retired medical practitioners registered in the U.K. to practice in Jersey. This was not required and it is proposed it can be repealed, so I would propose that regulation.

The Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak on Regulation 9? If no Member wishes to speak on Regulation 9, I ask the Greffier to put a vote into the box. The vote is there; I open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulation has been adopted.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
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. 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. Tadier (B)				
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 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)				

How do you wish to deal with the other regulations, Minister? Are there any we can group together?

11.6 The Deputy of St. Ouen:

Yes, I would like to take the next group, which is Regulations 10 to 14, which all relate to care arrangements and it is proposed that all the Regulations here be repealed. They are regulations under the Capacity and Self-Determination Law, the Mental Health Law, the Regulation of Care Law, and Regulation of Care Standards and Requirements Law. As I mentioned earlier, these were the difficult decisions we had to take about relaxing safeguards in legislation but fortunately we have not needed to and I propose that all those be repealed.

The Bailiff:

Is that seconded? **[Seconded]**

11.6.1 Deputy K.G. Pamplin:

I cannot help but speak briefly on this because it drags me back to the time that we brought these through and the immense challenges it brought myself and our Scrutiny Panel and the tensions and the implications on civil liberties, particularly Article 10, and of course the other 2 related to mental health. I had to speak because one of the significant things that came about this that causes great distress at the time was the discovery that the significant restriction on liberty, the Capacity and Self-Determination Law 2016, which it covers, that there was a backlog of 107 applications through that. The comment paper at the time to our comment paper of that particular Article, it was said that in 2019 additional funding was provided to rectify this problem, leading to an establishment of an operation team in February 2020; they included a locum capacity liberty assessor brought from the U.K. and would remain in post until all outstanding applications were processed.

[17:00]

There were other things put in place including training, which was due to commence on 30th March, and obviously we entered the period of COVID. They also point in the comments then that at the point in which post-COVID business as usual would resume, the operational team would be able to continue the work that started in March 2020 on reducing the existing backlog. It was noted then, and of course we raised the concern as well, that there may be further backlogs due to the pandemic. So I just raise this now because it was important then, it remains important now. We are relieved to

see the back of some of these regulations, necessary at the time because we did not know what was coming down the line, but if we get to that stage that these need to come back, and hopefully we do not, I hope we will have more time to discuss between us. That was one of the other things we agreed that the timing for involving everybody to have their say on this, including external stakeholders, it gave us a lot of tension, a lot of tough decisions to make. But particular to this point - I raise it now, particularly this week, particularly what the meaning of tomorrow is about as well in the world of mental health - we must reduce, and I hope that commitment is going to be made and it will be something that I will be paying very close attention. I am pleased the Minister is bringing these because we are very pleased and thankful to everybody who worked hard during the pandemic that we never needed them.

The Bailiff:

Does any other Member wish to speak on Regulations 10 to 14? If not, then I close the debate and ask the Minister to reply.

11.6.2 The Deputy of St. Ouen:

The concern expressed by Deputy Pamplin is shared by the ministerial team and by all those in adult mental health and we are doing all that we can to address those issues. We are in regular contact with the Deputy and the Scrutiny Panel and will happily update him. I am not in a position just at the moment to provide an up-to-date status on that programme but I can get that to him.

The Bailiff:

I ask the Greffier to put a link to the vote and the vote is on adoption in Second Reading of Regulations 10 to 14. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
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. 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. Tadier (B)				
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)				

Which regulations do you wish to deal with now, Minister?

11.7 The Deputy of St. Ouen:

The next block of regulations that falls neatly is Regulations 15, 16 and 17. But Deputy Higgins has indicated that he wishes to possibly speak but also vote against probably Regulations 16 and 17, as they relate to signing of Wills and other instruments.

Deputy M.R. Higgins:

If I can just interrupt, it is 17(b) in particular, it is the signing of Wills that gives me the concern.

The Bailiff:

Let us deal with these in order. You can then deal with 15 and 16.

The Deputy of St. Ouen:

Yes, if I may then propose 15 and 16 together, 15 relates to Statutory Nuisances Regulations and 16 relates to the signing of Wills under the Wills and Successions Law, and they are both extended as they are felt to remain necessary, so I would propose 15 and 16.

The Bailiff:

Very well, is that seconded? **[Seconded]**

11.7.1 Deputy J.H. Young:

I wanted to just briefly speak on 15. I am pleased to see this extension of this regulation. Obviously, it was never ideal, as the note says on page 11 of the report, to use this for the purposes of controlling gatherings that might cause or increase the spread of COVID, but nonetheless it has been useful. I want to flag up the fact though that I think it has identified that the nuisance law itself, the underlying

nuisance law, does need a review because there are nuisances of course not relating to the spread of COVID where I think we will need to improve this and develop it, and I would just like to flag that up. But obviously I am pleased, this is obviously the best mechanism we have to deal with the spread of events that increase the spread of COVID and I am pleased that the Minister is carrying it on.

The Bailiff:

Does any other Member wish to speak on Regulations 15 and 16? I close the debate and invite the Minister to reply.

11.7.2 The Deputy of St. Ouen:

I do not think I have anything to add. I would concur with the Minister for the Environment.

The Bailiff:

I ask the Greffier to put a vote in the chat, the vote is on 15 and 16, and I open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

POUR: 44	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.Y. Mézec		
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. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
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)				

Those regulations have been adopted in Second Reading.

Do you wish now to deal with the following Regulation 17, Minister?

11.8 The Deputy of St. Ouen:

Yes, I understand Regulation 17 relates to the procedures around probate and granting of letters of administration that, under the emergency regulations, need not be carried out personally, but subject to safeguards can be carried out virtually, and it is proposed to extend those to 30th April 2021.

The Bailiff:

Are those seconded? [**Seconded**] Does any other Member wish to speak?

11.8.1 Deputy M.R. Higgins:

Yes, I wish to speak with regard to 17(b). When this Proposition came before the States originally, I was the sole Member voting against this, and I suspect I may well be again. My reasons for doing so are that at the time we were seeing a spike in COVID cases, we were looking at the statistics showing how they were rising rapidly up the curve, and we were stopping visiting to nursing homes because obviously they were the most vulnerable and it was put forward there should be video links to enable people to write new Wills. Writing a Will, especially with the elderly and the infirm, I think is an area of great risk. I was unhappy with the arrangements and I am particularly unhappy with the arrangements at the present time because, if visits can be made to nursing homes, we should be following the normal practice of the witnesses and the testator being present together, they gowned appropriately. I can understand if we were going through a major period where it was spiking yet again and there were visits to homes being cancelled, but I do think it is very, very dodgy. At the time I questioned the Attorney General - and unfortunately my computer is playing up because I have been trying to draw it up his comments - because I asked him various questions regarding the consent and valid consent being given. I must admit I was not very happy and the answers that he gave gave me great concern because there was no real way of verifying sufficiently over a video link. I still have those reservations but, as I say, I am going to vote against it. I will say to other Members too, if it can be done through the normal way of the witnesses and the testator being together, it should be done that way. Only in an extreme case should it not be done that way. I think it is highly dangerous to have this in place until April without perhaps the urgency that was there last time. So I will leave it at that. I am most unhappy with this, I think it is the wrong process and many people in the past have been duped out of their money through ways that are not satisfactory. I will leave it at that.

11.8.2 Deputy D. Johnson of St. Mary:

Simply, in respect of Deputy Higgins's comments, his complaint seemed to be about the witnessing of Wills, which I think has already been dealt with under paragraph 16 and not 17, but maybe the Minister could clarify that.

The Bailiff:

Does any other Member wish to speak? If no other Member wishes to speak, I close the debate and invite the Minister to reply.

11.8.3 The Deputy of St. Ouen:

In reply to Deputy Higgins, I would say that there are good safeguards built into the regulation. The persons witnessing the Will must do so over an audio-visual link and they must see the signature being affixed. Furthermore, we must consider that those many people who might wish to make a Will at this time, the reasons for making a Will might be that they are shielding or that they are suffering from a serious illness and therefore all the more reason for them to limit their contact with people outside their household. So they might not wish 2 witnesses coming into their home to witness a Will. If that can be done audio-visually within the safeguards of the legislation that provides them with choice, then I do not see why we should take that away at this time. So therefore I would propose Regulation 17.

The Bailiff:

I will ask the Greffier to put a link in the voting chat.

Deputy M.R. Higgins:

Could I just ask for clarification? Unfortunately I am having computer problems and the documents I had up on the screen ... is the Deputy of St. Mary correct that I have made a mistake in terms of which one I am referring to? I am referring to 17(b), which is what was in the copy of the legislation we were looking at.

The Bailiff:

That is a matter for you, Deputy, not a matter for the *Chair* or the Minister, what one. You indicated it was 17(b) you were concerned with; therefore the Minister has taken it separately. The Assembly has already voted on the preceding 2 regulations and I am afraid we really cannot open it now.

Deputy M.R. Higgins:

I think that is clear anyway.

The Bailiff:

Yes, I am sure you have made it very clear in the debate. Very well, I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. If you cannot use the link, then please do use the chat. The regulation has been adopted.

POUR: 42		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy M.R. Le Hegarat (H)		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
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. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (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 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 S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

[17:15]

How do you wish to deal with the rest of the regulations, Minister?

11.9 The Deputy of St. Ouen:

I would like to deal with 18 to 24 together, which brings us almost to the end, which brings us to the amendment proposed by the Scrutiny Panel. Regulations 18 to 24 specifically deal with matters relating to marriage, civil partnership, death and cremation. Some are extended, some are suspended. These are rather complex areas, but these are just to extend those provisions to 30th April, where it is considered that is necessary. I would propose the adoption of 18 to 24. Thank you.

The Bailiff:

Is it seconded? [**Seconded**] Does any Member wish to speak on 18 to 24? No Member wishes to speak on 18 to 24. I ask the Greffier to put a voting link on those regulations. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The regulations have been adopted.

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				

Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
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. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
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)				

11.10 Draft Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202- (P.103/2020): amendment (P.103/2020 Amd.)

The Bailiff:

We now come to an amendment proposed by the Children, Education and Home Affairs Scrutiny Panel, which is in effect the insertion of a new regulation at this stage. I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

1. Page 36, Regulation 25 – Before Regulation 25 (to be renumbered as Regulation 26) insert – “25 Unlawful Public Entertainments (Jersey) Regulations 2019 amended. At the end of Regulation 1 of the Unlawful Public Entertainments (Jersey) Regulations 2019 there is inserted – “(5) Paragraph (4) and this paragraph expire at the end of 30th April 2021.””.

11.10.1 Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):

This amendment, I will try and keep this very simple. It will be very interesting to see the outcome of this for the panel. It relates to P.22/2020 that was passed on 24th March. We have provided a comments paper with that. We provided a comments paper for that amendment in very short time. As Members think back, there were lots of pieces of legislation coming through that required very quick responses. I would like to point here, again, to the work of the staff of the Greffe in turning these comments around so rapidly. It is remarkable how much has been done in such short time. The original legislation that was amended is triennial and was renewed in 2019. I must say, the panel did not look at this at that time. The amendment was brought in for COVID-19 reasons. It allows the Bailiff to cancel permissions given for events. It was not time-specific at the time. The panel did suggest that this would happen. During the debate it was said by the Minister that he would bring that change. Subsequently the Minister has informed the panel that he would bring that change, but he would vote against it. Therefore the panel considered what the best action was. We do believe that time-limiting this amendment to 30th April with all of the rest would be the best way forward. There is a very simple reason for this. The simple reason is that this legislation ... and I have looked back and I cannot see any scrutiny of the legislation at all has happened in the past. I cannot find any. I stand to be corrected on that. Normally, if brought to the Assembly, it would have a 6 weeks' lodging time and have time for scrutiny. What has happened is that the COVID-19 reason has been extended and because it is seen as a useful piece of legislation in other areas there has been a blurring of the lines. Therefore, it will remain in its amended form without any scrutiny whatsoever until 2022. Now, I do not believe that that gives the transparency that we need as a Scrutiny Panel for this piece of legislation. I believe that the time limiting would allow us to do that. To make this quick, because I know people may want to speak and we have had a long day and we are coming to the end of the day. it is a simple choice to allow the blurring of lines of COVID-19 related regulations or to take the opportunity to maintain the genuine scrutiny process and time-limit this piece of legislation so that any major change or any change like this can be scrutinised later on. With that, I propose the amendment.

The Bailiff:

Is the amendment seconded? **[Secinded]** Does any Member wish to speak on the amendment?

11.10.2 Deputy J.H. Young:

I have a feeling I owe my apologies; I did not get myself up to speed, but of course I have just had a look at the underlying law, which we passed back a little while ago, about the powers for the Bailiff to deal with unlawful events. My worry about this amendment, and I invite the proposer to comment on this, is that at the moment it ties in with what I said about nuisance. We have a very weak and inadequate nuisance law. Issues such as noise and disruption cause real problems. I certainly have a commitment that there is work ongoing to review that law, which sits with the Minister for the Environment, but I think it is going to be pretty tough to try and get that done by April next year. I would have thought that the powers are there for the Bailiff, withdrawing powers seems a step too

far because obviously the way those powers would be exercised would be reasonable and normal. If we are back-to-normal situations, *vis-à-vis* COVID-19, between April 2021 and the 2022 date, which was the 3-year triennial regulation ... I have a doubt about this. I would like the proposer's comment: is that an issue that you raised? One thing I have certainly learned in the COVID-19 situation is people's tolerance of noise, nuisance, disruption has dramatically lessened, because obviously they are spending a lot more time at home, restrictions are binding on them and they are not able to get away on travel and so on. Certainly I have seen a much higher level of complaints and issues that come before the Environmental Health team and they really become very, very difficult. So that nuisance work is a real priority. I recall the debate. Members said that we really need to have a whole new look at this law because there are a lot of different unsatisfactory aspects. I have only spoken of one. The idea that we could get all these things put right by April 2021, strikes me as being a little bit short. Could the proposer say something that reassures me, please?

11.10.3 Connétable L. Norman of St. Clement:

Firstly, can I thank Deputy Ward's Scrutiny Panel for the support that they have given me and the Home Affairs Department for the legislation we have had to bring over the last few months? It has really been much appreciated. I have to say, this amendment is, at best, ill-conceived. Deputy Young is absolutely right in his comments. The regulation that the panel would remove simply allows the Bailiff to revoke or vary permission for public entertainment, which has already been granted. It does absolutely no harm to liberty or freedom. It is a simple correction to a problem that was waiting to be identified. The amendment I brought last March was a sensible amendment, whether there was COVID-19 or no COVID-19. There may be a matter of principle about not allowing any emergency provisions to remain in place beyond the end of the pandemic, but to me this should be out-weighted by simple common sense. The heart of the panel's reasoning for time-limiting the power, as detailed in the report to the amendment, is that: "The panel is concerned that as the changes are to be in place until 2022, sufficient scrutiny and consultation has not been able to take place to look at the wider implications of their adoption." The change, through the regulations, has now been in place since March, for 5½ months, which will have been quite enough time to consider the implications. Even if further time was needed or taken to carry out some sort of detailed review into this provision, it is not clear to me exactly what it could achieve. The Public Entertainment Regulations, as a whole, are in place primarily to codify the existing customary powers of the Bailiff over public entertainment. Really, in simple terms, they create an offence of holding public entertainment, without permission, and then allow the Bailiff to grant that permission based on whatever criteria and with whatever conditions he sees fit, after taking appropriate, professional advice. The oddity here is not that there is power to withdraw permissions or amend provisions; it is the absence of that sensible and useful power in contrast to the nearly unfettered discretion that the regulations allow in granting a permit in the first place. The triennial regulations are imperfect. We know that. But, at this time, they are the only available mechanism to manage public entertainment and they must be made to work as effectively as possible. Removing, as the power would, the ability of the Bailiff to revisit the approval of events in the light of changed circumstances would be a retrograde step, which might satisfy an abstract principle, but it would be at the cost of a useful and unthreatening power. I ask Members to reject this amendment. Thank you.

The Bailiff:

We are at that time where Standing Orders requires that I ask the Assembly whether or not it wishes to continue, adjourn immediately to continue tomorrow morning, as there is already a continuation date fixed. The suggestions on the chat so far are that we finish this debate or continue. There is one more piece of legislation, which I hesitate to suggest is brief, but it appears to be brief, that follows on from this. Could the *Chair* of P.P.C. (Privileges and Procedures Committee) ...?

Deputy R. Labey:

Can I propose that we continue to finish the business?

The Bailiff:

Is that seconded? [**Seconded**] It has been seconded. I have to say, the indications I am getting entirely over the chat is in support of that Proposition. It may not be necessary to put it to the vote. Could people indicate in the chat whether or not they agree and we will do a general count? Yes, thank you, it is quite clear that the vast majority of people wish to continue. Therefore, I will take that as a standing vote, in effect.

[17:30]

We will continue. I have now Deputy Higgins to speak on the amendment.

11.10.4 Deputy M.R. Higgins:

Can I make a declaration of interest first? Obviously as the Air Display organiser, I make an application to the Bailiff's panel for permission to hold the Air Display every year. I might add that I have absolutely no problems with doing that. I have found the panel to be totally fair and objective, so I have no complaints with the process that we have. I do have objections though with what the Minister for Home Affairs has done. I might also add, by the way, had the Air Display been given permission early on and the Bailiff felt the need to cancel it for COVID-19 reasons, again, I would have had no objections to that. I want to make it clear, in terms of the application of the panel and the power, I have no problems with it, but I do object very strongly to the Minister for Home Affairs bringing it to us as a COVID-19-related measure, and for us giving our consent as a COVID-19 related measure, and then wanting to continue to the end of the triennial period; that I object to. Legislation, we want to be transparent all the way through. I do believe if it is COVID-19, it is COVID-19, if it is not, it needs to be brought in in another way. For the Minister for Home Affairs, if he wants to give the Bailiff's panel or the Bailiff that power, bring it in the form of new legislation to the States and let us debate it at that time, but not under a COVID-19-related measure and try and expect it to continue to the end of the period of time, because he happens to think it is convenient or something that should be brought in. Let us do things properly. I will vote against this Proposition on that basis. Thank you.

11.10.5 Deputy K.F. Morel:

Before I get started, if I could just advise Deputy Higgins to vote for this Proposition, because this is from the Scrutiny Panel, rather than against it, if he wants to achieve the aims he just suggested.

Deputy M.R. Higgins:

Sorry, I was confused. Thank you for that.

Deputy K.F. Morel:

The Minister for Home Affairs mentioned a retrograde step. I would like to suggest that a retrograde step would indeed be allowing the Executive to bring forward legislation under the guise of COVID-19 provisions, when in fact it is intended to become ordinary legislation. That it is a retrograde step and it is a slippery and clearly antidemocratic slope towards the complete side-lining of this Assembly. It may be, in the Minister's mind, he is one person among an Assembly of 49. It is just his view. These are regulations that need the agreement of the majority of 49 Members. That is not something that he is able to give. So in complete agreement with Deputy Higgins before me; if the Minister wishes for this to be the norm then he should bring an amendment to the regulations in the normal way. We were told by Deputy Ward that his panel did not have time to scrutinise this piece of apparently, in the first instance, COVID-19 related regulations. It is for that reason that this went through without any problems or probably anyone even speaking about it. But, we cannot, and this Assembly must assert its primacy here, allow COVID-19 regulations to be subverted and used for ordinary legislation. That is not appropriate. I really, very strongly urge all Members of this

Assembly, whether they are in the Executive or not, to support the panel's amendment here, because should this legislation be needed beyond the cut-off point, then the Minister will be able to bring an extending piece of legislation to do that. It is very simple that the Minister must not be allowed to let non-COVID-19 related legislation slide through in this way. It is deeply antidemocratic. Deputy Ward is prone to saying things are a matter of principle; this is indeed a matter of principle. I fully support him and his panel in this amendment. Thank you.

11.10.6 Deputy T. Pointon of St. John:

I am a member of the Scrutiny Panel that met with the Connétable of St. Clement that day. To be quite frank, I was shocked and surprised at his response to the panel's request that he bring an amendment to terminate these powers on 30th April. He made a commitment to produce an amendment but then said, and this was absolutely reprehensible, he would vote against it. As if that was a way of persuading us that there should not be an amendment. We later debated this and we put together this amendment, which is very useful. My understanding was that the legislation was to do with COVID-19. The fact of the matter was that the Connétable was making an effort to bring the legislation into full force until 2022 via the back door. This was not an opportunity to confer powers on the Bailiff until the expiry of the regulation. This was an opportunity to confer powers because of the pandemic and we felt it appropriate that it should come to an end when other legislation came to an end. The unwillingness of the Connétable to reframe the original regulation was a clear indication that he was using COVID-19 as a method of extending the powers. That, we felt, was totally inappropriate. That is why this amendment should be heeded and should be voted in favour of. Thank you.

11.10.7 The Connétable of St. Helier:

I am coming at this amendment from a slightly different direction. I do support the Scrutiny Panel's amendment and I support what other Scrutiny members have said about COVID-19 powers. But I was somewhat alarmed to read in the comments paper of the Minister where in the second paragraph he deals with triennial regulations, which, as he will know, as having served in the States for longer than I have, come up with monotonous regularity. Every time they do we all say this matter should be better sorted and it should not be left to the Bailiff to regulate entertainment in the first place. What he says and what he assumes in that comments paper, and I quote: "There is scope to make significant improvement in this area by developing new legislation to underpin a single centrally managed register to manage the use of public space." This certainly is not the direction that I have been moving in and that many Members I know are moving in, particularly in terms of enhancing the role of the Parishes, which is a States' objective. There is really no reason why the Constable should not have much more involvement in the management of such an event regulation, because at the end of the day the Constable inevitably gets blamed for what happens in their Parish; so far better to give them some power to go along with that responsibility. I just wanted to challenge that assumption that the Minister says is being worked on, because I think they may well be working in the wrong direction. Thank you.

11.10.8 The Connétable of St. Lawrence:

I am pleased to follow the Constable of St. Helier. When I was Assistant Minister for Home Affairs I remember taking the triennial regulations to the States. At that time, I seem to remember, also giving guarantees that it would be the last time that the triennial regulations were debated, because the department had committed to putting in place something far better than what we consider every 3 years. I endorse the words of the Constable of St. Helier about the probability, the possibility, and what should happen is that this is devolved down to the Parishes for them to make the decisions, albeit with whatever guidelines need to be put in place for that. Because, as he did say, we, as Constables, are invariably blamed when there is an event in our Parish which causes any form of disturbance. I was disappointed when they were debated again this year. Clearly the department had

made no effort to put anything better in place, despite the guarantees that I gave some 3 years ago. Scrutiny is in my blood; it is my roots. I wholeheartedly support the amendment that has been lodged by the Scrutiny Panel. I have to say, I am very good friends with the Constable of St. Clement but, in this instance, I am particularly disappointed at his words and actions. I would urge Members to support the amendment. Thank you.

11.10.9 Deputy M. Tadier:

I remember the Constable of St. Lawrence making that assertion as well that this would be the last time she would bring the triennial regulations. She might not have been the first one that I remember making that promise either. I might be wrong, but I seem to remember it comes up time and time again. I know that is not strictly what we are talking about here. My main concern is that, just generally, when we have rushed through a lot of COVID-19 related legislation some of it has had quite a lot of debate, some of it has had much less or little and it has been scrutinised to the best of the ability of the Scrutiny Panels. We were always given promises that any emergency powers would not extend any longer than they needed to. My concern here is also one of mission creep on top of that. We do not know how long COVID-19 is going to last for. It may well extend and peter out, but the tail-off might be a lot longer than we initially expected. That does not mean that necessary provisions cannot be put in at the time, after the expiry date. My concern is that we are continuing the provisions for longer than necessary on an illegitimate basis, and it is mission creep. That is what the Scrutiny Panel have highlighted. That is no form of criticism for the way the triennial regulations and the Public Entertainments Law is currently implemented and policed, *et cetera*. What it might do, and this is perhaps where it links in with what the Constable of St. Lawrence has said, having a deadline to focus on when parts of these provisions expire, they might need to be renewed. That will be up to the Ministers, of course. It will focus the mind. These things drag on too long. They are tied in together, so I do not really want to speak to things that are not related to this Proposition but they overlap really. We do need to get this area of jurisdiction sorted properly once and for all. It is not as simple as to say this is some abstract problem, which the Constable of St. Clements has said. We know that the system works relatively well at the moment, but it is right to think about who are the correct bodies to be implementing certain types of regulation, whether it is to do with, in this case, unlawful public entertainment, whether it is do with liquor licensing or whether it is to do with general events that can go on, busking, *et cetera*

[17:45]

All these things really tie in. Where possible, the Parishes should be empowered to look at those provisions and perhaps even the Economic Development Department under its economic development and cultural remit. There is a bigger conversation to be had about how we police. Ultimately, these are political decisions and it should be Government, and Ministers need to be accountable properly for how these entertainments and how these liquor arrangements are dealt with in the future. We all need to get to that point. Getting back to this, we should all support it. Scrutiny are just doing their job, keeping the Assembly honest and making sure there is not any mission creep when it comes to COVID-19 related legislation, as we have always been told from the beginning.

The Bailiff:

Does any other Member wish to speak on the amendment? If no other Member wishes to speak on the amendment then I close the debate and call upon Deputy Ward to respond.

11.10.10 Deputy R.J. Ward:

Thank you to all those who contributed to the debate. I am conscious of time. I will get through this as quickly as possible. Constable Crowcroft, the Constable of St. Lawrence and Deputy Tadier, you did touch on the wider debate about the triennial regulations themselves. I want to start off by being clear that this is not suspending those regulations. This is one part of those regulations and they will

remain until 2022, as they currently are. The issue of looking at those regulations remains and that is for a wider debate. The same point to Deputy Young; the underlying law remains. I would like to say to him, through the *Chair*, that this one small part of the change also remains until 30th April next year. If it is thought by the Minister that it needs to remain, it is a very small amendment to bring it back again. But we have to stick to principles here. I am not going to sit here as a politician and apologise for having principles. That is an integral part of our role. The principle is that these regulations started with COVID-19, but have been extended. What Deputy Tadier said about mission creep is a good description. I agree with Deputy Morel and I thank him for his support. I would like to be conciliatory and say it is more of a convenience that this was extended rather than by some grand plan, but the outcome is the same and we need to avoid those outcomes. Constable Norman, the Minister, it is always a pleasure to scrutinise your work and I understand where you have gone. We recognise that this is not hugely infringing liberty, but there are implications of these that have not been looked at, for example, insurance for events, if they are repealed at the last moment. So there are things that need to be looked at. In the current climate, there simply was not enough time, with the workload of the Scrutiny that is going on, to go through these regulations in the way that you suggested. Deputy Higgins, you are absolutely correct. I know you are on the panel and you see why. I thank Deputy Pointon for, yet again, when he speaks I enjoy the clarity and brevity of his words. I will end it there and I would ask Members to support the amendment. I call for the *appel*. Thank you.

The Bailiff:

I ask the Greffier to put a voting link into the chat. I open the voting and ask Members to vote in the usual way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The amendment has been adopted.

POUR: 32	CONTRE: 10	ABSTAIN: 1
Senator L.J. Farnham	Senator I.J. Gorst	Deputy of St. Ouen
Senator K.L. Moore	Senator J.A.N. Le Fondré	
Senator S.Y. Mézec	Senator S.W. Pallett	
Connétable of St. Helier	Connétable of St. Clement	
Connétable of St. Lawrence	Connétable of St. Ouen	
Connétable of St. Brelade	Deputy S.J. Pinel (C)	
Connétable of Grouville	Deputy S.M. Wickenden (H)	
Connétable of St. John	Deputy J.H. Young (B)	
Connétable of Trinity	Deputy L.B.E. Ash (C)	
Connétable of St. Peter	Deputy of Trinity	
Connétable of St. Mary		
Connétable of St. Martin		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy of St. Martin		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		

Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

11.11 Draft Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202- (P.103/2020) - as amended

The Bailiff:

Minister, do you propose Regulations 25 and 26 as amended?

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

Yes, I do and I do not need to say anything further. Regulation 26 is the usual commencement and citation. Thank you.

The Bailiff:

Does any Member wish to speak on Regulations 25 and 26 as amended? If no Member wishes to speak, then I ask the Greffier to put a voting link in the chat. I open the voting. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Regulations 25 and 26 have been adopted.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
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. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

We come now to Third Reading. Minister, presumably you wish to propose the Regulations in Third Reading. A typographical clerical error has been drawn to my attention, specifically with regard to Regulation 16, where the word “Regulation” is inserted, relating to Regulation 17(b), which should have been Article 17(b). That is capable of an amendment to my judgment under the Clerical Amendment Provisions of Standing Order 75(4). Do you wish that amendment to be made?

The Deputy of St. Ouen:

Yes, Sir. This has also just been brought to my attention, so I would ask you to exercise your powers to do so.

The Bailiff:

That seems to me to be an entirely appropriate exercise of that Standing Order and that that would be an appropriate way to deal with that clerical error. Very well, do you propose the regulations in Third Reading?

11.12 The Deputy of St. Ouen:

Yes, I do. I thank Members for enduring throughout a complex debate. I also thank officers and law draftsmen for their assistance with this complex but very necessary piece of legislation, which we trust will see us through the next stage of dealing with COVID-19. Thank you.

The Bailiff:

Is it seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? No Member wishes to speak in Third Reading. I ask the Greffier to put a voting link into the chat. I open the voting and ask Members to vote in the usual way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Regulations have been adopted in Third Reading.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				

Senator L.J. Farnham				
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. 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. Tadier (B)				
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 G.J. Truscott (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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

12. Draft COVID-19 (Enabling Provisions) (Amendment) (Jersey) Law 202- (P.104/2020)

The final item of Public Business is the Draft COVID-19 (Enabling Provisions) (Amendment) (Jersey) Law 202- (P.104) also lodged by the Minister for Health and Social Services. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft COVID-19 (Enabling Provisions) (Amendment) (Jersey) Law 202-. A law to amend the COVID-19 (Enabling Provisions) (Jersey) Law 2020. The States subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

I believe we will be able to deal with this more quickly than the previous Proposition. Today, I am recalling a very cold day in Fort Regent, where we were meeting. I was wearing my overcoat but I still felt chilled to the bone. I think we were all carrying that sense of foreboding because we did not know what was facing us. No one of us living in Jersey had needed to deal with a pandemic like this. At that time, the States were asked to agree that due to the need to act quickly in an emergency we would ask the Privy Council for power to make law without submitting it for the approval of the Privy Council in the normal way, subject to time limits and other constraints and solely in relation to dealing with the COVID-19 outbreak only. We were permitted to do so and that law has stood us in good stead. We have been able to introduce necessary proportionate controls. That law expires on 31st December. The proposal here is to extend the provisions of the law to 31st July 2021. The extension of this law itself is intrinsically linked to the extension of emergency legislation we have just debated. Were this enabling law to fall away in December, it would not be possible to bring new legislation under it, nor to make orders under those regulations that have been extended. This would immediately release any of the present restrictions on the workplaces and preclude any action to control the spread of COVID-19 through the winter, by orders under the emergency legislation we have just agreed. Problematically, it could make the existing emergency regulations hard to repeal, as it would require pieces of primary law to do so, which would need to be taken to the Privy Council for Royal Assent. So given that the threat of COVID-19 still remains and there may be a need to respond to a deteriorating situation over the winter, the Council of Ministers believes that this is not a risk that we should tolerate. Therefore, the extension to 31st July 2021 is a natural corollary to the decision that the Assembly has just taken around extending the emergency legislation previously in place. We consider that July date is the appropriate date as it allows 3 months between the planned expiry of the emergency legislation, that April date, and the expiry of the enabling law. This allows us time to make any arrangements that are necessary at that point, to be made in good time. Of course, we hope that nothing will be necessary beyond April next year, but it is our duty to prepare for worse-case scenario. The amendment also makes some changes to the scope of the enabling law. Currently the law provides that where it is necessary or expedient the Assembly may make provision to address the outbreak of COVID-19 in Jersey or the aftermath of that outbreak. That specific wording raises the risk that the more successful we might be in reducing the active COVID-19 cases in the Island the less scope there is for action, because we could not describe it as an outbreak. A situation of particular concern would be that if we reach zero active cases, but other jurisdictions have not yet controlled their own outbreaks, in that case there would still be a real danger, it would be hard to argue, as any necessary action was grounded in managing an outbreak in Jersey. To ensure that we do not find ourselves in that sort of argument over technicalities at a critical time, the amendment today will expand the scope to address, if necessary, the need to prepare for the possibility of one or more subsequent outbreaks of COVID-19 in Jersey. Another minor amendment to the scope will be to address the issue I mentioned earlier that if the enabling law falls away then the emergency legislation cannot easily be repealed. This amendment will grant the Assembly that power of repeal by regulations.

[18:00]

This would simply mean that if the enabling law is not extended or is repealed early there will be no risk of leftover emergency legislation causing complications for Islanders until the next available Privy Council session. The amendment does not allow the Assembly to introduce any new legislation. I commend the Proposition and will answer any questions. Thank you.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? No Member wishes to speak on the principles. Then I ask the Greffier to put a voting link in the chat. I open the voting. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The principles have been adopted.

POUR: 42	CONTRE: 0	ABSTAIN: 1
Senator I.J. Gorst		Senator S.Y. Mézec
Senator L.J. Farnham		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Connétable of St. Helier		
Connétable of St. Clement		
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. Tadier (B)		
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 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 R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		

Deputy I. Gardiner (H)			
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Deputy Le Hegarat, does your panel wish to call this matter in?

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

No, thank you, Sir.

The Bailiff:

Thank you. Minister, how do you wish to deal with the Articles in ...?

12.2 The Deputy of St. Ouen:

I believe the amendment is very simple, barely 3 short Articles. I have covered their scope in my previous speech. So I would propose them *en bloc*.

The Bailiff:

Are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? No Member wishes to speak in Second Reading. I ask the Greffier to place a link into the chat. I open the voting. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The Articles are adopted in Second Reading.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
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. 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 of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				

Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you propose the legislation in Third Reading, Minister?

The Deputy of St. Ouen:

Yes, I do. I thank Members for their support thus far and officers who have assisted. Thank you, Sir.

The Bailiff:

Are the proposals in Third Reading seconded? [**Seconded**] Does any Member wish to speak in Third Reading? No Member wishes to speak in Third Reading. I ask the Greffier to put a link into the chat. The voting is open; the adoption of the Articles in Third Reading. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The legislation has been adopted in the Third Reading.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
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. 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

That concludes Public Business for the meeting. I invite the *Chair* of P.P.C. to propose the arrangements for future meetings.

13. Deputy R. Labey of St. Helier (*Chair, Privileges and Procedures Committee*):

The e-petition “write-off income tax liability for prior year if moved to current year basis” exceeded the 5,000-signature threshold during the recess. Therefore, I must invite the Assembly to give consideration to debating this e-petition in-committee. However, the Minister for Treasury and Resources informs me that the subject matter of the e-petition will be covered in her forthcoming debate on the Draft Income Tax (Amendment No. 46), which will propose the removal of the prior year basis of paying income tax. I am advised that debate is to take place on either 20th October or 3rd November, subject to how quickly the Minister can finalise law drafting and lodge the draft amendment law. Deputy Pinel contends that it would be premature to discuss the write-off option before the Assembly has agreed to the principle of removing P.Y.B. (prior year basis) on 20th October or 3rd November. Further, it is her intention to set out as much detail as possible on payment options, to give States Members the greater certainty about the payment consequences the P.Y.B. taxpayers of a decision to move from P.Y.B. to C.Y.B. (current year basis). I can appreciate the Minister’s rationale and this does strike me as an appropriate way forward, avoiding duplication and putting the petitioner’s prayer at the heart of an important debate and one which will end in a vote. I would like to propose to Members that the Assembly’s consideration of the e-petition occurs in the forthcoming debate on the Minister for Treasury and Resources’ draft amendment law. Do you want to make that as a separate Proposition now, Sir, and get Members’ response or as part of arrangement of Public Business?

The Bailiff:

I think in the circumstances, Deputy, it is appropriate to get from Members whether they agree that course of action because that will dictate the shape of future business. Is that Proposition seconded? **[Seconded]** Does any Member wish to speak on that particular aspect, namely the folding of the petition debate?

13.1 Deputy K.F. Morel:

I just need clarification, I guess. The logic, as I understood it, of the Minister's proposal was that they said P.Y.B. should have its own debate as to whether we want to get rid of prior year basis or not. Then we would have the debate on whether or not to write-off one year's tax. Rolling them into one debate makes no sense, by the logic of the Minister for Treasury and Resources and Deputy Labey himself. I am just very confused. If we need to know about the prior year basis and the situation with regard to prior year basis before we can properly discuss whether or not to write-off one year's tax then rolling them into one makes no sense. I really would like clarification on that. My biggest concern would be that a debate on the prior year basis gets muddled up into a debate on whether to write-off one year's tax, because they are 2 different matters. In the same way we had this morning where the landlord licensing debate, people kept muddling that up, purposefully I think in many cases, with the minimum standards debate, which happened a year ago. I would fear that the 2 matters would get convoluted and Members would feel that they are voting not to write-off, let us say the tax, but would that confuse their voting for the prior year basis as a standalone item. I could support that, but I would really like some clarification. Thank you.

The Bailiff:

Does any other Member wish to speak on this Proposition? No other Member wishes to speak. I close the debate and call upon the *Chair* of P.P.C. to respond.

13.1.1 Deputy R. Labey:

I could invite the Minister for Treasury and Resources to expand on the rationale, but I would just say to Deputy Morel: I think the point is here that if we have an in-committee debate, perhaps 2 weeks before the debate on the draft amendment rule that the Minister for Treasury and Resources is bringing, will be covering the same ground twice. I do understand the point that the Deputy is making. I think, given the circumstances, it seems sensible ... do not forget, an in-committee debate will not result in a vote. So we could just be talking about it in theory and then we move on to the draft amendment law. Once the Minister for Treasury and Resources lodges her Proposition, there is, if a Member feels strongly that a vote should be taken on the e-petition, there is nothing to stop a Member amending that law and having it in there specifically. Otherwise, I am sure, Members will want to bring it up and discuss the idea of the write-off as part of that debate. I do take the Deputy's point. We must be careful and ensure that we give the e-petition and what they are asking for full discussion. I am suggesting it can be done as part of the amendment to the law that the Minister for Treasury and Resources is bringing in and I agree with her in terms of that seems to be sensible and appropriate. I hope that is enough.

The Bailiff:

Deputy Tadier, you have a question for the *Chair* of P.P.C.?

Deputy M. Tadier:

Yes. I understand both points of view and the problem with an in-committee debate is that there is no vote at the end of it and it may or may not ...

The Bailiff:

This does have to be a focused question, because the debate is now closed.

Deputy M. Tadier:

It is my speech really, Sir.

The Bailiff:

I am afraid there is no room for a speech. The *Chair* of P.P.C. has already closed.

Deputy M. Tadier:

Okay, Sir, sorry. I do have a question and I can make it concise.

The Bailiff:

It has to be a direct question to the *Chair* of P.P.C. for a point of clarification.

Deputy M. Tadier:

It could be a point of order to you then, Sir, about the nature of an in-committee debate. Could you clarify whether it is possible and whether it would be in order? Although you cannot have any formal vote at the end of an in-committee debate, whether there is anything to stop the *Chair* of P.P.C. or the Minister for Treasury and Resources asking for an indicative vote, after the debate, which would be separate from the States meeting and which would not be binding, so that she could then decide how and if she wanted to progress?

The Bailiff:

I would have to give that consideration, I am afraid, which I cannot do in the time available to me. My initial view is that the point of an in-committee debate is to enable the Assembly to express a variety of views. It may be, having listened to the debate, that any particular Member could walk away with a very clear impression as to what the majority view is likely to be. I do not think there is a point of being able to put an indicative vote. Even if one did, it would be wholly non-binding on the Assembly. Of course, a Member can lodge a Proposition to have a vote on this. It simply does not fall during an in-committee debate. A separate Proposition could be brought.

13.2 Deputy R. Labey:

I do not want to railroad Members into this. I realise it is the end of a long day and I have just brought it to Members' attention. If Members want to have a think about this and discuss it, I am quite happy to propose this at the next sitting and just leave it with Members for the moment. I can see both sides of this and I am not railroading this. I thought the Minister for Treasury and Resources way forward was sensible, but if Members have concerns and we want some time to think about this, then we should hold it off and take a vote on it at the next meeting.

The Bailiff:

Thank you very much, Deputy. It seems to me that that is certainly appropriate. Technically, you cannot withdraw your Proposition without the leave of the Assembly, but I am working on the assumption that I have seen in the chat that people would very much welcome the opportunity to reflect upon it. Therefore, I am going to take it that Members agree to you withdrawing the Proposition at this point.

Deputy R. Labey:

Thank you, Sir.

The Bailiff:

In which case, how do you propose the rest of Public Business?

[18:15]

Deputy R. Labey:

Simply like this, Sir: the following are additions to Public Business on the Consolidated Order Paper. Deputy Gardiner's amendment to P.106/2020 States meetings in 2021: move to a 3-week cycle. That is listed for the next sitting. Deputy Gardiner's amendment to P.106. Deputy Tadier's Repair of the Steam Clock, P.108, is listed for 6th October. P.P.C.'s Draft Amendment (No. 47) of the Standing Orders, P.109, that is the time limits changes to Standing Orders, that is listed for 6th October too. They came in very recently. I would expect the next sitting of the Assembly to go definitely into the Wednesday and fairly probably into the Thursday; there are some meaty issues. With that, I propose Public Business.

The Bailiff:

Do Members agree to proceed on the basis of public business, as indicated by the *Chair* of P.P.C.? I will take the view expressed in the chat. Does anyone have any observations or comments to make? Yes, no one is indicating a negative view. In the circumstances, the future business of the Assembly will be as provided for by the *Chair* of P.P.C. and the States accordingly stands adjourned until 22nd September.

ADJOURNMENT

[18:16]