

STATES OF JERSEY

OFFICIAL REPORT

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[9:30]

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

Deputy M. Tadier of St. Brelade:

Sir, before we start proceedings, I will be away just before lunch to attend a funeral, so I will be absent. I apologise if I miss any votes.

The Deputy Bailiff:

Thank you, Deputy.

Connétable D. Johnson of St. Mary:

Similarly, Sir, I shall be attending a funeral late morning later.

The Deputy Bailiff:

Thank you, Connétable.

Deputy D.J. Warr of St. Helier South:

Sir, could I raise a point of order from yesterday?

The Deputy Bailiff:

Yes.

Deputy D.J. Warr:

Can I do that now?

The Deputy Bailiff:

Yes.

Deputy D.J. Warr:

It was an answer in response to ... which the Chief Minister gave to me yesterday in response to a question. I have been advised by the tenant at the Lido, whose comment is: "I have a major concern for us in listening to his response is that he claims that we have been informed that the site is being put out for tender in October. This is not true. We have not been informed of this ..."

The Deputy Bailiff:

Is this a point of order? Is this a point of order?

Deputy D.J. Warr:

Sorry, Sir. I was just correcting his comment.

The Deputy Bailiff:

No, that is not a point of order. It is not a point of order.

Deputy D.J. Warr:

How do I allow his commentary to be corrected, Sir?

The Deputy Bailiff:

Well, not in this way by a point of order. We will reflect on that, but not in a point of order in a debate. I thought you were raising a point of order in relation to the matter we are debating now.

Deputy D.J. Warr:

No. Okay, thank you.

PUBLIC BUSINESS - resumption

1. Fully Funding Education or Training for all 16 to 18 year-olds (P.38/2024) - resumption

Deputy J. Renouf of St. Brelade:

Sir?

The Deputy Bailiff:

Yes, Deputy.

Deputy J. Renouf:

May I ask a question of the Attorney General in relation to the matter before us in Public Business at the moment?

The Deputy Bailiff:

Yes, we are resuming the debate on P.38. We have resumed it and you may ask that question now.

Deputy J. Renouf:

Could I ask the Attorney General whether it is a reasonable interpretation of the Education Law 1999 that all children up to the age of 16 are entitled to be provided with free education by the Government?

Mr. M.H. Temple K.C., H.M. Attorney General:

May I have a few minutes just to consider?

The Deputy Bailiff:

Yes. You will have your answer shortly, Deputy. Does any Member wish to speak on the proposition, P.38, fully funded education age 16 to 18?

1.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:

I am reading a book at the moment with my son called *The Magical Misfits* and it is a group of children who are into magic and they constantly talk about misdirection, and that word popped into my head yesterday several times when we were debating this. I felt that that was what was happening; misdirection. I was not very impressed also with the tone; very disappointed in the tone yesterday, it was not pleasant. Why was there so much irritation, a little bit of anger and, at times, clear disrespect directed towards the proposer? I am a bit confused about that, and I am not just talking about during the debate yesterday, but in the development and discussions around this proposition as well. I do not understand whether there was an amendment or not an amendment that the Minister did not publish any comments to the proposition and that we only got that this morning. Unfortunately, as I was preparing my children, I was unable to read it all and take in what I could because I already had written this speech beforehand. But I have a quote for you. I have a very simple thing: "A number of Back-Benchers or non-Executive Members, call us what you will, have brought propositions to this Assembly and faced real frustration in seeing them implemented because we do not have access to the corridors of power on Broad Street, we do not have access to Government Ministers as much as we used to, and those implement the things that we bring forward. What we do have is a faith in the primacy of the Assembly. That is why we stood for election, that is why we turn up, that is why we do the work, that is why we put in the propositions, that is why we make the arguments, that is why we take the losses, that is why we take the hits, that is why we take the criticism, that is why we stand up and come back for some more because whether you agree with me or not, and whether I agree with you or not, I respect those who bring forward propositions in that way because they are doing their job. They are doing what the people elected them for and representation." That was from Deputy Ward during the vote of no confidence. Another one great, quote this one: "Democracies die when those who give consent lose interest and those in power feel entitled to that power." Reading those quotes back I felt I was in good supportive company on the

vision of how this new Government would treat the Assembly and treat those new Back-Benchers; in good company. So I felt a little bit icky yesterday - that is a quote from my son - when we were talking about *The Magical Misfits*, something was happening, misdirection, bit icky. Because the tone was not impressive and I heard Deputy Mézec, who has also done this before in another Back-Bencher proposition saying that he was bored, he was bored of bringing ... somebody bringing those propositions. The Deputy said that he was bored, and the Deputy said that also when a Back-Bencher brought a proposition earlier a few months ago as well. Democracies die when those who give consent lose interest and those in power feel entitled to that power. So let us not be misdirected, let us get back to this debate, and that is why I wanted to speak first because I want to say let us get back to this debate, let us finish this tone that happened yesterday, and let us get it back. Ultimately this is about fairness. Deputy Warr talked about hope but I want to talk about fairness. The wording in proposition part (a) is that children are eligible for fully-funded education or vocational training. It is a choice. If you send your children to fee-paying schools it is a choice because there is another option between 16 and 18, you can send them to Hautlieu. There is another option. But there is choice. If the parents decide that they do not want to send to school, or the child decides, they go to have free education. But what about the children who cannot afford it or who do not want to pursue an A-Level education but they want to build specific professional skills and vocational skills. That is what this proposition and this part (a) is actually referring to. It is about being entitled between 16 and 18 that if you want to not have A-Levels but you want to pursue vocational training, build up another professional skill, that you are able to have funding. So it is about fairness, it is about equity. I am confused about Deputy Curtis saying yesterday that the Minister is doing that, yet at the same time, when the Minister was speaking, it felt that he was saying it was not possible to do that because that was the point that proposition part (a) was being pushed away and saying that that is not possible. Because it is not about lifelong learning, this is about a specific cohort of children that do not have access to the same opportunities as their peers. As the proposition, the report, says, and this is very important, and I believe Deputy Gardiner already stated this, is that when page 5 of the *Further Education Skills Actionable Agenda for a Prosperous, Productive and Fair Jersey* states that: "As it noted in the independent review of school funding", so it has already been pointed out.

[9:45]

This is not new, it is already by the independent review of school funding that the level of funding at this stage of schooling - schooling, not lifelong learning but schooling - is lower than most O.E.C.D. (Organisation for Economic Co-operation and Development) nations. Is that what we want? Is that what we want for our children of Jersey? Because 16 to 18 year-olds are still considered children in the eyes of the law. The legally presumed age for leaving education and training is still 16. All of the nations of the U.K. (United Kingdom) the participation age is now 18, and the same is true for most European nations. Is that what we want here? We continually talk about productivity, of building a skill base on the Island, encouraging our young people not to leave Jersey. We are worried about population growth as we apparently lack skills on the Island, yet we do not seem to want to invest in our young children. Why? I see this proposition as a positive thing, because it gives the support to the Minister for Education and Lifelong Learning to fight for his slice of the pie in the Government Plan, as the Assembly has supported him. If this passes, it supports him in pursuing this route, as this is a principle decision. It is similar to Deputy Luce's support last year to the farmers. It sends a clear message ahead of the Government Plan that we supported more funding for farmers. This is the same. This is the same proposition. It is sending a clear message that we believe fairness around access to funding should be for all 16 to 18 year-olds, as is their right in most O.E.C.D. countries or in the U.K. It is about fairness and equity. It is about choice as we come back to that eligible for. It is not about saying that all children, 16 to 18 year-olds, then should be funded for free ... get free education. It is about having that choice. So it is an investment in our future. It is an investment in our Island and it is certainly the best thing to do if we are generally looking at lifelong

learning and having a skilled population. I think that quote also came from the Minister.
[Approbation]

1.1.1 Deputy A. Howell of St. John, St. Lawrence and Trinity:

I thank Deputy Gardiner for bringing this proposition. It is her right, and it is the right of anyone to bring any proposition, so that we can debate it. But I still think that we should reject it because I do not agree with the tone of just saying it should be for 16 to 18 year-olds. In my manifesto I wrote: "I wish to encourage young Islanders to make Jersey their home. I will strengthen the links between schools and future employers to support young Island talent and to reduce the present over-reliance on inward migration and external consultants. Every opportunity for lifelong learning and training opportunities should be offered to Islanders to keep abreast of the latest practices and innovation." This is not just for 16 to 18 year-olds, this is for all Islanders. The proposition seeks just to make education and training free for this cohort. It ignores the fact that the budget is finite, that we are trying to improve the number of nursery places so that parents can return to work, that several thousands of teenagers already receive free training and education not just in schools but also at Highlands College and through apprenticeships. Please let us not fall into the trap of making piecemeal decisions. Let us listen to the excellent speech of the Minister for Education of Lifelong Learning and reject this proposition.

The Deputy Bailiff:

Mr Attorney, are you ready to reply to the question you were asked earlier?

The Attorney General:

Yes, Sir. I was asked if it was a reasonable interpretation of the Education Law that children up to the age of 16 are entitled to be provided with free education from the Government. My answer to that is yes, it is a reasonable interpretation with one qualification, and that relates to children attending nursery education for which there is a different provision. So the key article in the Education Law is Article 11, which provides that there is a duty on the Minister for Education to ensure that there is available to every child of compulsory school age full-time education appropriate to the child's age, ability and aptitude. Compulsory school age is defined in Article 2 of the Education Law, which in the interests of brevity basically equates to ages 5 through to 16. For children under the age of 5, there is a power of the States in Article 9 of the Education Law: "The States may, by regulations, make provision for a fee to be charged for attendance of a child below compulsory school age in a nursery school or nursery class established and maintained by the Minister." But there is an additional power of the Minister in Article 10 to give financial or other assistance to any person receiving children below compulsory school age. So the Minister can give financial assistance for children attending nursery schools. But in general terms, yes, I confirm to the Deputy that it is a reasonable interpretation of the Education Law that the Government has to provide free education to children between 5 and 16.

The Deputy Bailiff:

Deputy Renouf first. Do you have any further questions for the Attorney?

Deputy J. Renouf:

I do not, I was putting my light on to speak.

Deputy M. Tadier:

I have a question, it is a supplementary.

The Deputy Bailiff:

Yes, of course.

Deputy M. Tadier:

Is it a reasonable interpretation to expect the Government to be able to provide free education to all of those students if they were to all turn up tomorrow and leave the fee-paying schools and turn up to the Minister and say that: “We now want to be educated in the state sector”? Or is there a caveat perhaps which would be accepted that is subject to availability?

The Attorney General:

That is somewhat of a hypothetical question. The Education Law does contain provisions concerning non-provided schools. It expressly envisages that a number of children will go to non-state-provided schools. There is a duty on the Minister to review the number of places available for all children attending all schools every year. So if all children attending non-provided schools were suddenly to choose to attend state-provided schools, I think that would pose some logistical problems for the Minister. But one would expect in practice that that would not arise, and one would expect in practice that the Minister would have more notice of that sort of situation. But in any event, there is a duty on the Minister to review the number of school places available, and if he thinks that more need to be available, then he has a duty to consider providing more provided places to open a school. So, Article 7 provides that the Minister, where it appears that a new provided school should be established, then that is part of his duty. I think that is as far as I can take the answer.

The Deputy Bailiff:

Deputy Scott, for the Attorney is this?

Deputy M.R. Scott of St. Brelade:

Yes, it is. Just to clarify the understanding, in terms of the content of education and choices how does the law provide for that? Because I am thinking if you have got a child who wants to be educated in Swahili and it is not being provided, how does the law actually deal with the content in such and how people ... what is regarded as the appropriate education?

The Deputy Bailiff:

Do you want time to consider this point?

The Attorney General:

I think I can answer it quite briefly. The law provides that the Minister establishes a Jersey curriculum in consultation with the Jersey Curriculum Council. There are various provisions concerning the Jersey curriculum, but the limits of parents’ of children’s rights to decide what education they receive, I think in terms of the law they are limited to the right to withdraw people from religious education, for example. So a right to be educated in Swahili does not feature in the Education Law. Education is subject to a Jersey curriculum, which is agreed by the Minister after consultation with the Curriculum Council.

1.1.2 Deputy J. Renouf:

I am grateful to the Attorney General for that clarification, the point of which I will come to in a moment. As Deputy Jeune said, this is actually a very simple proposition and it is about fairness. It aims to correct an anomaly that certainly I did not even know existed until Deputy Gardiner brought it to my attention, which is a difference in the way that people are funded depending on whether they are doing academic or non-academic studies post-16. I do have to congratulate Deputy Tadier for setting a hare running that succeeded beyond, I think, his wildest expectations. It is disappointing, however, that the Minister has chosen to keep perpetuating the myth that was created in that.

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

Sir, may I just raise a point of order in Standing Orders? I have sat here a number of times and had my character assassinated. We received an email recently about a phrase that was used, which I accept fully and I apologise for, but I am now being questioned as to whether I am telling the truth. I was questioned yesterday about whether I care about children. I just feel that Standing Orders are being somewhat ignored here. The tone of the debate that was mentioned earlier has really come ... I think we just need to be a little bit more polite and think about what we are saying, because I certainly did not attack anybody in that way yesterday.

Deputy J. Renouf:

I am happy to withdraw the comment, if it helps.

The Deputy Bailiff:

Yes. I will say, Deputy Ward, that if you are saying that a Member has contravened Standing Order 104, which prevents a Member of the States from using offensive or insulting language, which you are entitled, it is important to point to what language you are referring in the future.

Deputy R.J. Ward:

I hope that I do not have to, but I will do so, thank you.

Deputy J. Renouf:

I do apologise and I withdraw the remark fully. But I do maintain that the email that went around this morning is unfortunate. The point of clarifying with the Attorney General this morning was to clarify that what the phrase “entitled to” means. It is a phrase that would apply, or does apply, as the Attorney General says, to the current law in education up to the age of 16. That does not mean that there is a possibility for people in private schools, or fee-paying schools, to ask the Minister to pay their fees. It is not interpreted that way because the law says ... it uses the same principle ... the proposition uses the same principle about going up to the age of 16; that exists in going up to the age of 16. All students in Jersey up until the age of 16 are entitled to free education. That does not mean to say they are entitled to free private education or any parent turning up at the Minister’s door and saying: “My child is entitled to free education, can you pay my fees at Victoria or Girls College?” would be told politely that they are indeed entitled to free education and they are welcome to contact Les Quennevais or Le Rocquier to find out about the admissions procedures to access that free education. As an aside, it is also the same principle in health. We are all entitled to free treatment in the hospital, but that does not mean we can bill the Government for private treatment. So the hare that was set running yesterday, we can put back in its box. It is not the case that part (a) of this proposition suddenly introduces the possibility that we will have to fund private education for 16 to 18 year-olds. It is simply extending the current concepts around what is understood for free education up to the age of 16 to the 16 to 18 year-olds. No new concept is implied. The problem at the moment is that the situation after the age of 16 is ambiguous. At the moment there is no legal requirement to provide free education over 16, but in practice the Government fully funds all students who wish to stay in full-time education until the age of 18. This proposition extends, in part (a), the same principle to the 16 to 18 year-old cohorts and ensures that apprenticeships, for example, are also covered.

[10:00]

This would extend funding to cover apprenticeships and that is the point about fairness. Those of us who were lucky enough to go to school up to the age of 18 all took it for granted I think that we had our fees paid. But people who do not do academic qualifications are not all in that same category. They sometimes, in some circumstances, have to pay for their continued education. This proposition attempts to correct that anomaly. I think that is a good thing. I think also that the Minister agrees with this. He certainly seems to agree with that principle. But as I think Deputy Jeune said, there is

a sense in which he is trying to ride 2 horses here. On the one hand, he absolutely wants to achieve the things that are in this proposition. He was very clear about that yesterday, that he has a long track record of supporting them so there cannot be anything wrong with the idea behind the proposition. He is in support of that. But, on the other hand, he said yesterday that he has no idea, I think was the phrase, of where he will get the money. There is no money in the existing budget. It seems to me that both of these things cannot be true. He cannot be both wanting us to trust him to get it done and then to say that he does not have the money to get it done. I think the logic of what he said in his speech seems to be something like: "I really want to do this, I believe in it, but the truth is the money is not there and I do not think there is much chance I am going to get it." This brings us to the reason why we have propositions in this Assembly. Again as I think Deputy Jeune basically said, it is to force the issue. Most critically of all, it takes the personalities out of it. We do not have to rely on the Ministers whose intentions are undoubtedly sincere, because we know that politics can derail good intentions. Promises cannot always be kept. Politics is like that. We had 2 examples of it in the Assembly yesterday, the Minister for Housing confirmed in answer to a question from me that he has no plans in this term of office to bring any measures forward to tackle empty homes, yet the Reform manifesto in its Housing Crisis Action Plan said that Reform would: "Tax homes which are left empty for too long." The Minister for Social Security said very clearly, also in answer to a question, that she does not intend to take any action on zero-hours contracts, yet her party manifesto says that: "We will introduce further restrictions on the exploitative use of zero-hour contracts." I do not doubt Reform's commitment to the policies in their manifesto any more than I doubt the sincerity of Deputy Ward's commitment to lifelong learning. But politics gets in the way. I am actually impressed with the compromises that Reform Ministers have made for the collective good of the Government. I am sure they have looked around the table, noted that they are surrounded by small-state, low-tax, centre-right fellow Ministers and recognise there are limitations on what they can achieve. That is fair enough. That is a welcome accommodation with the realities and compromises that come with power. But it also means that those who are not in Government are entitled to push the Government to rearrange their priorities. That is what propositions can do. The point about a proposition is that it outlasts a Minister. It can outlast a Government, even an Assembly. It is there until it is put into effect or rescinded. Think of the Public Service Ombudsman or the £10 million for affordable housing. The point of a proposition that is passed by this Assembly is that it makes a formal commitment. I would say that this proposition comes from a person who has tried to do this in many different ways, is pursuing something that she passionately believes in, it does ask something of the Minister in part (a), it asks for a commitment, and then in parts (b) and (c) it asks for the consequential actions to make that commitment real. It does ask the Minister to find, through the Government Plan process, monies that he might not otherwise get. That is the kind of thing that propositions like this do. They give power to a Minister to go into a debate about the Government Plan and say: "I have got the Assembly behind me on this. The Assembly voted for this." It is an Assembly commitment and I know that Reform Jersey Ministers have used that argument very effectively since they have been in Government and they have very diligently pursued the decisions around, for example, the living wage. Another example of a proposition passed by this Assembly that has lasted and has had force because it was a proposition passed by this Assembly. It gives power to a Minister to do things in Government. That is the point of a proposition. The hare that was set running is irrelevant, as we have discovered from the Attorney General. This proposition does not open any can of worms, it simply asks for something that has been fought for for some time and it says now is the moment. Now is the time. We want to do it now and I hope that we take that decision now, we show that we do believe in that basic fairness and we support a policy that I think in the Island as a whole would be received with great warmth and support. Thank you very much indeed. **[Approbation]**

1.1.3 Deputy T.A. Coles of St. Helier South:

I just want to bring this back to part (a) because I had a conversation with Deputy Gardiner while I was away with the election observers missions because there is that part in part (a) where it mentions fully funded, and I think this is the bit a lot of people are getting hung up on and where we look at what the obligation of Government would be and how that then impacts on to part (b). Fully funded, again it is this question where are these students going, what is that funding going to look like and where does that funding come from? As was more eloquently mentioned by Deputy Mézec earlier in this debate, understanding that model of fully funded, where does that sit? I sit here and look at part (a) and think: “But what if the course that somebody wants to do is not viable?” We have then agreed that it has to be fully funded so we might be putting on a class for maybe one or 2 students rather than a classroom that should have 20 or 30 students to make it financially viable, but we have committed to fully funding their education for this on a single item. It is a shame because I do not actually have a problem with the principle of part (c) because we should be committing to allowing anybody to participate in full-time education up to the age of 18. It is very much the fact that the Minister has already committed himself to this. It was part of his promise when he was stood for Minister of Education and Lifelong Learning. He even answered it in a question without notice from myself because I asked around the fact that education does not suit everybody in the same way, we all learn very differently, be that vocationally, be that academically, be that more practical, hands-on, in an apprenticeship style, where there is maybe not a formal written qualification that comes out at the end of it. He said in his answer to that, that it is absolutely something that he has to look at to make sure we get that balance right. I think part (a) becomes very difficult to agree with and to vote through, and it is a shame that the Deputy did not bring her own amendment, because I think that I would have then been able to support this proposition. Unfortunately, as it has now been proposed, I am afraid that I cannot support this.

1.1.4 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter:

I will be reasonably short, but I am quite glad to follow Deputy Coles. One of the questions I would like to ask the proposer is if she will take this proposition in parts? I understand, as I read it, that perhaps part (c) could be taken separately to the others. Given the comments made just now by Deputy Coles, I think if we are to look back at the amendment, the amendment basically took out part (a) and rejiggered the parts (b) and (c). I would urge Members who do feel similarly to Deputy Coles to actually consider voting for part (c), which refers to a review on this matter, which yesterday it sounded very much like the Minister was already very happy with undertaking that work. The other point that I would like to make is that Government uses its own interpretation to implement the decisions of this Assembly all the time. We see it time and time again. I am fast trying to learn the art of bringing a proposition to this Assembly that is tight and clear but provides Government with just enough flexibility to say: “Okay, but we can kind of do this our own way” and then there might be more of a chance that you might be able to get it through this Assembly. It really is an art form and I am sure those Members who have been around a long time, much longer than I, know exactly what I am talking about there. Two recent examples of exactly where Government has used interpretation, because let us not forget that if a proposition is passed and it asks a Minister or Government to do something, the power is in the hands of the Government. We all know that there are decisions of this Assembly that sit unimplemented and time and time again people are chasing those decisions all of the time. I think there was talk of tracker being introduced to help Scrutiny and Back-Benchers, and the Assembly more generally, keep an eye on that. The power is with Government once this Assembly has made a decision. Which is why I find it particularly odd this argument around the wording of part (a) and why Government Ministers seem to be so caught up on it not being 100 per cent perfect in their world because I actually read it as reasonably clear but with that flexibility for them to go and interpret. As we have heard from the Attorney General, from Deputy Renouf and others, the wording is not tying anybody down to funding private schools or fee-paying schools for 16 to 18 year-olds. It is reflecting the wording that is already used in the Education

Law and it allows the Government to interpret the decision of this Assembly. Then if Members are not happy with the way Government comes back with a proposal based on that proposition, it is then up to Members to seek to amend it. That is what we do all of the time. Two recent examples of where Government has used their interpretation that I think are actually very clear: independent taxation and then recently on my own proposition with I.V.F. (in-vitro fertilisation) and the amendment that the Government put towards that, replacing the wording around means testing. There were Members who came into this Assembly that day, some of them Government Ministers, absolutely certain they had been promised the wording did not mean that means testing would be part of the proposals coming forward. But we did then hear from the Minister that there was the potential for it to be. That is fine, that is the way it was going. That is Government using its interpretation around the wording in a proposition. The other part I would just like to mention is we heard “trust” commented on yesterday and I keep coming back to one statement in my own mind that trust is earned. That is not to say that the Minister in this case or other Ministers have done anything to mean that trust has been lost but you have to earn it in the first place. Personally that is something that seeing play out today and towards the end of yesterday, some of those frustrations and the relationship to me is just not there yet. We feel that coming out quite strongly even today I think in this Assembly. Trust is earned, it is not a given. Like Deputy Jeune, I was reading with my children last night. The book was slightly for a younger audience, but it is called *Night Monkey, Day Monkey*. It is about 2 monkeys. One wakes up at night, one wakes up in the daytime, but they encounter each other and they want to play. They clearly live in different worlds where things look different and they encounter different characters. They go on a journey together and have to explain to each other what they are seeing as they are out and about in their respective different worlds.

[10:15]

For example, the night monkey sees moths wearing makeup and the day monkey has to explain no, they are actually butterflies. One of them sees a flying banana, the other one explains no, that is the moon. They live in slightly different worlds but they are open to explaining to each other what is going on so they can see from each other’s perspectives. They develop a relationship, some trust and eventually they agree that they are going to meet for breakfast/tea because one of them is going to bed, one of them is getting up and that is the way the book ends. Hopefully we can move forward to a point where we are meeting for breakfast/tea more often than just having a go at each other in this Assembly.

The Deputy Bailiff:

Does any other Member wish to speak on this proposition? I call upon Deputy Gardiner to reply.
Deputy Gardiner.

1.1.5 Deputy I. Gardiner of St. Helier North:

Thank you, and thank you to all Members who contributed to this debate. It is important that we debate intention of policy and policy for our Jersey residents. I was intrigued by the linguistic gymnastics being performed by some elected representatives. I think the public, and I hope everyone in this Assembly, knows what I am trying to achieve. Sixteen to 18 year-olds who do not progress beyond 16 in academia at Hautlieu should get equal financial assistance to those who stay in the classrooms. It is simple. We do have the Education Law, and I am grateful to the Attorney General because it is very clear that, up to 16, all children in Jersey are eligible for free education. This proposition is asking to extend the participation age to 18 in line, as Deputy Juene, me and others mentioned, with most O.E.C.D. countries. Is this what our public deserve? Is this what our children deserve? They are still children up to 18. It is a very simple question. Deputy Scott assumed - she is not here - that the funding is already in place in the Government setting. It is a common assumption. Like Deputy Renouf mentioned in his speech, he was not aware because it is really hidden, it is very complex to break it down. There was an email that we received that was a sudden change. I also

faced a sudden change a couple days ago because, as Deputy Coles mentioned, we did have a discussion and I thought that the part, which is currently part (c), which was a part (a) in the amended proposition, was supported by the Minister. This was the only reason that I put the amendment, otherwise I would not waste the officers' time and we would debate. Again, I think it is really good that we cleared out what is part (a), what is the intention, and it is clear that the Assembly does not want to support private schools and we do not need to support private schools, but we debated the policy intention. Some other Members approached me and - I am grateful for Deputy Coles and Deputy Stephenson who raised it - I would take these paragraphs in different parts, part (a), part (b) and part (c). If Members feel that they wanted to support an amended proposition I think the part (c) is what the amended proposition would entail, and Members are welcome to support it if they do not feel confident with part (a). The questions that were asked in this Assembly are valid questions and I am grateful for Deputy Alex Curtis who also raised these questions. It is important to emphasise that all the small details that you ask must be and could be developed during the development of the policy, during development of the law. It will be brought back to the Assembly and each one of us Members can bring the amendments. No child should be left behind as a second-class student because they do not fit into a tidy, predetermined education box. This is what is happening now. From the Written Question answer - you can go through the Written Questions that I asked - 14 children did not go to apprenticeship or vocational education this year, because the £650,000 of Trackers that subsidised apprenticeships, and has given only 1,600, ran out. Deputy Ward mentioned £900,000 in the speech and in the email this morning. The £900,000 was not put by me, but by my predecessors, for which I am very grateful. Senator Vallois, Deputy Wickenden, and Deputy Maçon, they worked hard and I continue their work. Because we did not have time to put a new funding formula for vocational education, it was a lump sum that was put in for 4 years to allow it somehow to survive. But in 2022, I received, with this £900,000 in place, a submission as the Minister. I cannot bring it to the Assembly but it can be viable. I had been asked to raise charges for employees to £2,000 from £1,000 because we are running at a deficit. I said that I believed the Government need to pay and I started to develop an apprenticeship scheme that I was not able to deliver, but I know that we are missing - if we are talking about 16 and 18 - just under £1 million to make sure that all our young children between 16 and 18 in Government setting, because it is in Highlands ... and in my Actionable Agenda I published that all apprenticeships delivered in Highlands continue and, Deputy Curtis, they can be done. Being selective about subjects is another comment, the course starting at 16 to 18, otherwise dropping out of education, I do not believe it is right, because we do pay for A-Levels in arts and dancing, and we do pay for higher education in arts and dancing. I believe that also young people who would like to do art and dancing at Highlands should be fully funded. But, again, I believe that the Minister needs to bring it back to the Assembly and we can have a proper debate on it once again. Now I am going to Deputy Mézec, who described this proposition as a waste of time. Deputy Mézec, as a Back-Bencher, brought the largest number of amendments to the Government Plan with Deputy Ward coming second. I do not believe that anyone called them timewasters in the States Chamber. I certainly did not. I did not call any of the amendments that Deputy Mézec brought a waste of time. But what I can promise to the Assembly, that I am not going to create a poster starring Reform with the names, as Deputy Curtis has asked me not to do. I am not going to do it. The names will be in the public domain and I believe that people will know, it will stay there for ever. I am not sure what the article will be. For me it was lots of promise and confidence; it is not about promises and confidence. I told the Minister several times that I believe in his passion and I do have confidence. It is not about the personalities, it is about the Assembly decision. We did vote on the Common Strategic Policy and, as Deputy Howell - she is not in the States Assembly - mentioned, I do believe that we need to provide long-life opportunities for all residents regardless of age but we also heard there are really limited funds. So we need to start somewhere and take the first small step that can be done to fix the unfairness that currently exists for 16, 17 and 18. Now, go to the young person, 17, who did not go to Hautlieu but wanted to go to vocational education and the Trackers money ran out. So once the Trackers money ran out, the

person was told: “Oh, you have next year.” For one year, do whatever you want to do. Is it fair? It is existing now and it is possible to fix now. I do not believe that we have seen in the Common Strategic Policy equal funding for 16 to 18. I do not believe that we have seen Ministerial plans. Actually we know that we will not have Ministerial plans, we know that we will have departmental plans. We are 7 months in. Plans are important but the Assembly decision, this is coming back to the primacy of the Assembly, is important. I will not take much longer. I would like to ask Members to reflect on 2 things that happened recently and to make a decision about the primacy of the Assembly. Since the new Government there are lots of things that have happened but I will bring up 2 things. The therapeutic children’s home, for 2 years plans were drawn, the plans were presented to Members, the place was allocated, the funds were in place. It was the policy developed by myself and my Assistant Minister, who is currently the Minister for Children. What happened within a couple weeks of this Government? The therapeutic children home is not progressing anymore. We are bringing a new policy. I believe that we might need to do all children homes therapeutic and we need to make sure that foster cares are professional, but it has not happened during the last seven months and actually Greenfield is up to capacity. But it was not an Assembly decision, it was the policy decision. Saying this, the Public Ombudsman. We know that there is a conversation to scrap the Assembly decision, to stop the Public Ombudsman that was developed but the Government must bring a rescindment proposition to the States, because it was a States decision, and we will discuss. Again, it might be voted against but at least as an Assembly we do have some safeguards to make sure that the decision, as Deputy Renouf said, will progress, will survive this Assembly and will be delivered initially. Regarding Scrutiny, interestingly enough, again it is my approach as a Minister ... every Minister had a different approach. If Members remember our previous Government Plan, we have received 2 amendments. One, is Le Rocquier School and community sports facilities, and another expanding early years nursery provision and childcare support. In several public hearings and an exchange with Scrutiny we talked about our plans, we talked about the very detailed plans, we talked about the steps and when Scrutiny brought the amendment actually I welcomed their amendment, even though we had said several times that this is our plan. I published an Actionable Agenda about the Skills Fund and Deputy Andrews brought a proposition after. I published, he believed, I got full support from the Assembly and I embraced it. I do believe in working in partnerships and this was the old way that I am working. I will not take any longer. I am asking the Assembly to think about it; this proposition is purposely simple, not prescriptive, it is asking the Assembly the simple question: should we be providing equal opportunity for skills and education for young people? Are we ready to do so? I am calling for the appel and I am asking to take part (a), (b) and (c) separately. Thank you.

The Deputy Bailiff:

Yes, Deputy. In relation to that, it appears to me that if (a) is adopted, we move on to (b) and then (c), but if (a) is rejected, (b) falls away and we then move on to (c). Do you agree with that?

Deputy I. Gardiner:

Yes, absolutely. Thank you.

The Deputy Bailiff:

Thank you very much. So the appel has been called for. Members are invited to return to their seats and I invite the Greffier to open the voting on part (a) of the proposition. If all Members have had a chance of casting their votes, I ask the Greffier to close the voting. I can announce that part (a) has been rejected: 13 votes pour; 31 votes contre, and one abstention.

POUR: 13	CONTRE: 31	ABSTAIN: 1
Connétable of St. Mary	Connétable of St. Helier	Connétable of St. Martin
Deputy L.M.C. Doublet	Connétable of St. Brelade	

Deputy I. Gardiner	Connétable of Trinity		
Deputy K.L. Moore	Connétable of St. Peter		
Deputy P.F.C. Ozouf	Connétable of St. Clement		
Deputy D.J. Warr	Connétable of Grouville		
Deputy H.M. Miles	Connétable of St. Ouen		
Deputy J. Renouf	Connétable of St. Saviour		
Deputy H.L. Jeune	Deputy G.P. Southern		
Deputy A.F. Curtis	Deputy C.F. Labey		
Deputy K.M. Wilson	Deputy M. Tadier		
Deputy L.K.F. Stephenson	Deputy S.G. Luce		
Deputy M.B. Andrews	Deputy K.F. Morel		
	Deputy M.R. Le Hegarat		
	Deputy S.M. Ahier		
	Deputy R.J. Ward		
	Deputy C.S. Alves		
	Deputy S.Y. Mézec		
	Deputy Sir P.M. Bailhache		
	Deputy T.A. Coles		
	Deputy B.B.de S.V.M. Porée		
	Deputy M.R. Scott		
	Deputy C.D. Curtis		
	Deputy L.V. Feltham		
	Deputy R.E. Binet		
	Deputy M.E. Millar		
	Deputy A. Howell		
	Deputy T.J.A. Binet		
	Deputy M.R. Ferey		
	Deputy R.S. Kovacs		
	Deputy B. Ward		

[10:30]

The Greffier of the States:

Those voting pour: the Connétable of St. Mary, Deputies Gardiner, Moore, Warr, Miles, Renouf, Jeune, Curtis, Wilson, Stephenson, Doublet, Ozouf and Andrews. Those voting contre: the Connétables of St. Helier, St. Brelade, Trinity, St. Peter, St. Clement, Grouville, St. Ouen, St. Saviour and Deputies Southern, Labey, Tadier, Luce, Morel, Le Hegarat, Ahier, Ward, Alves, Mézec, Bailhache, Coles, Scott, Curtis, Feltham, Binet, Millar, Howell, Binet, Ferey, Kovacs, Ward and Deputy Porée online. The abstention was the Connétable of St. Martin.

The Deputy Bailiff:

Part (b) falls away and we move to part (c) of the proposition. I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that part (c) has been rejected: 17 votes pour; 27 votes contre, and one abstention.

POUR: 17	CONTRE: 27	ABSTAIN: 1
Connétable of St. Martin	Connétable of St. Helier	Deputy R.S. Kovacs
Connétable of St. Clement	Connétable of St. Brelade	
Connétable of St. Mary	Connétable of Trinity	
Deputy L.M.C. Doublet	Connétable of St. Peter	
Deputy I. Gardiner	Connétable of Grouville	
Deputy K.L. Moore	Connétable of St. Ouen	
Deputy P.F.C. Ozouf	Connétable of St. Saviour	
Deputy D.J. Warr	Deputy G.P. Southern	
Deputy H.M. Miles	Deputy C.F. Labey	
Deputy J. Renouf	Deputy M. Tadier	
Deputy C.D. Curtis	Deputy S.G. Luce	
Deputy H.L. Jeune	Deputy K.F. Morel	
Deputy A.F. Curtis	Deputy M.R. Le Hegarat	
Deputy B. Ward	Deputy S.M. Ahier	
Deputy K.M. Wilson	Deputy R.J. Ward	
Deputy L.K.F. Stephenson	Deputy C.S. Alves	
Deputy M.B. Andrews	Deputy S.Y. Mézec	
	Deputy Sir P.M. Bailhache	
	Deputy T.A. Coles	
	Deputy B.B.de S.V.M. Porée	
	Deputy M.R. Scott	
	Deputy L.V. Feltham	
	Deputy R.E. Binet	
	Deputy M.E. Millar	
	Deputy A. Howell	
	Deputy T.J.A. Binet	
	Deputy M.R. Ferey	

The Greffier of the States:

Those voting pour: the Connétables of St. Martin, St. Clement and St. Mary and Deputies Gardiner, Moore, Warr, Miles, Renouf, Curtis, Jeune, Curtis, Ward, Wilson, Stephenson, Doublet, Ozouf and Andrews. Those voting contre: the Connétables of St. Helier, St. Brelade, Trinity, St. Peter, Grouville, St. Ouen and St. Saviour and Deputies Southern, Labey, Tadier, Luce, Morel, Le Hegarat, Ahier, Ward, Alves, Mézec, Bailhache, Coles, Scott, Feltham, Binet, Millar, Howell, Binet, Ferey and Deputy Porée online. The abstention was Deputy Kovacs.

2. Draft Taxation (Common Reporting Standard and United States of America) (Jersey) Amendment Regulations 202- (P.39/2024)

The Deputy Bailiff:

The next item is the Draft Taxation (Common Reporting Standard and United States of America) (Jersey) Amendment Regulations lodged by the Minister for External Relations. The main

respondent is the chair of the Economic and International Affairs Scrutiny Panel. I invite the Greffier to read the citation.

The Greffier of the States:

Draft Taxation (Common Reporting Standard and United States of America) (Jersey) Amendment Regulations 202-. The States make these Regulations under Article 2 of the Taxation (Implementation) (Jersey) Law 2004.

2.1 Deputy E. Millar of St. John, St. Lawrence and Trinity (Assistant Minister for External Relations - rapporteur):

P.39 is primarily intended to ensure that Jersey's law implementing the C.R.S. (Common Reporting Standard) regime is in line with global standards. The C.R.S. is a global minimum standard in tax information exchange which was designed by the O.E.C.D. Under the regime, jurisdictions are required to ensure that they have laws in place which require financial institutions to collect and report information on holders of financial accounts in Jersey. This information is then exchanged with the tax authorities of party jurisdictions. As part of Jersey's commitment to transparency and co-operation in tax matters, Jersey has been exchanging information under the C.R.S. since 2017. As I have said, the C.R.S. is a global minimum standard and therefore the O.E.C.D. regularly undertakes reviews of the ways in which jurisdictions implement the regime. The latest review of Jersey's legislation regarding the C.R.S. is currently underway; this will be finalised in October of this year. During the course of this review 3 relatively minor potential weaknesses in Jersey's legal framework implementing the C.R.S. have been identified. P.39 is therefore intended to address these weaknesses before the O.E.C.D. finalises its report on Jersey later this year. These areas are, firstly, clarifying how the regulations apply to legal arrangements or structures that do not have legal personality such as partnerships and trusts, then making sure that the anti-avoidance rule is fully in line with international expectations and, thirdly, making sure we have the powers to ensure that all financial institutions comply with the regulations. In terms of the last point Revenue Jersey has the power to visit business premises and inspect business documents, if necessary, to ensure compliance with the regulations. The O.E.C.D. has expressed a concern that if a financial institution was not carrying on a business or did not have business documents, this power may not be broad enough. In reality, it is very unlikely that there would be no business premises or business documents for a Jersey financial institution. However, in order to put the matter beyond doubt I am proposing to amend the regulations to expand the definition of "business documents" and "business premises" slightly only for financial institutions that do not carry on a business. In addition, we are also clarifying that a trustee or partner is not prevented from recovering penalties charged on them. I should also comment on the interaction with the F.A.T.C.A. (Foreign Account Tax Compliance Act) regulations. The United States of America does not participate in the Common Reporting Standard. Instead, it operates a very similar regime known as F.A.T.C.A. In fact, the O.E.C.D. took the United States F.A.T.C.A. rules as a basis when designing the C.R.S. Jersey financial institutions have been reporting information on U.S. (United States) account holders since 2015 under the F.A.T.C.A. regulations. Because the 2 regimes are so similar and the C.R.S. and F.A.T.C.A. regulations are almost identical, P.39 proposes for consistency to make the same changes to the F.A.T.C.A. regulations as are now being proposed to the C.R.S. regulations. The only exception to this is that the amendment proposed to the anti-avoidance rule in the C.R.S. regulations is not being proposed in relation to the F.A.T.C.A. regulations due to differences in the anti-avoidance rule between F.A.T.C.A. and the C.R.S. standards. In summary, Jersey is committed to fully complying with their international tax commitments and these amendments are necessary to allow us to continue to do so and to be seen to be doing so. I therefore make the proposition.

The Deputy Bailiff:

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

2.1.1 Deputy P.F.C. Ozouf of St. Saviour:

I apologise for not being in the Assembly in person; however, Members will understand that the health issues mean that sometimes I am unable to. Nevertheless, I would wish to commend the work that Jersey has done, and the financial services industry has done, following the McKinsey Review in growing Jersey's share of good quality business from the United States. Jersey is increasingly seen as a very high-quality jurisdiction which is benefiting our finance industry particularly in the funds and other areas which is important and of huge economic value. The Minister in her opening remarks did not say - and she might wish to say this in her summing up - whether or not the regulations that are before the Assembly have been consulted upon with practitioners and what their response for those have been to ensure that there is information before the Assembly that this indeed has been something that has been properly communicated and responses which have been taken on board by industry representatives.

The Deputy Bailiff:

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

2.1.2 Deputy E. Millar:

I thank the Deputy for his question. I can confirm that the changes were consulted on earlier this year and industry was supportive of them. The changes are relatively minor and are expected to have limited to no impact on the vast majority of the financial services industry.

The Deputy Bailiff:

Those in favour of adopting the principles, kindly show. Thank you very much. The principles are adopted. In the absence of Deputy Tadier, Deputy Wilson, can you confirm whether or not the Economic and International Affairs Scrutiny Panel wishes to scrutinise this matter?

Deputy K.M. Wilson of St. Clement (Member, Economic and International Affairs Scrutiny Panel):

No, Sir.

The Deputy Bailiff:

How do you wish to propose the regulations, Deputy?

2.2 Deputy E. Millar:

I would like to propose them *en bloc*. I could describe them very briefly, if that would be helpful.

The Deputy Bailiff:

Yes, if you wish to.

Deputy E. Millar:

As I have said, these regulations would amend both the C.R.S. and F.A.T.C.A. regulations. Both sets of regulations would be amended, firstly, to amend the definitions of "business premises" and "business documents" to cover financial institutions which do not carry on a business, trade, profession or vocation. This will ensure that the necessary powers are in place to satisfy the global community that we can enforce the regulations for all types of financial institutions in Jersey. Secondly, a new regulation would be inserted into both the C.R.S. and F.A.T.C.A. regulations to clarify that if an obligation or a penalty arises under the regulations to a trust or a partnership, that obligation or penalty is applied to the trustee, or in the case of a partnership, to a partner who is identified as a responsible partner under the Income Tax Law. The new regulations contain language to clarify that the regulations do not prevent that penalty from being recovered from the trust or partnership. Finally, the anti-avoidance rule in the C.R.S. regulations would be amended to add wording to clarify that an arrangement that has been entered into with the purpose of avoiding any

C.R.S. obligations, that arrangement is deemed not to have taken place for the purposes of the C.R.S. regulations. The changes would come into force 7 days after these regulations are approved by this Assembly and this will allow the changes to be reflected in the O.E.C.D.'s review of Jersey's legal framework implementing the C.R.S. which, as I said, is due to be published in October.

The Deputy Bailiff:

Are the regulations seconded? **[Seconded]** Thank you. Does any Member wish to speak on the regulations? Those Members in favour of adopting the regulations, kindly show. Thank you very much. The regulations are adopted in Second Reading. Minister, do you wish to propose the regulations in Third Reading?

2.3 Deputy E. Millar:

Yes, please, Sir.

The Deputy Bailiff:

Are the regulations seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the regulations as adopted in Third Reading? Deputy Ozouf.

2.3.1 Deputy P.F.C. Ozouf:

I would just ask the Minister again - she explained that the now-approved regulations are minor but they do appear to be quite important and indeed potentially draconian in respect of premises which she explained - whether or not these really have been subject to consultation in a meaningful way and that there has been no dissent from those people who are going to likely be affected or could be affected by these regulations, and if they are the identical global standard of such interventions where necessary.

The Deputy Bailiff:

I call upon the Minister to reply.

2.3.2 Deputy E. Millar:

I am afraid I can only confirm again that the regulations were consulted on and that the industry have been content with them. I think the Deputy was raising 2 concerns. I think these regulations address what is largely a hypothetical concern rather than one that we consider is real, and that is the question of having a financial institution which does not carry on a business and has no business premises or business documents.

[10:45]

We have not identified any financial institutions which fall into those circumstances and this is simply a perceived gap in enforcement powers. However, there is a potential, for example, for a trust to be considered as a financial institution for the purposes of the C.R.S. if it is managed by another financial institution and if it meets certain other tests in terms of both its investment activities and income profile. The overwhelming majority of trusts, however, are clearly a financial institution and this is really likely to affect a very, very small number of situations. I would also just clarify, the Deputy suggested these powers were draconian. The powers of Revenue Jersey already exist for all other financial institutions. There are very clear rules under which Revenue Jersey may enter premises and there are close controls on the circumstances, what they can enter premises for and what they can use the powers for, and any officer who oversteps those rules would of course be breaking the law. I am content that these are not hugely significant for the industry as a whole. The industry is happy with them and I do not believe we will be seeing the Comptroller turning up at dawn demanding to look at documents.

The Deputy Bailiff:

Those in favour of adopting the ... the appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the regulations have been adopted in Third Reading: 41 votes pour; no votes contre, and one abstention.

POUR: 41	CONTRE: 0	ABSTAIN: 1
Connétable of St. Helier		Deputy P.F.C. Ozouf
Connétable of St. Brelade		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Martin		
Connétable of St. Clement		
Connétable of Grouville		
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Saviour		
Deputy M. Tadier		
Deputy S.G. Luce		
Deputy L.M.C. Doublet		
Deputy K.F. Morel		
Deputy M.R. Le Hegarat		
Deputy S.M. Ahier		
Deputy R.J. Ward		
Deputy C.S. Alves		
Deputy I. Gardiner		
Deputy S.Y. Mézec		
Deputy Sir P.M. Bailhache		
Deputy T.A. Coles		
Deputy B.B.de S.V.M. Porée		
Deputy D.J. Warr		
Deputy H.M. Miles		
Deputy M.R. Scott		
Deputy J. Renouf		
Deputy C.D. Curtis		
Deputy L.V. Feltham		
Deputy R.E. Binet		
Deputy H.L. Jeune		
Deputy M.E. Millar		
Deputy A. Howell		
Deputy T.J.A. Binet		
Deputy M.R. Ferey		
Deputy R.S. Kovacs		
Deputy A.F. Curtis		

Deputy B. Ward			
Deputy K.M. Wilson			
Deputy L.K.F. Stephenson			
Deputy M.B. Andrews			

The Greffier of the States:

Deputy Ozouf abstained.

3. New Healthcare Facilities Programme (P.43/2024)

The Deputy Bailiff:

The next item is New Healthcare Facilities Programme lodged by the Hospital Review Panel. The main respondent is the Minister for Health and Social Services, 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 Council of Ministers to bring forward a standalone proposition seeking the States Assembly’s [in-principle] approval of the funding proposals for delivery of Phase 1 in respect of the New Healthcare Facilities Programme in order that the funding proposals may be debated before the Draft Government Plan 2025-2028; and (b) to request the Council of Ministers to ensure that, prior to the debate of any proposition in which the States Assembly’s approval of the funding New Healthcare Facilities project is sought, the indicative costs associated with future phases of the New Healthcare Facilities Programme are presented to the Assembly.

3.1 Deputy J. Renouf (Chair, Hospital Review Panel):

I would like to thank the Assembly again for agreeing to shorten the lodging period so that this can be debated at this sitting. This is a simple proposition and it aims to do 2 things: part (a) aims to reinstate a commitment in the current Government Plan to have a separate debate on the funding arrangements for phase 1 of the new hospital facilities. Part (b) makes an additional request, namely that the Government should present some indicative costs associated with future phases of the new healthcare facilities. I should say right away that I intend to take the proposition in parts to allow Members to express opinions on each matter separately. The case which I and the Scrutiny Panel wish to make is on the theme of transparency and openness, values which the Chief Minister says are central to his Government which I emphasised in the Common Strategic Policy and were reinforced by the Chief Minister when he appeared before the Corporate Services Scrutiny Panel. Even in its reduced form the acute hospital at Overdale is the largest single capital project on which the Island will probably embark. It is a multiyear commitment that is essentially irreversible. It has implications for revenue spending and it is also predicated on future capital spending on other health facilities which are no longer included at Overdale. In total the capital spend of all the healthcare projects is likely to be well over £1 billion spread over a number of years. In short, in terms of financial commitment the new hospital facilities are of fundamental significance for the financial future of the Island. It therefore surely makes sense that they should be subject to the fullest possible scrutiny, with the Assembly given the clearest opportunity possible to understand and examine them. The central argument behind this proposition is that it is not possible to fully understand and then debate the funding proposals for the new healthcare facilities in the context of the Government Plan debate. Up until the last few months this would have been an entirely uncontentious statement. Put another way, had the Government stuck with the original plan to bring a standalone proposition regarding hospital funding, no one would have batted an eyelid; it would have seemed entirely normal. Our contention as a panel is that the original intention to hold a separate debate is still valid

and nothing has changed to merit changing the plan. This is particularly the case because of a second point: this Assembly has never explicitly debated the financing of the new hospital facilities nor indeed the multisite strategy. There was a Ministerial statement but that is not subject to amendment or a vote. As far as funding is concerned, the current Government Plan that was passed last December included a relatively small provision for this year of £70 million, but the strong expectation was that much more detail on future funding would be forthcoming. The Government Plan included the comment: “The financing strategy for the full costs of the acute facility will be included in the outline business case and be included in the proposition planned for summer 2024.” In other words, when we debated the Government Plan the financing strategy was not in place, so it cannot have been debated. It is surely important that the financing strategy for the biggest single capital project in the Island’s history is given a separate debate. The strategy of breaking the hospital programme down into phases has already been accepted by implication by this Assembly when it agreed the last Government Plan, although it has never been formally debated. However, accepting the principle does not give *carte blanche* to wave through all budgeting expenditure from this point. It is incumbent on this Assembly to examine the Government’s proposals thoroughly and for that we need clarity and time, but clarity and time that would come from debating a separate proposition. I would like to make very clear that P.43 is not intended to delay proceedings. As a panel we are as acutely aware as everyone of the need to make rapid progress on modernising the Island’s healthcare facilities, a point we have made to the Minister in the Scrutiny meetings that we have had with him. Passing P.43 will not delay matters; indeed, if anything, it would speed them up, in that any amendments or issues that arise in the Government’s hospital funding proposals will be dealt with before the Government Plan debate. Should the Assembly indicate a desire for change through that separate debate, Ministers will then have a chance to modify the Government Plan by amendment so that everything is wrapped up nicely by the end of the year. So why can the funding proposals not be properly debated during the Government Plan debate? There are only 2 ways in which hospital funding can be scrutinised through the Government Plan: first, via amendment; and, second, in the debate on the substantive proposition after all other amendments have been debated. Looking at the amendment route it is worth remembering that last year there were more than 30 amendments to the Government Plan. As I recall, none of them were concerned with the new Healthcare Facilities Programme and therefore there was no debate during the amendment stage. It is not surprising Members were expecting a fuller, separate debate this year in line with the Government Plan commitment. This time around, if we do have amendments to the hospital funding part of the Government Plan, they will be buried within days of debate about other matters. The material relevant to the debate will also be buried within the whole Government Plan. Even before the debate, Members may struggle to find all the information they need in the Government Plan since relevant information may be spread across the documentation. In the debate itself we will be constantly thumbing through copies of the Government Plan to find the sections we need. It is unwieldy. It is a bit like when you are served too much at dinner; it is hard to appreciate all the constituent parts. Things get lost, one’s palate becomes dulled from the sensory overload and from the sheer volume of what is on the plate. It becomes indigestible, some items hardly get touched. We should be aspiring to the highest standards of openness and transparency for a decision of this magnitude. A debate conducted within the Government Plan decision will not be as transparent as a separate debate. Something that could have been transparent will have been rendered opaque or slightly more opaque than it needs to be. I want to come to the Government’s main argument as to why a separate debate is apparently the wrong thing to do now. I think it seems to me that Ministers have invented a new doctrine over the last few weeks. No budgetary matter that is included in the Government Plan should be debated except in a Government Plan debate. I think it is a nice try but it does not hold water. Taken to its logical conclusion this would mean that no proposition relating to Government spending could be debated except in the Government Plan debate. I note, for example, that this rule did not apply to funding matters that were brought by Ministers, the Assisted Dying, for example, several million pounds of expenditure approved outside the Government Plan, now I presume to be included

in the Government Plan. No sweat. There is a more fundamental reason why the Government's argument does not stack up. The Government says that unless hospital funding is debated at the same time as the Government Plan, it would be "taken on a piecemeal and disjointed basis". But it will not, the Government Plan will have been published. The proposition which the Government brings will therefore be able to place the funding proposals in the full context of the Government Plan. Ministers will be able to draw attention to every relevant aspect of the Government Plan. They can clearly point out where decisions taken will have implications elsewhere. What is to be lost by a separate debate, I am looking forward to hearing. There is no delay, the debate will be fully informed by the Government Plan; I do not get it. We are in a position today to take advice on this matter from significant Members of the Assembly. Our current Chief Minister said this almost exactly a year ago in comparing plans for the new hospital with the approach taken in the last Assembly with the Our Hospital project: "Can I ask the Minister when he intends to come to this Assembly to seek the relevant permissions to proceed with the plan, reminding him that the previous Our Hospital project came and sought, I think, no fewer than 4, possibly 5, States Assembly votes as we went through the process?" Separate votes, remember, not buried in the Government Plan because openness and transparency are good. I was going to say where has that Deputy Farnham gone but of course he has gone to London, so we know the answer to that question. The current Minister for Education and Lifelong Learning, Deputy Rob Ward, was of a similar mind when he asked the Minister for Treasury and Resources last year: "It seems to me that the plans for funding of the new hospital may be incorporated into the Government Plan. Does the Minister agree that this means there is a real risk that there is not a separate debate on the hospital as it becomes incorporated into a much larger plan which, if not agreed, creates real problems for the Island?" To emphasise: "a real risk that there is not a separate debate". He is making the entirely reasonable point that if there was no separate debate on the hospital funding process then the only option, if Members disagreed with the plans, would be to vote against the whole Government Plan. We should not be put in that position.

[11:00]

I hope that those Ministers: Minister for Treasury and Resources, Assistant Minister, Minister for Health and Social Services, Minister for Education and Lifelong Learning, Chief Minister and so on who were all supportive of the idea of a separate debate only a few months ago can explain what has changed. What has changed between their support for a separate proposition and opposing it now? I do take some comfort from the recognition that the Government's opposition as stated in its comments paper is somewhat half-hearted. They accept in their comments that it is perfectly valid to ask for a debate, they would just rather not. I respectfully suggest that this Assembly rather would like the opportunity of a full debate on the hospital plans: clean, transparent, open. If I may move on to part (b) of the proposition. It asks for some indicative costs associated with other aspects of the programme, principally that is the redevelopment of Gloucester Street and Kensington Place and the proposed health village in St. Saviour. It is worth noting this Assembly has never debated the idea of a health village at St. Saviour. It has been presented in a report but no cost has been put on it, no health strategy has been brought forward to justify the idea. We can see the consequences of this lack of scrutiny already. The Minister has stated in a letter to the Scrutiny Panel that he is negotiating to buy some fields in St. Saviour as a site for the construction of a new health village. That was authorised through last year's Government Plan although I doubt many Members realise that is what they were approving when they voted for the Government Plan last year. This year no doubt the Government is going to be asking for millions of pounds more to be spent on the other sites and I think it would be appropriate that we know a little more about that. Good Government demands that we have more information than is currently being presented, a stronger justification for the health village, for example, with clarity on what money is going to be spent on over the next few years, and some idea of how much the whole thing is going to cost, otherwise we are approving continual incremental expenditure on a project about which we have no idea what the final cost will be. I cannot think of any other situation with a major capital project where this would be considered

acceptable. The easiest and clearest way to achieve clarity will be a separate debate where we can see how much has been allocated for each part of the project in the context of roughly how much the total costs will be. It is not a big ask; indeed, we are asking for something that should be very familiar to the current Chief Minister because he asked for something very similar last year and he was not alone. The now Minister for Housing, Deputy Mézec, said in the last Government Plan debate on 14th December: “We are asked to provide another £52 million to proceed with the new healthcare facilities and they will not even tell us the details of their plans in that regard, including how much they think they are going to spend on the programme as a whole.” Scathing comment from Deputy Mézec on the inability of the Government then to come up with a figure for the whole programme. So there was a clear recognition by Members of the current Ministerial team, including the current Chief Minister, that they wanted to have some idea of the total costs of projects. Not a detailed breakdown, not a figure that will be set in stone, but we know there are plans on which costings could be based. For example, there are published plans showing a proposed layout of buildings at St. Saviour, including how many square metres they are planned to occupy. That is a basis on which rough estimates could be prepared. To conclude, just 8 months ago it was not considered a big deal to have a separate proposition. Now we are told that the hospital funding needs to be debated in the context of the whole Government Plan but, as I have said, it will be. If this proposition is passed we will have a debate a few weeks before the Government Plan debate but well after the Government Plan has been published. Indeed, all the information for the hospital funding proposition will be abstracted from the Government Plan and the Government will be in charge of that process. They will control that information. The advantage of a separate debate is that it will give us clarity, transparency, and the proper time in order to debate the matter. The urgency of our need for new hospital facilities should not dull our appetite for a proper examination of the plans for all the new hospital facilities. The public want a new hospital. Sure, we all do, but they also expect us to keep a close eye on the costs on their behalf. Let us do our job and do it properly. Thank you.

[Approbation]

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Thank you. I am advised that the main respondent is in fact the Minister for Treasury and Resources. Does any Member wish to speak on this proposition?

3.1.1 Deputy E. Millar:

As set out in our comment, I confirm that the Council of Ministers will not be supporting this proposition. That is not to say that we do not see the perspective of the panel or understand what the panel is seeking to achieve. Indeed, as the Deputy has said, previous Governments have brought forward the funding approach for the new hospital in separate propositions, so this is not an unprecedented request or approach. I am not going to purport to speak for the Chief Minister but we are all entitled to change our views from time to time on how best to handle matters of significance and how best to ensure that information is available to Members and to the public. It is not though, in the view of Ministers, the optimum and most logical approach. This is the latest in a series of recent propositions which seek to isolate certain issues which are fundamental to the financial health and well-being of the Island both on a short and long-term basis. Such issues are properly matters for a budget or a Government Plan debate where things can be viewed holistically and fully. This is exactly why we have a Government Plan process and a long debate in this Assembly. It is a case now more than ever that we need to consider budgetary and financial issues holistically and not on a piecemeal basis. We know that we have funding pressures on our everyday public services, especially in Health, but not only in Health. We need to balance these pressures with our revenue-raising measures while keeping the tax burden as low as possible on Islanders, ensuring appropriate targeting in how we raise additional revenue and maintaining our competitiveness as an economy. We then need to think about our short, medium and long-term programme of capital investment. Separate to that, we are developing thoughts on how we might finance further improvements to our

public realm in town and elsewhere. Equally, we have pressure from Members and an ambition ourselves to replenish the Stabilisation Fund and further increase the value of the Strategic Reserve as we have been advised we should be seeking to do. These are all competing interests and while it is possible to balance them all, that can only happen with very careful thought and a delicate balance. It requires us to spend our current income more effectively, to carefully consider how we can best invest our current assets if appropriate, to adopt a prudent approach to any new revenue and a cautious approach to borrowing. We know that the public themselves are concerned about the amount of money that Government spends, and we must take those thoughts into consideration. One way to disrupt the balance that we seek to achieve is to start breaking parts of this package away from the others and to not treat these topics as interlinked and as part of the same conversation. Regrettably, this is exactly what this proposition would achieve. Isolating the health funding debate is not something which is only disadvantageous to Ministers and to the wider interests of the Island, it would also be disadvantageous to States Members. I strongly believe that Members will benefit from considering the matter of hospital funding alongside our other funding and investment priorities. Members will still be able to support, amend or oppose our specific plans for hospital financing in the Government Plan debate. Considering the new healthcare funding package as part of the budget will not prevent or inhibit a full debate in any way. We have all sat now through, well, 2 Government Plan debates which have gone on for a great length, where people have brought amendments and we have been able to discuss those amendments and consider funding aspects in considerable depth. Members and Ministers can still respond to the impact of any amendment that might be agreed as part of the full Government Plan process. There is no intention of trying to be anything other than open and transparent as regards the new healthcare facilities funding. We are simply seeking to take a holistic and complete view of our finances as an Island. This is absolutely not about subterfuge or obscurement of any facts. We will have plenty of time before November for Members to look at the Government Plan and to look at what it tells us about funding of the new healthcare facilities. Funding for the new healthcare facilities will require a careful, disciplined approach on all sides because the Government Plan must present a balanced budget and we must have regard to the long-term sustainability of public finances and the well-being of Islanders generally. I do not doubt that the intention of Scrutiny is to ensure that the financing approach to the new hospital is prudent, appropriate and deliverable. We all share that objective. It is only in approach that we differ; it is though a significant difference. I therefore ask that Members support the approach that I have set out today and, with respect, to vote against this proposition.

3.1.2 Deputy S.M. Ahier of St. Helier North:

The Hospital Review Panel is seeking through this proposition to have a separate debate on the funding proposals for the new Healthcare Facilities Programme. If we are successful a debate will be held where States Members will be able to make their comments and put forward any amendments to the project where they feel are fit and proper, and then after such a debate it will be incorporated within the Government Plan 2025-2028. I must be clear that there is no intention on the part of the panel to try to delay or hinder the programme in any shape or form. **[Approbation]** This will be solely to allow Members the opportunity to fully understand what the programme's constituent parts are and to consider how the funding for such a large project will be achieved in the forthcoming years. One of the main concerns of the panel is that the new Healthcare Facilities Programme will not receive suitable detail, an intent of Scrutiny, by being incorporated within the Government Plan and therefore having the possibility of not being discussed at all. Some will contend that for such a huge investment on behalf of the Island, the Overdale project could not possibly slip through the net of the Government Plan without raising serious concerns about the future costs of the project. I must remind Members that this would not be the first time that such an eventuality has happened. In a previous Government Plan, 2022-2025, part (g) determined that a bond for £500 million to be taken out to fund past service pension liabilities to the tune of £480 million. This was not debated separately so there was no scrutiny carried out and there was no possibility of voting on any individual part of

the Government Plan because, for what has now become a tradition, it was voted on in its entirety and not in separate parts, much to the chagrin of many Members. To avoid such an eventuality occurring again, we are suggesting that there should be an alternative avenue to ensure that the programme receives adequate scrutiny and a robust debate in this Assembly and that Members are provided with sufficient levels of detail to inform their decision-making process regarding all phases of the programme. Last year, Deputy Farnham posed an oral question to me as Assistant Minister for Treasury and Resources regarding the funding of the healthcare facilities. He queried: “The Government has presented a project to a multisite hospital with 4, possibly 5, sites. Does he not believe on behalf of Treasury that it is only right for this Assembly, before embarking on spending many more tens of millions of pounds to, as soon as possible, know and understand the full cost and timescale of what we are proposing?” My response to Deputy Farnham’s question was this: “I believe that the full costing for the additional sites, the health village at St. Saviour and the Kensington place site should be incorporated within the proposition which is brought in the summer of next year. I concur.”

[11:15]

My opinion has not changed since I made that statement last October. Part (b) of this proposition conforms to that belief and I hope that Members will realise the need for these indicative costs to be understood prior to any continuation of the new Health Facilities Programme.

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

I think it is clear to all Members how important the health of our Islanders is. There is not really anything beyond perhaps the safety of our Islanders that is more important, and I think it is absolutely right that this debate would be a standalone debate. I think, given the track record of successive Governments in trying very hard, many of them, to deliver some of these aims, but progress being very difficult to make, we need to make this a discrete issue and consider it and give it the weight that it deserves and the time and the space for Members to properly consider it so that we can get it right. I think the reasons for doing so are reasonable. I think the speakers before me have made the case but if Members are on the fence, on the flip side I do not see any compelling reasons not to do this. It is not going to cause any harm if we have this debate separately. I think if Members are on the fence, I would urge Members to support this proposition today, please.

3.1.4 Deputy H.L. Jeune:

I rise as definitely not fully understanding all the different aspects around the hospital because I have never really been engaged to that level before. So I stand as an uneducated States Member in this regard to those that have spoken before who are around the Scrutiny and also both from the hospital side and from the health side. I just looked into the Government Plan that we agreed in 2024 to try to understand what would happen if this was brought as part of the Government Plan versus a standalone, which is what the Scrutiny Panel is asking for. What we agreed to as an Assembly, it says it is quite clear that: “Within the quarter one of 2024 we will have a better understanding of the costs and the programme team will continuously challenge planning assumptions during design and contracting stages with a view of reducing costs, communicating progress regularly to key stakeholders, including Ministers, Scrutiny, and States Members.” Well, I am a States Member and I do not think I have heard yet anything much about what is going on with the hospital in this Assembly from a standalone perspective. It is very difficult to stand here and say: “Well, we could put it in the Government Plan”, we all know that that is quite a tough week to get through, and would we really have that moment to be able to really understand and scrutinise what is being presented? It also says very clearly: “In 2024 we will bring forward a standalone proposition to seek approval for delivery of phase 1 of the programme and its financing, continue high-level design and planning work for the whole programme”, et cetera. It gives a few little details but it does not go directly in. I really feel that I would like to be supporting this proposition because I would like a standalone

debate to understand as just a layperson, a States Member that has not really been involved in these details at all, to be able to spend time looking at this, not in the intensity of the Government debate when it is a week where hopefully - and I encourage those Back-Benchers - the new Back-Benchers will bring lots of amendments to the Government Plan to make our own stamp on it as those who are now in Government have done in the past. We will have lots to talk about in lots and lots of different elements and different subjects and this is, as Deputy Renouf has said, the biggest infrastructure project that the Island has for many, many years. I really think that the Scrutiny Panel - and we should listen to Scrutiny; Scrutiny is an important part of this Assembly - are calling for us to have a standalone discussion around the hospital, so we really, all of us, understand what is going on. Not just those who are very much involved in the weeds of this, but that we all get to understand that. I really do not think that we will all understand it if it is hidden within a Government Plan debate. I do not mean "hidden" as in it is on purpose doing that, but it does mean it gives less attention, especially as we see that in the discussions already so far today, not that many Members are in the Assembly to hear what Scrutiny has to say on it, and so I think giving ourselves time to really understand what is happening behind the hospital, the financing behind the hospital, and the hospital plans in general. As Deputy Renouf says, some of the hospital plans have not been brought to the Assembly so that the Assembly is understanding what is going on, I think is an important part. I would urge Members to support this proposition, to support Scrutiny who are calling for this so that we can have a debate as an Assembly. Because as we all have heard many times in the last few months, we are wanting to have transparency and openness and primacy with the Assembly, that everything comes back to the Assembly, and that that kind of information and discussions are not had with a select few but that it comes to the Assembly.

3.1.5 Deputy A.F. Curtis of St. Clement:

I thank my other panel members for their comments already. Deputy Renouf, in opening, has provided I think most of the arguments and positions required; in fact, pre-empted most of what I think the Minister for Treasury and Resources said in her speech, and quite well addressed the concerns before they even arose, and Deputy Ahier, likewise. I would like to remind Members that this proposition will be taken, as offered by the chair of this review panel, in 2 parts. Those who might have any concern about the second part about longer-term funding can always vote purely for a debate. I rise, having not written much of a speech having known the main points would be covered, to pick up on once more this concept as to why this should or should not happen within the Government Plan debate. The Minister for Treasury and Resources used phrases "isolate matters of finance" and "not on a piecemeal basis" and "competing interests". While I understand this, and I could hear them, I do not see how they really apply in the scenario of the capital funding of the hospital. She also referenced health funding and I do not believe we are looking to propose a debate here on health funding in general. This is purely about the capital programme but also understanding if Members adopt part (b) the longer-term costs. Members already in this sitting have talked about the challenges of one-year budgeting of the Government Plan. The panel, in bringing this, considered the fact that the Government Plan only assures money for one year, it sets out a funding profile for 4 years, but the level of works required to deliver the new Healthcare Facilities Programme goes beyond that. Having the space and time to discuss that is important, and discuss is important. Deputy Ahier used a phrase when talking about a debate; "clarity". We have heard the 2 ways in which the debate on hospital new healthcare facilities funding will appear in the Government Plan, it is either by amendment or in the substantive debate. Debates are so much more than just a place to either oppose or rehearse views, they are a place to seek clarity. Only in the debate prior to this Members raised questions. I stated at the beginning I was undecided and I wanted clarity. It is the proposer's position - in fact, it is to their benefit if they want their proposition approved - to deliver clarity during that debate and in summing up. They are offered a limited time to speak only on the topic of that debate and so they can address concerns about funding or financing. Should part (b) be adopted, they may wish to understand whether financing involves a release of assets on the hospital site; is that part

of the strategy? What would that mean to the wider aims? I do not think having that discussion isolated makes that discussion piecemeal. I really see no harm in having this debate. Deputy Renouf has highlighted that this would be framed entirely in the context of the Government Plan. Now I turn to part (b) which is to look to the longer term. It was referenced that the needs of the healthcare facilities have changed from the original plan. The Our Hospital Programme proposed the development of 70,000 square metres of gross internal area for medical and ancillary functions. The new Healthcare Facilities Programme in its feasibility study summary proposes under clinical planning space requirements a total of 100,781 square metres of facilities, 48,500 for an acute site, 24,200 for an ambulatory site, 6,000 for a rehab and step-down centre, 5,970 for mental health, 2,484 for knowledge and training, and the list goes on. That is not to say that those requirements are wrong, that is not to say that the States do not want those facilities and care in a new estate to be delivered in such facilities, but we surely should be able to have a conversation about how that will cost and how the wider programme of works will be funded. It is that simple to me that that debate should occur, so I will vote for part (b). I think the review panel I am a member of is asking for the right information, not to slow down the debate. Even if Members think that that is not required - we have heard the position that the healthcare will be fully functioning with just the acute facility, so one may disagree with voting for part (b) - debate to inform the Assembly, to inform the people of the Island for their benefit where this funding will go, how it will be funded, and to really focus on those cross-cutting impacts of funding a hospital, will be drawn out far better within a separate debate. I highlight to the main respondent, the Minister highlighted it is possible to change one's mind, I will remind Members there is still time and I hope she does.

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

Could I ask you a question as Chair, Sir?

The Deputy Bailiff:

Yes.

Deputy S.Y. Mézec:

We have a rule in the Assembly that Members cannot bring back the same proposition until 3 months have passed. Do the timings work out here? If the Assembly did resolve that it would have a standalone debate, would that pose problems for then essentially redebating it when it comes to the Government Plan debate?

The Deputy Bailiff:

Yes, the Standing Order is Standing Order 20. It is 3 months from today that would run but I did not quite understand your question, Deputy Mézec; it was probably my fault.

Deputy S.Y. Mézec:

We are not talking about the debate that we are having now, we are talking about the debate that would arise if this proposition was adopted and a standalone proposition was debated which presumably we would not be able to debate until after the summer recess. Once the States has resolved on that proposition one way or another, would we then be forbidden for considering it again, and would that time period overlap with the Government Plan where we are due to consider it anyway?

The Deputy Bailiff:

Yes, but this is only a proposition which deals with whether or not there will be a debate in due course, not the contents of that debate. We would need to look at the future proposition and judge it against the terms of this proposition, but obviously this particular issue could not be debated again. This is really asking the Council of Ministers to consider or to request them to bring alone a proposition in which the funding proposals will be debated. This is not that debate. It is simply a

debate about whether there should be a debate on those issues, so I do not see that Standing Order 20 would have an effect unless a proposition in the same terms was brought in the autumn. I hope that answers your question.

Deputy S.Y. Mézec:

You would presume that the proposition would be on the same terms in that if the Government are going to propose a funding mechanism for phase 1 and put that in a standalone proposition you would presume that it would be exactly the same as what is intended to be in the Government Plan that will be debated soon after anyway, so the States would be debating the same funding plan twice over a space of time.

The Deputy Bailiff:

I see, so you are suggesting that the debate that is envisaged here would prevent the Government Plan from including the elements that would be the subject of this debate that is envisaged by this proposition. Is that the point you are making?

Deputy S.Y. Mézec:

That is what I am asking, Sir. It seems to me unclear. I mean, this proposition itself is obviously on whether we have a debate but if we resolve that we will have that debate we may be scheduled to have the same debate on the funding within a specified period of time and I am concerned whether Standing Orders would allow for that.

[11:30]

The Deputy Bailiff:

You are saying it might affect the Government Plan. I follow. Yes, obviously we are speaking somewhat hypothetically but let us say, Deputy Mézec, that this proposition was adopted and there was a debate in relation to funding in October or November, then you are absolutely right that the Government Plan debated in December which would of course have been lodged before then would have to recognise or give effect to the decision made when this issue was debated prior to that time.

Deputy S.Y. Mézec:

Of course the Government Plan will presumably be lodged before the proposition.

The Deputy Bailiff:

It will. It will be lodged before this is heard. That is absolutely right.

Deputy S.Y. Mézec:

Okay, so if this proposition is adopted and the proposition comes forward, as this proposition asks to be brought forward, are we then, by our own rules, prevented from redebating it in the Government Plan, because that would be the same debate happening twice.

The Deputy Bailiff:

It is difficult to judge in advance because we have not seen our Government Plan or indeed the proposition that this proposition demands is lodged subsequently in relation to funding. Deputy Millar, do you want to make an observation in relation to this point of order?

Deputy E. Millar:

Yes, Sir. Just for clarification, you mentioned the Government Plan debate in December. I believe we are currently working to a timescale of the Government Plan being lodged hopefully by the end of next week and then for debate towards the end of November rather than December. I think the previous Government committed to bringing timings forward so the debate we are scheduling I believe for the last week in November, if that helps or hinders at all.

The Deputy Bailiff:

Yes. I think you are right to raise the difficulty or potential difficulty, Deputy Mézec, but we do not have of course the draft Government Plan or indeed the terms of any proposition that this asks the Council of Ministers to lodge. Presumably the Council of Ministers would lodge a proposition in identical terms to the relevant section of the Government Plan but if there was a debate on the proposition that this proposition calls for and, for example, it was amended and that debate took place 2 or 3 weeks before the Government Plan was debated in November then that would be an issue for us to tackle at that point, but I am not sure I can predict exactly how it would be but it is certainly a point that you are entitled to raise and it is something to bear in mind when Members consider this proposition. Yes. Lots of microphones are on without people asking to speak or contribute on this particular issue.

Connétable K.C. Lewis of St. Saviour:

Notwithstanding I fully agree with the comments made by Deputy Mézec but under Standing Order 80 if Members thought it necessary Standing Orders could be suspended.

The Deputy Bailiff:

Yes, that is possible. I do not know whether Members want to suspend the effect of Standing Order 20 but, yes, that is possible. Deputy Gardiner, your light was on. Is that in relation to this or something else?

Deputy I. Gardiner:

If I understand correctly we are debating the whole financial envelope and within 4 years this financial envelope will not be spent on the hospital, so within the Government Plan there will be parts that will be required for the next 4 years, so it is not exactly the same position, is my understanding.

The Deputy Bailiff:

All right. Any particular observations on this point of order for Members? Deputy Tadier. Deputy Ozouf, you have been asking for a while to speak. Yes.

Deputy P.F.C. Ozouf:

The point that I wish to raise for your consideration is the matter that Deputy Mézec raises and its interrelationship with the Public Finances (Jersey) Law. The Public Finances (Jersey) Law was amended in 2019. The proposition that Deputy Renouf is attempting to bring forward is the phase 1. It is now no longer the case that mandatory government allocations are made except for the following year. What Deputy Renouf I think is trying to do is to try to get the overall direction of travel of the whole quantum. We have heard from the Minister for Treasury and Resources that now that is going to be chopped up into different things. That is fine, but it does not seem to me to be anything against Standing Orders, if I may say, that would prevent the non-discussion and the non-allocation of funding for the next financial year. It is only a multiyear issue that is being alluded to by a number of Members and it is the interaction between the Public Finances (Jersey) Law and the legislative requirement to fund next year only that is surely the issue that potentially could be compromised but I cannot see that happening.

The Deputy Bailiff:

All right. Any other observations on this?

Deputy L.K.F. Stephenson:

Just to point out that I think last year, on 8th November, the States Assembly did make a decision on a proposition from Deputy Steve Luce, the outcome of which was then incorporated into the Government Plan, so there is precedent for a decision carrying over within a 3-month period.

The Deputy Bailiff:

Yes. All right. Who wants to speak next on this issue? This is obviously a bridge we will need to cross in due course if this issue arises. Does any Member wish to speak on the proposition?

3.1.6 Deputy K.M. Wilson:

When it comes to using public money to build big infrastructure projects, a lack of transparency on building costs poses significant risks and it does impact both the public trust and the effectiveness of healthcare delivery. This proposition really is designed to ensure transparency on what goes on or what goes into the Government Plan with regards to the costs associated with the development of new healthcare facilities. I think we owe ourselves and the public the opportunity and the time to consider the complexity of this capital development and its related costs. Projects like this often require significant capital investment and also managing significant financial risks. Developments like this are notoriously susceptible to cost overruns, especially in healthcare. The size of the budget can compromise the design, the materials, the equipment, and it can potentially impact on the functionality and the longevity of the facility. Coupled with this the plans for the new healthcare facilities in the Island have to accommodate a wide range of needs, and these requirements need to be built into a functional and efficient design and this is a challenging responsibility. There are also other things that add to cost, like safety regulations, accessibility standards to be complied with. Managing something as complex as constructing a hospital involves many stakeholders, engagement with the community and let us not forget who this facility is for. The community is invested heavily in this development and we owe it to Islanders to account accordingly on our investment in it and on its progress. The consequences of not supporting the proposition means that we will not have full oversight of the multimillion pound development that is fraught with risk and, as yet, it is uninformed by a coherent health and social care strategy. This is not in the public interest and it is unclear how Members will understand this if we allow the approach suggested by the Minister for Treasury and Resources. When costs are shrouded in secrecy the public naturally assumes the worst. It leads to accusations of waste, fraud, and in some cases corruption but above all it erodes trust in Government, and to date we do not have a great track record on the development of the hospital facilities in terms of how money has been spent. Without any transparency around the cost breakdowns it becomes difficult to hold the Minister for Treasury and Resources to account for the efficient spending and this can lead to inflated costs and a sense of impunity. When the public perceives a lack of transparency they are more likely to criticise Government for the way in which they conducted the business of the development and the construction, even though the plans for the facilities are genuinely needed. So without any clear cost analysis projects may be rushed, compromised, or result in subpar facilities that fail to meet the needs of patients and staff. How many of us have asked the question in terms of what is proposed in the development that these things have been satisfied and how do we know? Transparency fosters public scrutiny and accountability and it can help expedite project approvals and it can reduce delays. One of the things that we are really concerned about in the Scrutiny Panel is to make sure this development gathers speed and keeps on track. The lack of transparency can also prolong construction timelines, delaying access to the services that we are trying to create and deliver here. Without open bidding and competitive pricing healthcare construction projects are more susceptible to the overruns and inflated prices, as I have said before. This ultimately reduces the value of the investment and diverts resources from patient care. The lack of transparency can also invite legal challenges. Scandals and accusations of financial impropriety can severely damage the reputation of Government, making it harder to attract the support of the public. This is a simple proposition which is to allow us the time to consider what is being proposed and to make sure that we are all in agreement about what needs to go into the Government Plan. Transparency is paramount in healthcare construction projects. It fosters public trust, ensures accountability, and ultimately leads to better, more efficient healthcare facilities that benefit everyone. Openly sharing the detail of the costs prior to the Government Plan will build confidence and it will ensure that public funds are used wisely and effectively and agreed by this Assembly. By

embracing this we can ensure that our healthcare investments are not only financially sound but also serve the best interests of the public, and it is for this reason that I urge Assembly Members to put aside any political allegiance and to make a decision on this proposition that is taken in the Island's best interests.

[11:45]

Deputy R.J. Ward:

Sir, may I ask a point of clarification - I waited until the end - if that is possible.

The Deputy Bailiff:

Are you prepared to give way?

Deputy K.M. Wilson:

No, Sir.

The Deputy Bailiff:

Deputy Ozouf has a question for the Attorney General.

Deputy P.F.C. Ozouf:

I would be most grateful if the Attorney General could address the legal issues that have been raised in the subject of your deliberations as a point of order and in particular the issue which is at the heart of this proposition, which is about the revealing to the public of the overall costs of the hospital project. The Minister for Treasury and Resources has said in her remarks opposing Deputy Renouf's proposition that the project is now going to be a multipart project, so there is a confusion I think between phases. Could the Attorney General kindly confirm that the Public Finances (Jersey) Law, which will be the subject of the Government Plan - it is called a budget, it is a budget - can only allocate one-year allocations while requiring an indicative further year of numbers, that they are not mandatory and they are not meaningful. I think what the Deputy is trying to do is not to set aside what the Public Finances (Jersey) Law says but is just a proposition which indicates the direction of travel and the budget that is likely to be needed to deal with all these phases. In other words, my question is could the Attorney General confirm that what is being asked here in this proposition does not collide or impair the Public Finances (Jersey) Law, in other words the Government Plan, which is now just year to year.

The Attorney General:

My immediate answer is that in my view the proposition does not raise legal objections to the Government Plan. I do not see it as being inconsistent with the presentation of the Government Plan. I do not intend that comment to address the point of order that has been raised by Deputy Mézec, which is more a matter of Standing Orders for the States Assembly, but in terms of legal principles I do not see the proposition cutting across the requirements set out in the Public Finances (Jersey) Law for the lodging and debate of the Government Plan. I think that has addressed the thrust of the Deputy's questions.

Deputy P.F.C. Ozouf:

That has done, and I am most grateful for the Attorney General's observations, which is exactly what I thought. Thank you.

Deputy M. Tadier:

Sir, I would not normally do this but I have to leave probably in about 10 minutes and I wonder if Deputy Bailhache might give way so I could speak early. I would not normally do that. I do not know how many other Members there are to speak.

The Deputy Bailiff:

Thank you, Deputy Bailhache. Thank you very much. Yes.

3.1.7 Deputy M. Tadier:

Thank you to the Deputy for the courtesy. Coming into this debate I genuinely have not made up my mind. I was quite content to support part (b), I will get round to that in a moment. I think some valid points have been raised around part (a), and I do not think this is just as simple as I have heard some comments saying that we should support Scrutiny. Certainly if I was wanting to act in a corporate way and follow any allegiance then I would certainly just be voting with my Scrutiny hat on because we have discussed this on Scrutiny and, to a certain point, I followed that logic and I understand why this is being brought because I think there are compelling arguments that have been well articulated by others, including certainly Deputy Renouf who has led on this. So I fully understand that. If I can just comment very quickly on what I think is the point raised by Deputy Mézec. I thought that was very interesting. I think it is problematic because I think that would presumably mean that you could not really lodge any standalone which would ask Ministers to include something in the Government Plan within 6 months effectively of the Government Plan being lodged. So, for example, if I were to say, and we have had examples around Grève de Lecq and they may have happened before well in advance of 6 months, but let us say I lodged a proposition tomorrow to say: "Let us buy the underground hospital. It should be in States ownership. It is a cultural asset for Jersey" and the majority of my colleagues in here agreed with that. It would have to go into the Government Plan but we would not be redebating it in principle. We would simply be debating a line in the Government Plan. So I think unless we are moving to a general rule that we cannot debate in-principle spending 6 months before the Government Plan being lodged then it is probably problematic. However, I do think that part (a) is slightly different to just an in-principle because it does go into the detail about exactly how something is funded. I think this proposition could have an unintended consequence of shooting itself in the foot because this is about having choice and having an informed debate. So what could happen if we adopt part (a) is that the Council of Ministers brings forward a proposal ahead of the Government Plan to fund the delivery of the new healthcare facilities but it goes through without broad support in the Assembly. It could be a marginal debate. A marginal vote, say it goes through 25 to 24 and so therefore it would not have, for example, the support of Scrutiny but the Government have used their majority, if they do have one, to push that through. What that would then mean is that there would not be the possibility for anybody to amend the Government Plan because that debate has already taken place, as far as I can see it, because that would have been within 6 months. So the approval for the in-principle funding method would have gone through but it would have gone through on a small majority and therefore it has been approved by the Assembly. I suppose the movers of this proposition would simply say that is the democratic process. I would argue is it not better to just let the Council of Ministers do what they want in terms of the funding model and that the right time to amend that is in the Government Plan where you can put one, 2, or multiple amendments because there might be several good ideas that come forward to amend the mechanism and those lines in the Government Plan? We can then have a full debate around the hospital. I think it makes it a lot cleaner and I think the risk of duplication, irrespective of whether it is in order or not in order, is then avoided, because we just have one debate on the hospital funding and it seems more efficient to be able to do that. My inclination - and I do give my apologies, I may well not be here for the vote on this - would be to probably err to the side of not supporting part (a) because I would prefer to have an unimpeded run at the Government Plan where even I could put an amendment in if I wanted to or a group could put an amendment in, but I think part (b), my gut instinct is that it is quite sensible that approval for the funding of the new healthcare is sought and that the indicative costs for future phases should be put on the table. I think that is the reasonable balance here. I think it is absolutely correct that we know what kind of sums we are dealing with and I think that is what the public wants. I think that gives the right balance in terms of

where we should be putting our priorities, and I think it ensures the ability for Scrutiny to do its job later if it wants to by doing it in the context of the Government Plan.

3.1.8 Deputy P.M. Bailhache of St. Clement:

I took 2 broad phrases from the presentation by Deputy Renouf. The first was that we must aspire to transparency, and I am absolutely sure that every Member of the Assembly would agree with that and that we expect the Government to be entirely transparent in relation to the funding of the hospital facilities. The second thing that I took from Deputy Renouf was that there was no intention to delay the process. I am sure that that is correct; I am sure that there is indeed no such intention but it seems to me that the likelihood of delay is quite high. Any Member has had the opportunity to bring the hospital project as developed by the Minister for Health and Social Services in his capacity of Minister for Infrastructure before the Assembly but no one has done so. It seems to me that there is a general acceptance in the Assembly that we are moving along the right path. A separate proposition on funding proposals opens up myriad opportunities for undermining or derailing the plans for a new hospital at Overdale and I do not think that that prospect should be encouraged. Getting on with this project has become critical in importance, not just for the reputation of this Assembly but indeed for the reputation of the Island. It is absolutely essential that many thousands of spades should be in the ground before the next election. Of course funding must be scrutinised and if necessary challenged but the Government Plan, and here I say I agree with very much of what Deputy Tadier has just said; the Government Plan provides ample opportunities for doing that by way of amendment, questioning, and indeed by general scrutiny. If this proposition had been brought 4 or 5 months ago it seems to me that it might have had more prospect of success but as it is it is going to butt up against the Government Plan, it is going to confuse the Government Plan and, as I say, it creates myriad opportunities for delaying the hospital project. I do not think this proposition should be supported.

3.1.9 Deputy T. Binet of St. Saviour:

I fear that Deputy Tadier and Deputy Bailhache's speeches have virtually rendered everything I have to say not irrelevant but I think they certainly articulated it better than I probably will. Anyway, I do not intend to speak for very long because those 2 gentlemen and the Minister for Treasury and Resources have already set out some very clear reasons why this proposition should be rejected, not least of which is the fact that there will be nothing opaque whatsoever about the information that is presented. As we all know, little if anything has changed over the past 12 months in relation to this project. The overall 3-site approach is the same. The generally intended uses of each site are the same. The timings of the entire acute section of the project remains unchanged and perhaps, most importantly, the budget is still the same and for any Member of the Assembly that claims they are not informed about this that really is not the fault of the new hospital facilities team because there is an enormous amount of information in the public domain. This overall picture was thoroughly endorsed by the previous Government and following a very comprehensive consultation process most members of the public just want us to get on with it. With that in mind I will move to part (b) of the proposition, which gives me particular cause for concern and it should be of particular concern to other Members too, given the public opinion that I have just mentioned. Here the review panel are asking for the new hospital facilities team to provide the indicative costs associated with future phases of the new healthcare facilities programme before any debate takes place. This, if approved, would be calamitous. For far too many years the new hospital in its many proposed guises has been dominating the headlines. It was still dominating them 2 years ago when this most recent direction was discussed and finally approved. Now of course it barely gets a mention, and that is because the public seem to like what is being proposed, they seem to accept the figures that have been produced and, as previously mentioned, they now just want us to get on with it. In the proposition the report asserts the following, that it does not anticipate that this proposition will create financial and staffing implications. Well, I am afraid that is simply not true and it cannot be true given the underlying facts. To start with, we do not know precisely what will be going where, certainly on the second and third

sites. We have a good idea about much of the requirement but certainly not enough at this stage to provide anything really meaningful. For example, we are looking to propose the introduction of a major programme of illness prevention sometime before the next election. This, if accepted, might require a new facility.

[12:00]

Likewise in looking to restructure the health service we may well be seeking to create some form of central facility for the charitable sector and both of these things would be on the ambulatory centre at Gloucester Street-Kensington Place, but all of that is a considerable way away. A similar situation exists with the health village. We know some of what we are looking for but not all and what is the rush? Our immediate and most important priority is an acute hospital and it will take a number of years yet to get that finished. If we have to complete plans for the other 2 sites right now and cost them up it certainly will cost money and even, more importantly, it will halt all the current work as we would be unable to proceed to debate until it was done, and that could take many months. This seems like madness to me, particularly in light of the fact that the recent change of Government has had the perverse consequence of raising the risk of political interference to the top of the project's risk register. Perhaps I should repeat that: the risk of political interference has found its way to the top of the project's risk register and here we have an example of it right under our noses. I was going to leave Members with that sobering thought but I think I must just touch on the comments of our former Minister for Health and Social Services, and we wonder about public trust and why the public seem to be so upset about things but when we have comments that imply that things are not right that is perhaps not surprising. I am going to touch on some of them. We have been accused here of a lack of transparency, a lack of trust, we will not have full oversight, scandal, shrouded in secrecy and even resorted to using the word "corruption". It is hardly surprising that members of the public get worried about things. Like I say, I will remind Members that this political interference is at the top of the risk register and I will leave Members with that sobering thought and ask everybody to reject this proposition.

3.1.10 Connétable M. O'D. Troy of St. Clement:

I will be brief and come straight to the point. I need to remind Members that we are implicitly charged with looking after Islanders', taxpayers', money and we do not do a very good job of it. I am a new member of the Scrutiny Panel but I raised concerns many, many months ago about the growing cost of what will become a new hospital estate. I have run multi-operational businesses and I know the amounts of money in maintenance, staff costs, et cetera, that go into it. The States of Jersey are not very good at that. We have failings in infrastructure, we have failings in our estate because we do not maintain them properly, and I am extremely concerned that we have not had the information that we need. I raised these points at displays many months ago, up to about 4 months ago, and I was told that the officers in charge of the drive to build a multisite estate for the hospitals, it could not be estimated. Well, I have to point out that the whole world starts with an estimation: "How long is your pregnancy going to be?" "When am I going to be delivered?" You know, the moon landing, where did they start? They started with an estimate: "How far is it, how much fuel do we need? We do not know so let us look into it further." We do not have that information and I think it is poor that our public do not know that this is not just an investment in the hospital up at Overdale; this is an investment for the next 10 to 15 years which will have severe implications on the funding for hospitals, education, infrastructure and the whole gamut of what we are supposed to do. As I say, I do not think with the biggest capital expenditure the Island has ever seen we have been handling it very well. The public needs to know. It is taxpayers' money and we are charged with looking after that money, and it will not be Deputy Binet who will be responsible solely. I will point out that it will be the Council of Ministers because they have ratified his selection as the individual who will be responsible for delivering what appears to be a growing expanse of hospital estate. We do not know whether we need it. We surely need to know how much it is going to cost. We know more or

less how much the hospital at Overdale is going to cost but we can estimate based on the square footage of the Overdale Hospital and into the future as every business does worldwide, how much it might cost in 5, 10 years' time to build X, Y and Z. You can never be 100 per cent accurate. If you get to 80 per cent, 90 per cent, you are on a winner and these things can be adjusted. The Our Hospital site could have been adjusted but it would only take up one site. We are giving up St. Saviour to a new hospital development. It could be family affordable housing. We are giving up plots of land, we are buying up new plots of land. We do not know what they are going to be used for. We do not know enough and it is our responsibility as a collective, the States Assembly, that the public will look back to in 10 years' time and say: "It was them." They are not going to blame Deputy Binet solely. They are not going to blame the Council of Ministers who have endorsed the situation. They are going to say: "We have got less money now for infrastructure, housing, education and so on. Why? Because the hospital project ran away with our money." I do think that the clearest transparency of cost now and in the future is critical and the greatest financial scrutiny is needed by the Island's population and nothing else will do. I will leave it at that.

3.1.11 Deputy I. Gardiner:

I am pleased to follow the last speaker because I believe we are all responsible for spending public money. My speech will be 2 quotes and a small summary. One quote and I found comments from the Hospital Review Panel to the Government Plan 2023, the previous Government Plan that currently are Members of the Government and the comment is as follows: "It is also important that States Members are able to make informed decisions based on the best and most accurate information available at the time. As expressed in the report, the panel remains concerned by the lack of information available to the States Members about the overall cost of the full programme." Again, the panel was really concerned that the States Members were not aware about the overall cost, indistinct from what has been contained in the Government Plan on which they based their decision making. "It is this concern which led it to make a recommendation which asked Government to reconsider its position on the information which it has provided to date and provide a cost range for the entire project with necessary caveats ahead of the debate of the Government Plan 2024-2027 in December." It was a very clear message from the Scrutiny last year that this is what needs to be provided to the States to make sure that we are making informed decisions. I am not sure how many Members have had the chance because there was lots of C. and A.G. (Comptroller and Auditor General) reports and I only picked up 2 quotes from one, *Major and Strategic Projects, Including Capital Projects*. The C. and A.G. in the opening of this report wrote: "Major projects of investment and transformation can be high profile, complicated, fast-paced and undertaken in an environment with some degree of uncertainty. For publicly-funded bodies, stakeholders including taxpayers are increasingly focused on the extent to which major and strategic projects, including capital projects, demonstrate transparency and clear accountability, including proactive public communication." Do we have clear how much this project would cost approximately overall? What are the financial projections? If any Member of this Assembly can honestly answer to the members of the public how much we are planning to spend on phase 1 and in total, if anyone in this Assembly has this answer because I do not, we probably can reject the proposition because we know. But if Members do not have an understanding of the financial envelope, I believe it is important that we would know. Another point for the Minister for Health and Social Services, back in March I think it was presented, a day before it was published in the newspapers, I remember in the briefing, the parade when most of us were there I have asked the question would we see the proposition and the answer was yes. Would we see the outline business case, would we see the full business case? Yes. So I am not sure what has happened since March but something definitely happened and I do believe that it is our duty as the States Members, as this Assembly, to ensure that the taxpayers' money is spent rightly.

3.1.12 Deputy M.R. Scott:

We, the States Assembly, are responsible for delivering hospital facilities and just listening to the speeches I am concerned that there seems to be a general misplaced understanding of quite how hospitals evolve and work, because they evolve along with technological developments and medical developments. There seems to be some form of latent demand, and I very much respect the Constable of St. Clement with his business background generally thinking that you have a project and you should be able to roughly estimate what that should be. But I pose the question for the Assembly: would you be asking the Minister for Education and Lifelong Learning what would be the total cost for delivering education over the next 5 years? There comes a point when you really have to say: "This is a bit different from managing a business project." What is really concerning me here is that it has already been said that political interference is the greatest risk and I come back to this, when we talk about the reputation of this Island, of this States Assembly in terms of delivering a hospital. What I also heard was that even now a proposal for redesigning a proposal that was initiated at the time of the previous Council of Ministers, which has been continued along those lines, and it is like: "Oh, maybe we should have another look at that." No. Please. Let us listen to the clinicians who want us to get on with this. Let us accept that we have government processes where budgets are looked at, where priorities are looked at and, no, we cannot say ... we cannot add every single penny and say: "When we deliver all these healthcare facilities they are going to cost this sum" because it cannot be done and that was the whole point of the original change of proposal. That was what the Minister for Treasury and Resources explained, tried to explain, that in terms of the funding envelope and the way things have developed and changed, it just could not be done. I believe that the Chief Minister, having explored the possibilities in his previous role as a Back-Bencher, with the previous former Council of Ministers, came to accept that and with good reason and not because of some political compromise, because eventually he realised what it takes to deliver a hospital.

[12:15]

It takes a certain acceptance that it has to be delivered in a certain way and it takes a certain acceptance that you can produce paralysis by analysis and that is part of the ... we have got every reason ... and I am really proud to have served in Scrutiny and I really am glad to have started that way, but there comes a point when you just have to say now there is going to be a budget, there is going to be an outline business case for this and we will look at it at Scrutiny. It is not an opportunity to just start reopening everything, or should not be, particularly when ... at least I am very much committed to doing what I can to get this hospital delivered. I am the person who had to go to a local group of old-age pensioners and one of the first question they asked me is: "Are we to have a hospital in this term?" What sort of reputation are we going to bring ourselves if yet again we found another way of kicking the can down the road? Let us come back to the Government Plan because here is the thing: there has been a lot of work by the Council of Ministers to produce this earlier for the benefit and convenience of States Members to ensure that come around Christmas we are not scrutinising that on top of trying to just have family holidays. We have done an awful lot of work in that respect and I can see ... can you not envisage that on one hand we have said we are going to be travelling in a certain direction, then we have a debate: are we going to take it in a different direction? What are we going to do then? We are either going to go in this direction or we are not. I believe there is a reference by the chair of the Scrutiny Panel talking about sensory overload, and I believe that we can have a certain overload in terms of speechmaking. There also has been something identified within Government itself when it comes to the public, when it comes to commissions, of something that we call hospital fatigue. We have done this to death, seriously. So I am not going to support this proposition, not just because I am a member of this Council of Ministers but because I can see every reason why we should be rejecting it, why we should be saying the Government Plan gives an opportunity to look at that phase. Sorry, the word "phases", does anybody quite get that, that we are looking at the phase where we deliver an acute hospital? Maybe there will be other phases. I am sure there will be phases where we will be delivering things in accordance with different priorities

and having to look a bit closer at what can be done in the circumstances while technology keeps evolving, while medicine keeps evolving, while our public finances keep evolving, but at least we can always say we did have the public interest in mind to get things done rather than on kicking the can down the road.

Connétable P.B. Le Sueur of Trinity:

Sir, before you ask the next speaker, can I apologise to the Assembly but I have to leave in a few minutes to attend a medical appointment. I did not announce it earlier because I was not sure how long this sitting would last this morning.

The Deputy Bailiff:

Yes, of course. Thank you, Connétable.

3.1.13 Deputy S.Y. Mézec:

The Minister for Health and Social Services said in his speech that political interference had reached the top of the risk register. I have to say I do not know whether I ought to be relieved or insulted that it was not already up there from my time leading the opposition in this Assembly, but in fact of course it should not have been from those days because our position was not one seeking to derail the project but instead to scrutinise it and provide constructive challenge where possible. For what it is worth, I think that is the same with the current opposition and current hospital panel as well. The fact of the matter, as many other Members have said, is that we just need to get on with delivering the healthcare facilities for the people of Jersey and for Members who have had different positions in the past on what that exactly looks like, there has to be some give and take on it. We have not gone on this journey in even close to the manner in which I would have preferred it to have gone on, bearing in mind I have been in politics now for 10 years and the amount of resets and throwing work in the bin and starting over again that there has been in that time has been pretty appalling and an indictment of the failings of our political system, which is why with where we are now we have to make the best of it. I have to say that I think that if we are talking about the place for standalone propositions in this journey to deliver the appropriate healthcare facilities to the Island, I think it was a mistake of the previous Government for not early on in their term bringing a standalone proposition on their plans for new healthcare facilities to get a clear verdict from this Assembly for what that way forward would look like. Had that moment happened and that verdict been given, those who would have voted against it for perfectly democratic political reasons, it not being aligned with their manifestos, et cetera, would have been forced in that moment to reconcile themselves of having lost on their preferred way forward and the Assembly establishing its preferred way forward and, therefore, having to get behind it and make the best of it as possible. Of course, some points within that timeline may have been sensible moments to have a standalone debate on the funding for whatever phase of the healthcare facilities programme we were in at that point, I raised a question with you earlier, Sir, because I had my doubts with part (a) about whether the sequencing is right in this. Had we had a debate earlier on in this term of office about funding proposals, it may well have been a good thing to do but when we are on the brink of the Government Plan being published and a debate, as this proposition calls for, taking place potentially weeks away from the debate of that Government Plan, it strikes me as problematic purely for that sequencing, that we would be debating a proposition on the new hospital funding only to then redebate it in exactly the same terms in the Government Plan shortly after. I have to say, having raised the questions I did about whether that is allowable under Standing Orders of the Assembly, I think there is some doubt as to exactly how that would be done and it certainly would not be done through our normal way of doing things. So I really do not think there is much to be gained from separating out that debate into a standalone proposition when we are going to have it in the Government Plan merely weeks after anyway. I think there are certainly differences in what were raised by other Members as comparators there. One Member raised the agriculture funding debate that we had last year and how that impacted on the Government Plan, but

that was different because that was asking for change whereas this proposition and the proposition that would arise from it is not asking for change or not asking for a different position. It is asking for exactly the same position to then be debated in exactly the same terms a few weeks after and then us having to bend Standing Orders to allow us to even do that. That strikes me as a messy way of doing it. In another time that might have been okay but not really with the timeline that is proposed in this proposition, debating it in the context of the Government budget with all of the other funding issues that we are going to be debating at the same time, and that is a context that seems to me to be entirely appropriate. I think on that basis it is very easy to suggest rejecting part (a). For part (b) quite honestly that is trickier because it is absolutely right that the Government are as transparent as they possibly can be about the cost implications of early phases of the programme and latter phases of the programme as well, although those will be harder to put on paper. Whether this is adopted or not, it is right, as the Constable of St. Clement said, we are the custodians of taxpayers' money and we have to do everything we can to assure the public that they are getting best value and that we are proposing the right thing. The Minister for Health and Social Services pointed out the considerations that are being given to other elements of healthcare that may be provided in Jersey, how we might be better working with the third sector. That means that even if this was adopted and the Government were required to provide some indicative costs for the future phases of the healthcare facilities programme, they would have to come with so many caveats that, to be honest, they might not really be worth much on the paper that they are written on. It could be very easy in a few years' time for part of those future phases being completely changed because of a significant and important decision that the Government and the Assembly might make about where healthcare is delivered or what part of the healthcare system is located on what site. We can give indicative costs of where we think we are right now but in the near future that may completely change. Of course, the lack of certainty there is not great and the sooner that those issues can be reconciled and the greater certainty we get obviously the better, but it most definitely is the case now, in this moment in time, as the Minister for Health and Social Services said, that the pressing need right now is to deliver a new acute hospital for the people of Jersey. It is a desperate need and from chairing the new healthcare facilities Scrutiny Panel previously and going on visits to some of the existing sites, I have absolutely no doubt in my mind of how dire that need for that new acute facility is as soon as possible. When we are at the point of delivering that and then considering where do we get to with the ambulatory site and what needs to go there, at the moment because of the old Les Quennevais school and the services being delivered there - and being delivered very well and again I have seen that first-hand with my own eyes - that we will deal with at some point but it is not as dire a need as the acute hospital is right now. Getting on with that part of the programme, delivering it to the best of our ability and for the best value for money for taxpayers is absolutely vital. The Assembly must debate that and be confident that we arrive on the right decision on that and providing as clear a vision as we possibly can for the future phases is absolutely vital. In this moment in time they pose different challenges because of the other aspects that will end up being considered in the next few years while we have addressed the most dire need in this moment in time. On that basis, I think the proposition can be opposed and we are going to be back here for the Government Plan debate, having that debate anyway, so the public will not have lost out on any scrutiny. In fact, you might even argue that having the debate on the funding proposals in the context of the Government Plan rather than a few weeks earlier means we have got more time to scrutinise it, both as the panel and as independent States Members as well. I think while there might have been a time and place for this kind of thing in the last 2 years, where we are now and the way that would be sequenced over the next few months and the challenges that that poses with Standing Orders and our limitations on redebating items in the Assembly, I would urge Members to oppose the proposition.

3.1.14 Deputy P.F.C. Ozouf:

Members of the States have broad responsibilities but 2 overwhelming duties I would suggest. One is to hold the Government to account through scrutiny, which is the purpose of this proposition,

scrutinising, asking for a debate and ensuring ultimately by that process that the Members of the States have confidence in the Government. The second point is to approve legislation, which includes an annual budget. It is interesting that the Chief Minister is not in the Assembly today and obviously we all lament ... and I understand absolutely the point that Deputy Bailhache makes about the absolute importance to get on with getting some spades in the ground and restoring public confidence in what is the States inability to have delivered a hospital. I recall the 2015 Budget, which set out a plan for a hospital but because of a new Minister for Health and Social Services, that was cast off and the hospital, which would have been built by now and could have been improved, was not built. The U.K. Parliament has said, and perhaps the Chief Minister has heard, the importance of putting infrastructure on rocket boosters and steroids, I think we have heard one new Labour Minister say, quite rightly.

[12:30]

They also have within their systems protections and mechanisms to ensure that things happen and they are reinforcing that in the King's speech today. They have a National Infrastructure Commission, something called N.I.C., which gives advice on long-term infrastructure needs. It provides assessments and publishes reports. There is an Infrastructure and Projects Authority, called the I.P.A. We have 2 post-budget organisations, the Public Accounts Committee and the Comptroller and Auditor General, but we do not have some of these other mechanisms that are in place. What Deputy Renouf is asking to do, which the Attorney General has kindly confirmed ... because there is this argument being advanced by Government, it seems to me, that there is something legally problematic with the proposition that Deputy Renouf is asking. The fact is there is not and we have heard the Attorney General comment on that. I do not want to get him into the political arena but I am very clear about what the Public Finances (Jersey) Law requires and it is simply not the case that the information that is being sought by Deputy Renouf, properly, in Scrutiny, the role of Scrutiny ... it is interesting Deputy Mézec, who spoke just prior to myself, said that he is surprised that political interference is now at the top of the risk register. He is the Minister for Housing and he has also got a track record, together with other of his Reform Party members, in actually preventing things from happening. This Assembly has failed to deliver what has been required of the public in terms of housing and in terms of hospital facilities. I want to be a Member of this Assembly who is constructive and who wants to hold the Government to account appropriately while not delaying. I do not think that Deputy Renouf is asking for something that can be regarded as a delay. If the information is not available then say so. The Minister for Treasury and Resources said, I think for the first time, that there is now an acceptance that this is a multifaceted project. The previous Chief Minister or the current Chief Minister, when he was a Back-Bencher, wanted precisely what Deputy Renouf is asking the Assembly to do. That is what Deputy Renouf explained. Let me repeat. The current Chief Minister, when a Back-Bencher, wanted exactly this proposition passed. He wanted it and I say he was right. What has changed? There is nothing problematic if the issue of transparency and completeness is advanced and published by the Government in respect of the much needed, urgent, even more urgent than ever, hospital delivery plan but that must be, of course, against the right of Members to hold the Government to account, to ensure that they are transparent, that decisions that we make in the legislative process that we have in the Public Finances (Jersey) Law is in the context of understanding the general direction of travel. I want to make a decision that actually delivers hospital facilities not just talk. There has been 10, 15 years of discussion and nothing has been done. I do not want to be part of that. I want to be part of an Assembly that approves with full information, appropriate information and understands what information is not available so that we can have a proper discussion and we can reinforce confidence by those who put us here that we know what we are doing and something is going to happen. I see nothing and I hear nothing from the Government that has said any reason why Deputy Renouf's proposition should not be approved and understanding perhaps ... and this is a point I cannot predict what the vote will be on this proposition, but it seems to me that there is an inbuilt Government majority that probably may end up with this

proposition sadly being defeated but if it does, if it is defeated then the Government may well need to think about what they are going to bring forward in the Government Plan because the Government Plan, they say, is going to have all this information. Well, is it? I am not sure. As somebody earlier said, trust is earned and the Government can improve the trust in the current Government, they can improve the confidence in this Government by saying yes to Deputy Renouf's proposition, which is not prescriptive. It basically asks for what is available and known to be published and then publicly debated. There is nothing wrong in that. There is nothing delaying in that and if it is incomplete then say so, but we are worried, I think, as Members of the Assembly that we are going to be asked to make decisions on a year-to-year basis, which I lament. I lament the backward step and perhaps that may feature in a budgetary amendment, moving back to multiyear budgets, which has been addressed by a number of Members, which is the underlying problem here, I think. We must make decisions on our oath of office, which is to hold the Government to account, to assist the Government in decision-making and to approve legislation, of which the Budget is fundamental. Now it has been relabelled and called a Government Plan. It is called a Budget. It is a legislative Budget that gives an allocation of monies. We must make that in an informed way and that is what Deputy Renouf is asking. I ask Members, Members of the Government and those Members who support the Government, whether or not they really believe the arguments that are being advanced by the Government that this is somehow a problem and this is going to delay. If they are going to start spending money, then we need to understand the full concept, we need to understand and be explained, and they will get approval for effectively what they want to do in their phased approach. What is the worry is that we will be making decisions with a concealed, non-known about ... I am not saying that is an intentional concealment. I want the concealment to be open for us to be told what is the direction of travel for the whole of the hospital facilities. The previous facilities were with this grand big hospital that was going to be a single amount of money. It was going to happen and it was going to solve all our problems. We now know that to be misspoken. We know that to be false. We now may be dealing with a more realistic proposition but we need the information. I urge Members to support Deputy Renouf's proposition. I certainly will be and if it is not supported then the Government are going to have an awful lot of work to do in their Government Plan. I think it assists the Government not hinders it.

Deputy R.J. Ward:

Sir, may I ask a quick question of clarification from that speech? It is partly just because ... if that is possible.

The Deputy Bailiff:

Are you prepared to clarify something, Deputy Ozouf?

Deputy P.F.C. Ozouf:

I am always happy to clarify, Sir.

Deputy R.J. Ward:

I thank the Deputy for doing that. It is very good of him. He mentioned that previously there was a proposition that did the same thing, I think he was implying from Deputy Farnham. I got very confused. Was he referring to P.109 as the previous proposition? I was just having a look in terms of the proposition that did the same thing as what is being suggested here. I just want to check with the Deputy so that I can refer to what he is saying. I think it is a very interesting idea.

The Deputy Bailiff:

Yes, Deputy Ozouf, can you clarify that?

Deputy P.F.C. Ozouf:

I have not got all my numbers of all the propositions. There are so many of them. I think that Deputy Renouf, as the bringer of the proposition, he is seized upon the scrutiny detail of it and he will be able to better answer that. If I can find exactly which matches that that Deputy Farnham, it was, brought forward then I will find it. I cannot give the Deputy, sadly, the specific proposition but I know that there have been observations made and other Members may be able to assist, and Deputy Renouf certainly in his summing up will be able to answer that.

3.1.15 Deputy A. Howell:

I would just like to say that all the information in the Government Plan will be exactly the same as it would be if the project was debated separately. The levels of transparency would be identical. The outline business case will be in the Government Plan. If we delay we are likely to lose the confidence of major contractors who are currently talking with the project team. We have delayed 12 years already. There have been regular briefings for all States Members and it has been made very clear to us the costings and what will be included in the acute hospital. I want to be part of a States Assembly that delivers. The plans have been drawn up. We have to get on with this project. There is no point dillydallying. We know the cost of the acute hospital. The plans for what will happen in Kensington Place and what will happen in St. Saviours are unclear completely at the moment and so we cannot give the proper indicative costs because we do simply not know, but I please implore you to vote against this proposition and vote for having this in the Government Plan.

The Deputy Bailiff:

Does any other Member wish to speak on this proposition?

LUNCHEON ADJOURNMENT PROPOSED

Deputy R.J. Ward:

Sir, may I suggest the adjournment because speakers might want to go beyond the 4 minutes we have got left? I always think it is a little unfair if people are ready for lunch.

The Deputy Bailiff:

The adjournment is proposed. Seconded? **[Seconded]** Are Members content to adjourn now? Adjourned until 2.15 p.m.

[12:41]

LUNCHEON ADJOURNMENT

[14:15]

The Deputy Bailiff:

We resume the debate with the next speaker. Who wishes to speak next on this proposition?

3.1.16 Deputy R.J. Ward:

The question I was going to ask earlier, and it was because it was the previous Minister for Health and Social Services, was simply about the proposition. It is a genuine question about understanding where we are. It was just the first part that says: "... standalone proposition seeking the States Assembly's [in-principle] approval of the funding proposals for delivery ...". I just think it is important perhaps for the bringer of the proposition to talk about what sort of depth would be required in terms of would it simply be a figure, would it be the actual sources of where the money is coming from, would it be the detail of what is being spent where, which companies are involved, et cetera? I think it is important we know what we might well be asking for, so that is an important one. I think I am right in thinking that the way this works is that the Government Plan will be lodged and then if this is approved there will a debate where possible amendments are and then we come back to the

Government Plan debate to amend, which may be amended or may not be amended, to look at the funding. The funding would be in the Government Plan anyway, which is quite important. My big concern is just ... I am not often concerned about headlines really or what people think or say but I think the general public in Jersey, if they read a headline to say: "We are going to have another debate on the hospital" may well ... I do not know. I know that it will not be something that will be wanted because if there is any risk of a change to where we are going now I think there is a real problem. I think the public perception of that is an important feature before we vote. I think people need to think as to whether we want those 2 debates, because it will be 2 debates. We may well be accused, and perhaps quite rightly, of further navel-gazing over the hospital. My concerns over the hospital which were there before are maintained. It is a really difficult situation and I recognise and I fully recognise the difficulty of the scrutiny that is involved particularly in such short order because the Scrutiny Panel has only recently been formed. I was part of the other Scrutiny Panel. I will say that the Scrutiny Panel previously did produce a report and recommendation 8 said the Government should provide the States Assembly with the full anticipated costs for the new health service facilities ahead of the debate of the proposed Government Plan. It did not mention another debate before the Government Plan. There was a recognition that bringing that in the Government Plan is probably the right thing to do because of the holistic nature of the Government Plan and our spending plans. I think unless you put these together there is a difficulty in knowing where this fits in and where we are, and of course you can amend the Government Plan. I know that previously my colleague here has perhaps been accused of bringing too many amendments to the Government Plan but I think amendments to the Government Plan are brought and they are debated and they can make changes, and I have and we have. Indeed, the Island Plan, we have brought a few to that, and that is a very important part of our democracy, so there is a vehicle there for changing. My question would be what are we going to change, because I have to say that the previous Government, in its iteration, many were supported in their positions because of their plans for the hospital, on the doorstep in the election time, and now we seem to be again contemplating again those plans that were previously approved and went through. I think we have to be careful as to how we are going to do that now. I think we need to be mindful of not delaying. I recognise the claim that there will not be any delay, but it is a genuine concern and it is not just mine. I think it is a genuine concern of many people out there. The other thing I will say is I think it was Deputy Ozouf who mentioned it when he mentioned that the now Chief Minister, I believe he was referring to, brought a similar debate. That debate was P.109 and what it brought was a need to produce a report of a comparison of the old project and the new project, but part of that was a report detailing the costs of this hospital. There is a slight irony here that the only people who voted in favour of that report were Reform, the Deputy himself and 3 Constables. Everyone else in this Assembly voted against producing that report previously, but we do seem to be being asked now to produce a similar thing but at the level of a debate. I can see from those nuances of where we are why the public might be looking at us and saying: "Please make your mind up." This is not about personal conflicts perhaps or generic conflicts between the Assembly. This is about getting on with the project. I think we would all say we may well be in a position where we are not in the ideal position here and have not been for the last 3 or 4 years over the hospital. I say 3 or 4 years, not just the last Government but the one previously. We have had many debates, many considerations and many iterations of what we are going to go for. We would have something now. Whether it will be as we suggest it might turn out will be very interesting to see. Whether we will end up with Overdale as we originally planned, it will be interesting to see and that will be for future Governments, way behind when I will be here, the next 10 years or who knows how long. I would just say that it is for those reasons I am struggling to accept yet another debate before the Government Plan. I would say I agree with the notion that we have to be very transparent in what we are producing, the costs and what is going to be built, and that is a very important thing for us to consider, but to go through a separate debate, I am not entirely sure what we are going to achieve with that debate that cannot be achieved through good scrutiny, that cannot be achieved by a good process through the scrutiny process and States Members, cannot be achieved through regular

briefings of States Members as to where we are - and I hope they will happen - cannot be achieved through much more co-operation across this Assembly in terms of where we are, because we do seem to have an agreement that this is the project that we are all going for. That is what was agreed by the previous Government and this one. So that is just my question here as to whether an extra debate is really necessary. I do not think there needs to be a toxic debate on this. I think it is a simple: do we want an extra debate or want to go for the Government Plan? In my mind, I am happy to go for the Government Plan as long as there is enough information beforehand and remind Members that amendments can come. Can I just add there is a really important piece of work for Scrutiny here and I know this because I have done it myself. The detail of what is coming forward and the panel will be briefed and have a greater insight into what is going on than most States Members and so producing an interim report, as the previous Our Hospital panel did, I would ask Scrutiny, speaking as a Member of this Assembly now, to bring interim reports forward. That I think is a vehicle for gathering that information and making clear recommendations and putting that information together before the Government Plan. Part of that will be funding but there are other issues that need to be addressed in terms of the hospital as we move forward. So, to conclude, as they say, I will not be supporting this unless there is a very, very powerful argument in favour of it because I believe that the Government Plan is a vehicle enough. I think there is a really important role for Scrutiny as we go forward, communication from the department and the Ministers in terms of what is happening rather than us yet again spending time debating, with perhaps no outcome other than we already are where we are, or some amendments that may well delay this entire process. I do not think any of us want to get to the end of this term and have this delayed any more. I leave my view on it and it is up to Members to make their views on that.

The Deputy Bailiff:

Does any other Member wish to speak on this proposition? I call upon Deputy Renouf to reply.

3.1.17 Deputy J. Renouf:

As I went for lunch I was given a piece of very wise advice. I should say that strangely it did not come from a States Member but I shall follow convention and not name him, although you can avail yourself of the same advice if you go to the tearoom. That advice was you have got to laugh at life. You have got to laugh at life; very good advice, I would say. However, as it applies to this debate, I have to say the best that I can manage is a wry smile. There is a wry smile at the extraordinary contortions various Members have gone through to argue against something that up until recently they believed in completely, a wry smile at the slightly breathtaking contradictions in some of the arguments that have been presented to argue against this proposition and a wry smile at the zeal with which some Members appear determined to throw away their right, and you might say obligation, to scrutinise Government expenditure, not least the single biggest item of expenditure that this Assembly will ever approve. I will start with Deputy Mézec's comments because they also prompted a wry smile. The Deputy argued that there might once have been a time for a separate proposition about the funding of the new hospital but very sadly that time has passed. A wry smile because in fact it seems to have passed right around the time he joined the Government, which is indeed a strange coincidence. He made the point that the previous Government could have brought a proposition during the previous 2 years. Actually it was 18 months of course. It was also open, I note, to the previous Scrutiny Panel to bring such a proposition, the previous Scrutiny Panel chaired by, I think, Deputy Mézec. Perhaps the reason he did not is because the Government had promised just such a debate, so it would have been a waste of time. The other wry smile is the contradictions in the argument advanced against the proposition by many Members. It goes a bit like this. One argument is that scrutiny through the Government Plan debate will be entirely adequate. Full and fair scrutiny of the funding proposals will definitely be possible through the Government Plan debate. There will be absolutely no loss in terms of clarity and focus and openness. There really is no difference between a separate debate and a debate during the Government Plan. Okay, but on the other hand the greatest

danger if this proposition is passed is that it will slow the project down because we must not jeopardise progress, everyone wants to just get on with it, but hang on, I thought there was no difference between these 2 debate options, all the information would be the same. You cannot ride both these horses at once. Something is different about a separate proposition otherwise there would not be these slightly bloodcurdling fears expressed about the future of the whole project in the event of a separate debate. I must also mention Deputy Mézec's point about the proximity of a debate in the hospital funding to the Government Plan. I do think this was another hare that was set running although it does not seem to have quite the legs of the one that Deputy Tadier set running yesterday. As the Bailiff made clear, it is impossible to be definitive because the situation will depend on the actual proposition brought forward and the amendments brought forward, which already takes us deep into the territory of hypotheticals, but what we can say with absolute certainty is that it has been done before. Deputy Luce's proposition was debated less than a month before last year's Government Plan and it was then part of the Government Plan, so it has happened before. I think there was an attempt made to argue that this case is different because Deputy Luce was proposing a change, but it is not different, it is the same point. There will be new material in the Government Plan, for example the funding strategy, which has not been presented yet. I have not looked at the debates regarding the Our Hospital project but I am willing to bet that at least some of those debates were within 3 months of a Government Plan. I am going to pick up some other Members' points, and I apologise if I do not pick up on all of them. I was typing as quickly as I could but I may have missed some. Deputy Howell said that information will be the same with a separate proposition. Indeed, yes, that is quite likely. It is going to be abstracted, if this proposition is successful, from the Government Plan, but that is missing the point.

[14:30]

It is the context that will be different. We will have the time to focus on just one thing; all the information will be gathered in one place. The only amendments up for debate will be related to the proposition. The final speeches after amendments have been debated will also be purely about the hospital, so the debate will be different. It will be different and, indeed, the speeches have made this clear in a kind of backhanded way, as I say, because there is a clear acknowledgement that indeed a separate proposition must be different because there is apparently a terrifying level of political jeopardy if we dare to debate this matter separately. That brings me to the points made by Deputy Bailhache and the Minister. The proposition risks delay and apparently political risk is the top risk attached to the project. Well, possibly. We have had a change of Government so obviously there is a higher level of political risk. I can certainly muster a wry smile as I contemplate the origin of that political risk. What I am not prepared to do is say that because we have had a change of Government we now all just suspend our normal functions of scrutinising Government expenditure. No. What seems to be happening here is the Government are saying that a full debate focused only on this issue risks what you might call excessive scrutiny, too much openness, that might result in a setback for the project. I would say that expresses a rather great insecurity on the part of the Government. Surely they should welcome the chance to provide answers to all the questions that Members have and to deal with amendments that might encapsulate issues that have been raised by the plans and to deal with criticisms. Churchill said: "Criticism may not be agreeable but it is necessary, it fulfils the same function as pain in the human body. It calls attention to the development of an unhealthy state of things. If it is heeded in time, danger may be averted. If it is suppressed, a fatal distemper may develop." This criticism cannot and should not be above criticism and interrogation regardless of how urgent and vital it is precisely because we want to avoid that kind of situation developing. Openness and transparency are the best safeguard we have to ensure that this project goes forward with full support and without delay. Deputy Scott argued that we should accept previous decisions of the Assembly. I have got another wry smile as I recall the decision taken in December to bring forward a separate funding proposition. I am all up for accepting that decision. The Minister for Health and Social Services argued that it would be calamitous to provide indicative costs for future

elements of the project. I think the Constable of St. Clement nailed that pretty comprehensively. We are not asking for everyone to stop work and spend months on it. That is alarmism. As he clearly said, any business will have indicative costs or the likely costs of capital projects in the future. Someone, I cannot recall who, I am afraid, said we should not reopen the debate but the point is we have not yet had a debate. That was what was promised. I have another wry smile when I contemplate an argument that says: "Do not worry, we will have a debate, just keep voting money to keep the show on the road. We will have a debate next year. Do not worry. Oh, sorry, we have now gone past the point where it is appropriate to have that level of scrutiny. Let us all just move on." That is what is happening here. Deputy Ward is concerned that we are going to have another debate on the hospital. I do not think there is any risk of that. I think it is about funding and the public fully understand that we will be debating funding. They would expect nothing less, I think. He also asked what are we going to change? Well, we do not know, do we? The Government Plan has not been tabled yet. I cannot say, so we cannot say what yet but we do want to have the opportunity to examine that and decide whether there might be something we want to change. It might not be a big thing. It might be that we ask for something to be kept under review or we ask for more information about something or something of that kind. I cannot say exactly what we would want but I do think that in any normal circumstance when you are planning a massive capital project you would have a debate about it and you would expect to be kept informed and you would expect to have the opportunity for Members to have their say. Deputy Ward accepted that there will not necessarily be a delay but thinks the public will worry about it anyway. Well, I have a little more confidence in our role as a Scrutiny Panel and the role of this Assembly and our ability to explain what we are doing and to nullify that fear. Another way I think of looking at this proposition is that it shifts the burden of clarity around the debate away from Members to the Government. If the debate opens in the context of the Government Plan, the onus will be on the Member wishing to raise an issue to provide all the clarity, to find the relevant bits in the Government Plan, to bring them together, to point Members to them and so on. If the proposition passes, the onus is on the Government to explain what information is relevant, to bring it all together in one place, to make the case for it in one place and in one coherent argument. That, I think, is something that we should all welcome. If we accept the argument advanced that if we allow a separate debate it might slow the project down, I think the effect of that argument is in practice perilously close to giving the Government a blank cheque. The logic of that argument is whatever questioning is raised has to be brushed away because of the desire to just get on with it. We all want to get on with it. We all understand the urgency. We all understand the public's desire to get on with it. That does not mean that we should not have a separate debate. It does not absolve us of our responsibilities. We should not live in fear of the public thinking: "Oh, they are having another debate about the hospital." We are just doing our job and the simplest way and the clearest way for that job to be done in a way that the public will understand is with a separate debate. I think the Government should have more confidence in themselves and faith in the good sense of Members. We are quite capable of judging the public mood. Equally, we are quite capable of spotting wrecking amendments or anything else that would be designed just to derail the project. The point about a separate debate is that it allows everything to come together, a focused attention on just this matter. Some members of the Government seem to be worried that that will cause mayhem. I do not agree. I do not think that shows much respect for what this Assembly is capable of. I do suggest, in closing, that if this proposition is passed and the Government lose, it will not be a big deal. Ministers will walk out of the door feeling a bit annoyed, shrug their shoulders and get on with business because this is how it has always been done in the past. It is not asking for anything exceptional, anything extraordinary. This is still a huge capital project and we still have a job to do. It is easier to do that job if we are open and transparent, bringing all the information together in one debate and having one debate where all those issues are explained together in the full context of the Government Plan, as the Minister for Treasury and Resources would like it to be. All of that information can be abstracted and put into one place. It is there for us to do. It is part of our job and I think we should do it. I call for the appel.

The Deputy Bailiff:

You are inviting 2 separate votes on parts (a) and (b) of the proposition? Thank you, Deputy. Members are invited to return to their seats and in respect of paragraph (a) of the proposition, I invite the Greffier to open the voting. If all Members have had a chance of casting their votes, I ask the Greffier to close the voting. I can announce that part (a) has been rejected: 13 votes pour, 30 votes contre.

POUR: 13		CONTRE: 30		ABSTAIN: 0
Connétable of St. Clement		Connétable of St. Helier		
Deputy L.M.C. Doublet		Connétable of St. Brelade		
Deputy S.M. Ahier		Connétable of Trinity		
Deputy I. Gardiner		Connétable of St. Peter		
Deputy K.L. Moore		Connétable of St. Martin		
Deputy D.J. Warr		Connétable of St. John		
Deputy H.M. Miles		Connétable of Grouville		
Deputy J. Renouf		Connétable of St. Ouen		
Deputy H.L. Jeune		Connétable of St. Saviour		
Deputy A.F. Curtis		Deputy G.P. Southern		
Deputy K.M. Wilson		Deputy C.F. Labey		
Deputy L.K.F. Stephenson		Deputy S.G. Luce		
Deputy M.B. Andrews		Deputy K.F. Morel		
		Deputy M.R. Le Hegarat		
		Deputy R.J. Ward		
		Deputy C.S. Alves		
		Deputy S.Y. Mézec		
		Deputy Sir P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy B.B.de S.V.M. Porée		
		Deputy M.R. Scott		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy R.E. Binet		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy R.S. Kovacs		
		Deputy B. Ward		

The Deputy Greffier of the States:

Those Members voting pour: the Connétable of St. Clement and Deputies Ahier, Gardiner, Moore, Warr, Miles, Renouf, Jeune, Alex Curtis, Wilson, Stephenson, Andrews and Doublet. Those Members voting contre: the Connétable of St. Helier, St. Brelade, Trinity, St. Peter, St. Martin, St. John, Grouville, St. Ouen, St. Saviour, and Deputies Southern, Labey, Luce, Morel, Le Hegarat, Rob

Ward, Alves, Mézec, Bailhache, Coles, Scott, Catherine Curtis, Feltham, Rose Binet, Millar, Howell, Tom Binet, Ferey, Kovacs, Barbara Ward and Porée.

The Deputy Bailiff:

We now move to part (b) of the proposition and I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that part (b) has been rejected: 15 votes pour, 29 votes contre.

POUR: 15		CONTRE: 29		ABSTAIN: 0
Connétable of St. Clement		Connétable of St. Helier		
Deputy L.M.C. Doublet		Connétable of St. Brelade		
Deputy S.M. Ahier		Connétable of Trinity		
Deputy I. Gardiner		Connétable of St. Peter		
Deputy K.L. Moore		Connétable of St. Martin		
Deputy P.F.C. Ozouf		Connétable of St. John		
Deputy D.J. Warr		Connétable of Grouville		
Deputy H.M. Miles		Connétable of St. Ouen		
Deputy J. Renouf		Connétable of St. Saviour		
Deputy H.L. Jeune		Deputy G.P. Southern		
Deputy R.S. Kovacs		Deputy C.F. Labey		
Deputy A.F. Curtis		Deputy S.G. Luce		
Deputy K.M. Wilson		Deputy K.F. Morel		
Deputy L.K.F. Stephenson		Deputy M.R. Le Hegarat		
Deputy M.B. Andrews		Deputy R.J. Ward		
		Deputy C.S. Alves		
		Deputy S.Y. Mézec		
		Deputy Sir P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy B.B.de S.V.M. Porée		
		Deputy M.R. Scott		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy R.E. Binet		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy B. Ward		

The Deputy Greffier of the States:

Those Members voting pour: the Connétable of St. Clement and Deputies Ahier, Gardiner, Moore, Warr, Miles, Renouf, Jeune, Kovacs, Alex Curtis, Wilson, Stephenson, Andrews, Doublet and Ozouf. Those Members voting contre: the Connétable of St. Helier, St. Brelade, Trinity, St. Peter, St. Martin, St. John, Grouville, St. Ouen and St. Saviour, and Deputies Southern, Labey, Luce, Morel, Le

Hegarar, Rob Ward, Alves, Mézec, Bailhache, Coles, Scott, Catherine Curtis, Feltham, Rose Binet, Millar, Howell, Tom Binet, Ferey, Barbara Ward and Porée.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

4. Nomination of Deputy Helen Mary Miles of St. Brelade to the Children, Education and Home Affairs Scrutiny Panel

The Deputy Bailiff:

Members should have been provided with a supplementary Order Paper in relation to the nomination of a member of the Children, Education and Home Affairs Scrutiny Panel. Are Members content to take that business now? Thank you very much. Deputy Catherine Curtis, is it right that you have nominated Deputy Miles as a member of your panel?

4.1 Deputy C.D. Curtis of St. Helier Central (Chair, Children, Education and Home Affairs Scrutiny Panel):

I would like to increase the panel by one and nominate Deputy Miles.

The Deputy Bailiff:

Thank you very much. Is that nomination seconded? **[Seconded]** Are there any other nominations? Accordingly I declare Deputy Miles has been appointed as a member of that panel. **[Approbation]** That concludes the Public Business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Deputy Bailiff:

I invite the chair of P.P.C. (Privileges and Procedures Committee) to propose the Arrangement of Public Business for Future Meetings.

5. Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee):

At the moment there are only 3 items of amendments listed for the next sitting on 10th September: P.19/2024 Minimum Wage, P.29/2024 Draft Statistics and Census (Jersey) Amendment Law, and P.41/2024, Draft Agricultural Loans (Jersey). I expect that there will be further propositions lodged before the next States sitting. With this in mind, the Assembly may well sit on 10th and 11th September and, as usual, please keep continuation days free to meet if needed. I propose the arrangement of public business.

The Deputy Bailiff:

Thank you. Is that seconded? **[Seconded]** Are Members content to now adjourn until 9.30 a.m. on 10th September? The Assembly is adjourned until that date.

ADJOURNMENT

[14:45]