

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 23rd JANUARY 2014

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[9:30]

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Appointment of Chairman for Home Affairs Scrutiny Panel

The Deputy Bailiff:

I gave notice last night we would need to elect a new chairman of the Home Affairs Scrutiny Panel and I now invite nominations.

Deputy S.G. Luce of St. Martin:

If I may, it is usual in this type of proposition to start with the words: "It gives me great pleasure" but I feel in this I cannot do that with 100 per cent conviction. That is because my nominee is a member of my own panel and he has been very hard-working, very capable and hugely effective in sitting on that panel and I lose him very reluctantly. Nevertheless, I know in my heart that I am delighted that I am able to do this today, so it gives me great pleasure to nominate the Constable of St. Brelade for this position.

The Deputy Bailiff:

Is that seconded? **[Seconded]**

Deputy M.R. Higgins of St. Helier:

I would like to nominate Deputy Southern for the position.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Thank you. Are there any other nominations? Very well, then the procedure is as set out in Standing Order 120. If more than one person is nominated, then according to the order in which the candidates were nominated, I invite each candidate to speak for up to 10 minutes. Then in those circumstances, Deputy Southern, perhaps you could withdraw from the Assembly for 10 minutes. Deputy Le Hérissier.

Deputy R.G. Le Hérissier of St. Saviour:

I wonder, could you advise us, are we still with the secret ballot or are we not?

The Deputy Bailiff:

I think we are still with the secret ballot for this election. Yes, that Standing Order has not changed. I call on the Connétable of St. Brelade.

1.1 Connétable S.W. Pallett of St. Brelade:

Good morning, Sir. I am not going to waste 10 minutes of Assembly time this morning giving you a big long speech about how good or bad I am. By this time, 2 years and 4 months into an Assembly, I think most people will be aware of the abilities of both candidates this morning. All I will say... a couple of things I should say: I thank the Chairman of the Public Affairs Scrutiny for nominating me this morning and also to agree that he was happy for me - or content for me - to take on, or potentially take on, a new role. I have enjoyed immensely my 2 years and 4 months with the Deputy on economic affairs, and I think during that period of time we have done a lot of very - and I use the word and I think it is an important word - constructive scrutiny over that period of time. Just thinking of some of the reviews that we have gone over in that period of time, the aircraft registry, the innovation fund, intellectual property and the Tourism Shadow Board, I think it was important work and I think the sort of relationship that we have managed to build-up with the Minister for Economics and members of the department has greatly helped the work that we do. It

is that type of relationship that I would like to bring into working with hopefully the Minister for Education, Sport and Culture and the Minister for Home Affairs. I have sat on the panel before and I am sure somebody is no doubt going to tell me that this role is obviously going to be too much for me, because I resigned last December. I was a new Member in 2011, and like most new Members, you want to impress people and you want to do as much as you can. I had to be honest last year and say that I took too much on at a very early stage and had to be honest with myself that I had to back off on one or 2 things. I think now, another year on, I have had an opportunity to settle down into the role a little bit more and am much more comfortable in the position that I am in. I have chaired committees before, I am currently chairing the Scrutiny review at the moment and I do not see any issue around me being able to take this role on and being able to do it successfully. In saying that, I am only going to stay on one panel; I cannot do 2 panels. I think with that and the role of Constable, it would be too much. In saying that, I have sat on the panel before, so I think I know both the Education and Home Affairs Departments reasonably well. I am proud of the work that I did with Deputy Maçon in that period of 12 to 14 months. I think we did some important reviews, including a review into tasers, into other interesting work, including looking at the draft Police Force Law, a review into the relocation of police headquarters, and I am not going to get into whether that was a good or a bad thing or not, but I think it was an important review. In terms of following up some of the work that we did, we did look quite deeply into the work at the prison and also at Customs and Immigration. I think that is the type of work that I would like to be following up to ensure that both those departments are adequately resourced and do the job that we hope they are doing. As I say, I think even from yesterday when we had a briefing in regards to the possibility of swimming pool facilities in the Island, which is very much part of the Education Fit For The Future strategy, I think there is work to do in all the departments that the Education and Home Affairs Department Scrutiny Panel manage. I very much look forward to start off running. I do not intend to ease my way into being chairman. I think I need to get in and start straight away on reviews of some of the current policies that Education are putting forward. Like I say, I said I was not going to speak very long. I think no doubt people will have some questions for me and I will answer them as honestly as I possibly can.

The Deputy Bailiff:

The question time now starts, 20 minutes of questions. Deputy Le Hérissier.

1.1.1 Deputy R.G. Le Hérissier:

I wonder if the candidate could tell us what he sees as the most important - and therefore I would argue, and maybe he would - issues in those 2 Ministries and therefore the issues that he would wish to see scrutinised.

The Connétable of St. Brelade:

Specific issues. In terms of Home Affairs, I think there are issues around the actual police force at the present time and some of the roles that they currently take out. I have had, as the Deputy Bailiff is aware, some concerns around the night-time economy in Jersey and how that is policed and that is one area that I think I would like to spend a lot more time looking at. In terms of education, like I say, there is Fit For The Future. Everybody knows I am very keen on sport. I certainly would like to have a look at the Fit For The Future strategy. I think that, as has come out in the Digital Skills review, it is a very important time for education over the 3, 4, 5 years. I think from some of the responses that we have had in regard to the Digital Skills review, there is some work to be done for the Education Department in ensuring that there is the right emphasis put on education over the forthcoming period. Digital skills are going to be vitally important to education, as I think you would be aware, and that is something I think that is important that we ensure that the schools are resourced correctly and they have staff that are adequately trained to be able to deal with that. I

think staffing issues again is another issue I think we need to look closely at and ensuring that staff are brought up to speed in terms of their training.

Deputy Bailiff:

Deputy Power.

1.1.2 Deputy S. Power of St. Brelade:

The Connétable is rather known for his above-average levels of fitness. Does he think that - he is very fit - establishing a centre for sporting excellence for swimming along the lines of what yesterday's presentation about a Jersey amateur swimming association and the construction of a 55-metre swimming pool would be worth scrutiny?

The Connétable of St. Brelade:

I think the Deputy is probably aware that I swim quite a bit, so I have played quite an integral ... well, not an integral role, but I played a part in terms of preparing and having some say in yesterday's briefing.

[9:45]

In terms of a centre of sporting excellence for swimming, I think there is a case to be made for it. I think it does need to be scrutinised, but most importantly it needs to be resourced, and I think we are only going to find out those issues if we get a feasibility study done sooner than later. I think from what was said yesterday, the lease on the AquaSplash will be reviewed at the end of the year and I think to make a reasonable judgment on what we do in December, we need to have all the facts on the table. I will certainly be looking to the Education Department, and certainly from the Minister for Treasury and Resources as well, to ensure that funding is available to ensure a feasibility study can take place. Would I like to see a centre of excellence? I would like to see a centre of excellence for sport that covers all sports, but in terms of swimming in particular, yes, I think there does need to be a centre for excellence, because I think over the last 20 or 30 years, the level of sportsmen that we have provided in swimming for an Island of our size is quite incredible, both at local level, national level and also international level. I think sometimes we forget the quality of sportsmen we have in this Island. Obviously, rugby is at the forefront at the moment because it competes at a very high national level, but we have international sportsmen. I am going to think of one, for example, that is I think incredible for the commitment he has, and that is Dan Halksworth in triathlon, who competes at a level that I think a lot of us here really do not understand and his commitment. I think a centre of sporting excellence will help to ensure that we can carry on producing these type of sportsmen year-in, year-out. I am very proud of the success we have at local and national level and certainly swimming provides many of those highlights.

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

I do not recall ever being asked to vote for a chairman of a Scrutiny Panel who is not a member of that panel and I think this is probably the first time that this Assembly has been asked to consider something like this. We have heard the candidate speak very much about what he would want to do if he was elected as chairman. However, of course we know that the panel has already a programme of work which has been agreed to the end of this Assembly, or at least I understand it should have a programme of work. My question is will the candidate outline that programme of work that the panel has already agreed and then tell us how he thinks his views and what he wants to do personally should and could change the agreed programme?

The Connétable of St. Brelade:

I cannot answer that, because I do not know what their agreed plan is, but in terms of setting off running, which is what I said I would do, I think from the position and some of the roles I have

currently played both within the community and in the past put me in a good position to be able to pick up that work pretty quickly. My role within the Honorary Police is well-known. I think from a policing point of view, I very much keep up-to-date with the sort of things that they do on a day-by-day, week-by-week basis. I think from an education point of view, again, I have sat on the panel. Some of the issues that they will be looking at at the present time have not changed a great deal in 12 months and I do not see any particular issue about picking up on some of the issues that they are currently looking at. Have I spoken to the Chairman over this? No, I have not. Will I? Yes, I will, because clearly I will need to see where the panel is at the current time. But I see no issue about picking up the work that they are doing, and also the other issue as well, I have got no problem with working with any of the current members of the panel. If they want to work with me, I am quite happy to work with them. I am sure between us we can carry on the work that they have been doing. I will certainly want to see us not only look at the current issues, but look at other issues as well. There are issues I think that need to be looked at that they are currently not looking at, certainly some of the sporting issues. Again, I think people know I love my sport and I am not going to deny that, but there are other roles within that panel. Nobody has mentioned culture here. I think I said on the radio the other day when I opened the sculpture down at St. Brelade's Bay that I was not a particularly arty person. I am not, but I have to learn a little bit about that and I need to make sure that culture in the Island is not forgotten, because it is something I think the Scrutiny Panel in the past has maybe not had enough emphasis on. But no, I want to look at all facets of this panel and I am not going to ignore the work that they are doing or the work that they are intending to do. I will, like I say, speak to the Chairman and hopefully speak to the members and those members will stay on board and we can pick it up fairly quickly from the current position.

1.1.4 Deputy M. Tadier:

Does the candidate have confidence in all of the current members of the panel, so implicitly, would he be happy to work with his rival candidate were he elected, and given the fact that other members of the panel may not wish to stay on either, who are the other likely members of that panel should the Constable need to choose an extra 2 after today?

The Connétable of St. Brelade:

I really do hope that the current members of the panel will stay on. In terms of working with those members, I have remained - and I am, I think - reasonably close to the Constable of St. Martin and I think we do have a good working relationship. Having spoken to him on the way down the hill this morning, I think there is no issue around the Constable of St. Martin staying on as Vice-Chair of the panel. In terms of the 2 other members - of which, Deputy, you are one - I think we have worked together in the past. I think we have worked together well, you as Deputy of St. Brelade and me as Constable of St. Brelade, and I think we do have a working relationship that is very positive, so again, I would hope that you would stay on and support me. In terms of Deputy Southern, going back many years, I have worked with Deputy Southern closely, not inside the Chamber, but certainly outside the Chamber; elections in 2005, 2008 we worked very closely. Do we have differing political views? Probably a little bit, but I am sure that in terms of providing effective scrutiny they can be left on one side and that we can work together closely. Could I work with the 2 Deputies and the Constable? Absolutely. I am not a confrontational type of person. I think people know that. I very much look to work together, that is if you want to work with me.

The Deputy Bailiff:

Connétable, I can tell you there have been suddenly a rash of Members wanting to ask questions of you, so if I can encourage you to be fairly brief in your answers.

The Connétable of St. Brelade:

I will. Sorry, Sir.

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

Yes, I did have a question: that I am surprised about the consensus and not even finding out the work programme and just bumping into the Constable of St. Martin. I think when you are going to take on a serious job as a Scrutiny Panel Chair, you should at least do a little bit more research. It seems to me that the candidacy is possibly a little bit late or the candidate had thought about the job a little bit late, but my main question is he said in his opening remarks that he is now finding more time to be able to take on this very arduous role, which you have got 6 months to complete the work programme already there, on average. What would come first? Who holds his diary? Would a Parish then go in the candidate's diary first or a Scrutiny Panel meeting? It is a very simple question and I would like a straightforward answer, thank you.

The Connétable of St. Brelade:

The suggestion has been made that I was cooking this up in bed last night or on the way here this morning. That is certainly not the case. I have thought about this position for the last couple of months, because that was made clear, I think, by the current Chairman or the past Chairman that he was going to resign at some stage. I have had plenty of time to think about it. Have I spoken to people about it? Yes. In terms of my diary, no, I look after my diary. I decide what I do and during non-States weeks, Scrutiny plays a very high, important role in what I do already, exactly. I do not see any change in what I am doing now. I have got a procedure that I work by. Perhaps some Parish events take consequence over Scrutiny and some Scrutiny events take consequence over Parish. It depends what they are and where they are and how important they are, but Scrutiny plays an equally important role to my Parish work and I have made that quite clear to everybody from day one. Scrutiny is something I wanted to be involved with early on and it is something that I think in the future I want to be involved.

1.1.6 Connétable J. Gallichan of St. Mary:

We know the time left for the work is short and probably the opportunity to undertake full, in-depth reviews will be very limited. Will the candidate undertake other methods of keeping the Assembly up-to-date on things under his remit, for example, making statements or position papers to be presented?

The Connétable of St. Brelade:

I think statements and comments are very important. I think it is something we have tried to do in the Economic Panel, is ensure that every piece of legislation that comes to the House has at least a comments paper involved with it. Time is a short. It is a short period between now and the summer break and I am sure elections will take over all of us. Scrutiny will, whether we like it or not, start to wind down as we come towards an election, because people will have other commitments that they wish to be involved with, but as I said before, I am fully committed to this role. I will do everything I can to ensure that the House is informed of important matters involved with both departments. There were issues around G.C.S.E. (General Certificate of Secondary Education) results last year. There will no doubt be some this year. If there are issues that come up this year that the Assembly need to be informed about or issues that the panel have concerns about, then yes, I will inform the Assembly that there are problems.

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

What are the candidate's views on how effective the Scrutiny function has been in influencing Ministers to develop policy and also hold Ministers to account for their performance? Does he have any views on how this might be improved?

The Connétable of St. Brelade:

I think I have made my views known to quite a few people over the last 2 years. Do I think the Scrutiny role has been effective? I think it has been effective, some panels more effective than others, and I am not going to nit-pick between one panel and another. Everybody has got their own way of doing things. All I can really talk about is the way that the panel I have been heavily involved with has worked over the last period of time. We do have an effective relationship with the Minister, which I think is important. We do speak to them on a regular basis. That does not mean we are cosy with the Minister. It is not about being cosy with the Minister, it is ensuring that we have a working talking relationship with them to ensure that problems can be cut off at an early stage or we have the opportunity to have some effect on emerging policy. But I think Scrutiny has improved over the last 2 years. I am not saying that things were done wrong in the past. All I am saying is I think it has worked better over the last 2 years and long may that continue. The sort of relationship I think that we have been fortunate to have with the Minister for Economic Development is something that I would like to have with both the Minister for Home Affairs and the Minister for Education, Sport and Culture, if they will allow.

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

Scrutiny is evidence-based and you have to leave your political hat at the door and put your Scrutiny hat on as you go into your Scrutiny hearings and committee meetings. Can the candidate explain when, upon examining the evidence, it has changed his personal view?

The Connétable of St. Brelade:

The many occasions when evidence of that has been produced at Scrutiny Panel hearings has influenced some of the decisions or some of the thinking that I have made. One of the things I think I have been effective on is looking at evidence. It is something that I have had to look at in a past life with the Honorary Police and certainly dealing with Magistrate's court is that you have to deal in evidence and fact and not fluff, so yes, it has to be evidence-based. I think the reports that I have been involved with, the recommendations and findings have been based on fact and the evidence that we have received and that is what it has to be. It cannot be on personal opinion or your own political view. It has to be on the evidence given by those that submit reports and representations.

1.1.9 Deputy M.R. Higgins:

Could I ask the candidate how robust he would be in dealing with matters for example with the police, because I have had a number of residents in St. Brelade come to me with complaints about the police, which they have raised with you, and they do not believe that they have had any sort of feedback from it. With being in the Honorary Police do you think you are too cosy with the States Police, do you think you can be an effective person to audit what they are doing and bringing them to book when they are not?

[10:00]

The Connétable of St. Brelade:

I think the Deputy has a fair point. Is he right to say that myself or any of the Constables are too cosy with the States Police? No, I do not, I think we have to have a close relationship with them, we are head of our own Honorary Parish Police, and I think it is only right that we head it and we ensure that those sorts of relationships that we need to have with the States Police are built upon. I am not scared of looking at difficult issues with the police. I have been approached by people that have not been happy with the way that they have been treated by the police and if I feel that there is something not being dealt with in the correct way, and sometimes I have approached the police inspectors and said: "Are you happy with the way you have dealt with certain issues?" but I think that is the right way to do it. I think talking to them, trying to understand what the problems are, is

the way to ensure that there is a better relationship between the States and the Honorary Police. The working relationship between the States and the Honorary Police over the last 5 years has improved out of all proportion. It is based on mutual respect; it is based on the fact that we are trained in a way that is similar to the States Police, so I have total confidence in terms of the way the Honorary Police deal with issues, I cannot speak on behalf of the States Police because they have a Chief Officer that does that, but if there are issues that the Scrutiny Panel need to look at, and it does not matter how uncomfortable they are, then yes, I would look at them as a Scrutiny Panel.

1.1.10 Deputy C.F. Labey of Grouville:

What would the candidate say that the optimum number of members to serve on a Scrutiny Panel is? Because he has made clear that he only wishes to serve on one panel, and given the proposition we were debating on yesterday required 44 Members in this Assembly, I am just wondering how all these elements hang together in his eyes?

The Connétable of St. Brelade:

In terms of the Chamber, I think the optimum numbers in the Chamber, the numbers we need should be decided before we decide how ...

The Deputy Bailiff:

That brings question time to an end. I ask the Connétable of St. Brelade to withdraw and Deputy Southern to be invited to return to the Chamber. Deputy Southern, just catch your breath, when you are ready to go then you have 10 minutes to address the Assembly starting now.

1.2 Deputy G.P. Southern of St. Helier

As Members may be aware, I was not expecting to do this, this morning, I was expecting it at the next session. It is always a good exercise, with 10 minutes' notice, to see if your brain is working and can you speak with that sort of notice and answer questions. As most Members will know, I have been heavily involved in the formation of Scrutiny, the development of Scrutiny, and actively as a chairman on Scrutiny Panels since Scrutiny began in fact, for over 5 years. As many Ministers will know, or Assistant Ministers, I am not an easy task master. Members of the House who come before me, Ministers, should leave Scrutiny sessions and their officers thinking to themselves that was a good workout; we have been tested there. In order to hold Ministers to account, it is a simple process in fact, but one has to be organised; one has to be able to do one's preparation fully in co-operation with officers so one is asking the right questions in the right areas. Scrutiny also requires good follow-up. What happens with Scrutiny time and time again is that a report is produced and the response from Ministers is found and that often the conclusions and the recommendations are left on a shelf somewhere. Vital to Scrutiny is back-up. It is universally widely accepted throughout the world where scrutiny exists that the quality of scrutiny is dependent on the leadership that drives it, political leadership and the drive that goes on. It would be nice to stand before you and say I see scrutiny topics in this particular area, Home Affairs and Education, as we will start here and that will be the first 6 months or 3 months, and we will go here and later on, longer-term, we will be investigating this, this and this. However, as those involved in Scrutiny know, this is not often the case. Policies take a lengthy period to develop before they are formed. Nobody in Scrutiny should be in the business of forming alternative policy. So it is difficult at this stage, and I have been thinking about it for some time now, while I have been serving on Education and Home Affairs, as to what topics are likely to come up. To be frank, there is not any low-hanging fruit, I do not think at the moment. There are issues that might come to fruition and might be suitable for scrutiny in the short term, but most things are developing and the one thing I have noticed with Home Affairs and Education is that the policies do take a long time to arrive; there seems to be eternity in the process. I know, for example, there are obvious issues around the grant

system, it is an issue that needs to be dealt with in the short term I think, and in the long term, and it may well be that is somewhere we start. The fact is I think over recent times we have done consecutive Home Affairs examinations, so it is likely we will be looking, if Members choose to appoint me, I would be looking for something Education and the grants system is one. I think the issue of standards in our schools, and the standards our schools are achieving, there is a lot of fog and misuse of statistics going around, a modicum of reputation damage that is happening, and I think Scrutiny could bring a nice vision to that area and get some clarity and in a sense the Minister for Education, Sport and Culture showing the case of why education is or is not working and what needs doing. I think there is also an issue at the other end of the scale, going right through primary, back to nursery schooling and childcare provision, again it is an ongoing issue that needs I think examination as to exactly how the State system fits in with private provision and the place of that provision within the economy, on a wider issue. I think we also, on Scrutiny... and I look forward, if I were elected chairman, to working with the direction in which Scrutiny goes. Only yesterday I was talking with a Scrutiny member and a Minister about reverting to the possibility of a larger pool of scrutineers who might choose to go in a particular direction and having more flexibility to be able to, rather than sticking in your box: "I am Education and Home Affairs", "I am Health and Social Services", *et cetera*, sticking in that box, to be able to put a team together who share interest in a particular area and want to investigate it properly and hold the Minister to account, and whether we could get some sort of system, we have been playing with some sort of mixing, but once you are on a set Scrutiny Panel it is very difficult to find the extra time to mix in on another investigation. There is a possibility; that is where we started years ago, pre the last 5 years, 6 years, there might be some validity I think in doing that. If you have 3 people who want to look, 4 people who want to look, at a particular area, then you have lots of enthusiasm there, the likelihood is you are likely to get a better report than somebody going through the motions let us say. So the grant system issue, results, and the standards in education is an ongoing issue. I think, looking longer-term, and I will talk longer, I know we are in the last year of a Scrutiny Panel and we will be setting up a fresh one come November, but let us assume that, if I were to get this post, I would be interested in holding on to it, depending upon the areas that open up, obviously I think Scrutiny has a role to play in looking at the new sport initiatives and seeing how they develop and whether they produce the results that we expect from them. In particular we might be looking at participation rates and seeing whether longer-term there is a knock-on effect in terms of participation rates. Again it is not short term, but it would be longer term, we met the issue yesterday of, is there a case for a 50-metre pool and immediately one thing that came out of that that I was quite shocked by yesterday was that only 50 per cent above primary school children are learning to swim, can swim, and that certainly makes me think that certainly 30 to 40 years ago that figure I think was much bigger then and that kids had access to pools and were taught to swim, I do not know what the figures were, but I imagine they were around the 80 per cent or 90 per cent, and so 50 per cent of our primary school kids not being able to swim is an issue, I do not know when and how it might be examined, but the important thing is when you do get down to examining things to make sure that you work in an efficient and co-operative manner to produce ends that can be measurable. On that little point I will sit down and take questions.

The Deputy Bailiff:

We are now open for 20 minutes of questions and start with Deputy Le Hérissier.

1.2.1 Deputy R.G. Le Hérissier:

I have worked with Deputy Southern on Scrutiny; we had a very successful one on the whole issue of dealing with children under care. I wonder if he could tell me what have been the most successful Scrutinies you have been involved with and why and what have been the least successful and why?

Deputy G.P. Southern:

The most successful, although it was not credited to Scrutiny, was the investigation of the potential sale of Jersey Telecom years ago, which was, when the facts were gone into and exposed, became a less and less viable case and eventually the Minister concerned withdrew his proposition.

[10:15]

I think that was very effective use (a) of external expertise and (b) of ‘these are the facts; this is the evidence, now are you sure you want to go ahead with this’, and the result was it did not go ahead. Least effective was I think, in terms of the work that I have done, the early work done on Income Support, which I think very little of what was advised and recommended in our findings went into the final system and I think the problem there was that the Minister concerned at the time did not wish to change his system and I think we are still to a certain extent paying for that today. There are ongoing issues that could have been resolved earlier on.

1.2.2 Deputy R.G. Bryans of St. Helier:

I wonder if the Deputy could comment on the possible perceived conflict of interest with his wife being a spokesperson for the National Union of Teachers, I think?

Deputy G.P. Southern:

There is absolutely no conflict of interest. My wife has since resigned from her position as Chair of N.U.T. (National Union of Teachers) J.T.A. (Jersey Teachers Association) and has passed the mantle on to active teachers today.

1.2.3 The Connétable of St. Lawrence:

The previous candidate told us that he had been considering for some months standing as Chairman of Education and Home Affairs, albeit that he did not join the panel. What prompted Deputy Southern to join the panel and, notwithstanding the comments that he has made on his views on long-term scrutiny, will he advise us of the current work programme and what he sees as priority among that?

Deputy G.P. Southern:

Members will know, and I have said it quite openly, I have spent several years in Scrutiny as Chairman driving various projects and quite frankly I have run out of energy and I decided to step down from Scrutiny for a while to let my batteries recharge. My batteries are now recharged; they recharged some time ago, and I was asked to join Education, or to consider joining Education and Home Affairs, and wished to investigate this area. As I said earlier, it is not clear to me what the programme of work will be immediately going on. I think there is some work that has been done around standards and it might be my first thought is that it will be Education I think; that is the logical progression, and that something around standards in our schools could probably be done, because one of the things that we have to do in Scrutiny is make sure that what you are taking on is doable in a fixed time period. One of the things that goes wrong with Scrutiny is that projects drift on and on and on and you must have a timetable, a vision to be able to say: “This is a 4-month project or this is a 3-month project, we are looking at this, let us define exactly what we are trying to look at, how do we do that; that is going to be about 3 months” and we stick to that. The hardest thing in Scrutiny is deciding when to finish. So I am not sure quite what the topic will be; I suspect it is something around standards that has been completed already, for example, the maths standards or thereabouts.

1.2.4 Deputy M. Tadier:

Does the candidate agree that the separation between Scrutiny and the Executive is fundamental and can the candidate assure us that he is not an Executive plant and that he has not had his arm twisted at the last minute without even approaching the current panel or seeking to ascertain what their work programme was?

Deputy G.P. Southern:

I am left speechless by that question. I do not believe I have ever been any kind of vegetable whatsoever, let alone an establishment plant. The vital thing in any part of Scrutiny, as I have been saying to people for the last 7 years it seems, is you take off whatever hat you wear - your opposition hat if you like - and you put your Scrutiny hat on, and you look at the evidence, and I do this time and time again with my panels and with my officers, what does the evidence support? Can we go to make that statement? Can we make that recommendation? If the answer is no, we do not. What form of words can we use then? What can we say that is completely and utterly backed up by the evidence and that everyone around this table, meaning the panel, will back up and support? That is the way I work.

1.2.5 The Connétable of St. Mary:

In speaking almost off the cuff this morning, the candidate was able to list some key areas that he might be looking to be looking into in Education Department and yet, as he pointed out in his speech, only one out of the 10 latest reviews had an Education Department focus. Does the candidate consider the department has got off too lightly so far and, if so, what was his input into the focus of the work programme?

Deputy G.P. Southern:

It is like a swan, on the surface running an Education Department looks very smooth and very easy, but there is a lot of hard work going on underneath. There are a lot of policy investigations going on in education that will take time to come to the surface. Have they had an easy time of it? I do not think so. I do not think so. Will they have an easy time of it in the future? Certainly not if I am guiding it; the preparation needs to be done and possibly I think maybe they have been let off a bit, perhaps the last meeting, as my memory of it, was a bit loose and I think the Minister and his officer did not leave going: "Phew; that was hard work." I think they had a relatively easy time and that came down to, just no criticism of my previous Chairman, a little light on the preparation side.

1.2.6 Senator P.F. Routier:

Does the Deputy consider that his past experience and duties as a teacher at Hautlieu will assist him in his work?

Deputy G.P. Southern:

I think I have ongoing contacts with active teachers and the issues going on in certainly primary schools and in secondary schools. I do not think experience from 20 years ago is directly relevant apart from in general terms and certainly one has to be up to date nowadays to lead a chair.

1.2.7 Deputy R.G. Le Hérisier:

The candidate alluded to secondary education and there has been criticism of previous administrations and the current one that we are not moving fast enough. How would he, in the absence of a policy, but in the presence of a large consultation document, and a history of various proposals, how would he go about analysing what needed to be done in the view of the Scrutiny Panel re secondary education, how would he carry out this analysis?

Deputy G.P. Southern:

One has to dissect the material given to you and to look at what the central issues are. It is one of the things, as a scientist always taught, that one has to get down to the essential elements and remove often in any report the spare words, the verbiage that surrounds what the key issues are. I think that is essential in terms of effective scrutiny, being able to focus, and again it comes down to that how big an issue are we dealing with, can we deal with part of it, if we can deal with part of it in 3 months then that is what it is, if we cannot, if it is larger than that, 6 months it needs, then it needs it, you do it. Key to that is getting some expertise involved in your panel and recruiting an outside expert and the academics are often the best because they have their reputation to uphold, an academic to examine the mountain of material sometimes that comes to you and extract from that the key issues. So it is use of expertise is vital in deciding where to go and how long to go.

1.2.8 The Connétable of St. Lawrence:

When deciding upon Scrutiny topics, how would the candidate ensure that his personal preferences did not override the views of the panel in their choice?

Deputy G.P. Southern:

That is a difficult one I have to say because, as I said before... well the 2 things I have said before: one, I have to keep the team on board, there has to be total agreement that what we go forward with from the start is an interesting area, but one is inevitably driven by one's own interests because, as I said before, the quality of leadership and the wish, the drive on any Scrutiny Panel comes from the Chairman. The Chair drives the issue. The Chair makes sure that the officer meets his deadlines; that he is involved as well. So it is a difficult one because without the enthusiasm: "This is the area I really want to get into" but it is no good doing that just on a whim, it has to be, is it feasible, is it doable, is it effective use of our time, and somewhere in there is an answer that says yes or no. Sometimes you have to put things down even though you are desperate to get there because the time is not right or because it is too big a project or because there is something more important over in this direction, let us go there.

1.2.9 Senator P.F. Routier:

That came around quick; I was not expecting to ask any questions. The Deputy answered a question from Deputy Bryans earlier about the perceived conflict of interest that his wife may have had as a spokesperson for the teaching union. It did not really answer the question about being a spokesperson. Can you just confirm that his wife is no longer the spokesperson, because there is a difference between holding an office and being a spokesperson?

Deputy G.P. Southern:

I can confirm that my wife has given up the post of President of the J.T.A. N.U.T. and is no longer actively involved on the committee. She is a caseworker on individual grievance procedures, *et cetera*, and that is her only job within the N.U.T. at the moment, as a caseworker.

1.2.10 Deputy R.G. Le Hérisier:

There has been an emphasis quite rightly I think on the educational side of the panel's work, but I wonder if the candidate could tell us what he sees as he priorities in his view in the Home Affairs side?

Deputy G.P. Southern:

You make me make a blatant plug attempt to get the current Minister's vote here, but I heard yesterday that what happens if we have another round of savings and £75 million of savings or whatever, what happens to policing, for example, and he says £1 million cut, the Chief Officer said £1 million cut; that is 20 officers. We are 85 per cent costed, putting people, where people, 85 per cent of the expense is people, if we have another round of cuts then some jobs will go.

1.2.11 Deputy J.H. Young:

What does the candidate think can be done to improve the public engagement and accessibility of scrutiny reviews to members of the public generally?

Deputy G.P. Southern:

The answer is I do not know. We have been trying for the last 7 years to encourage active participation. I suppose the word has to go out that, if you communicate and ask a Scrutiny Panel to do something that sometimes that happens. That happened on the very last review that was done from Education and Home Affairs on cameras; that was an issue that was brought up by a member of the public and was responded to, I hope an effective and easily understood piece of work so that anybody can see that there has been a result and issues have been discussed and recommendations have been made. But as to how we do it in the either short or long term quite frankly I do not know how that engagement takes place.

[10:30]

1.2.12 The Connétable of St. John:

Given that, if elected Chairman, Customs and Immigration will be within your remit, would you be looking at the open door policy currently operated by immigration on people from the European Union and free movement into the Island?

Deputy G.P. Southern:

I think I would disappoint the Member for St. John that I do not see that as top of the list for this particular panel at this particular time. I suspect that while we would certainly seek clarification of the issues from the Minister, my immediate reaction is that is too big a topic to take on and that we would end up chasing our own tail on that. However that does not mean to say that we would not want to be informed on it and to work out exactly what the situation is to see if there were avenues that could be explored, but that one I would think, it immediately says to me that is outside of the realm; it goes to the Chief Minister, there would have to be a sub-panel formed if we wanted to look at the ramifications of that. It is too big a topic for what this particular panel could do.

1.2.13 Deputy R.G. Le Hérisier:

Given that the Deputy has made successive Ministers for Social Security in a way his nemesis, will he still have enough time, were he to be Chairman, to prepare the usual number of questions for the Minister for Social Security?

Deputy G.P. Southern:

The answer is yes. [Laughter]

1.2.14 Deputy M. Tadier:

Does the candidate believe that there is an ongoing need for review of secondary education, in particular the balance of fee-paying and non-fee-paying levels of subsidies and what should Scrutiny's role be in that?

Deputy G.P. Southern:

I think certainly looking long term that is an issue on the Island in that we have whatever number it is of people in fee-paying education. But that comes back to the question of standards. Now I believe personally, and without any Scrutiny hat on, that we should be ahead of the pack in terms of comparisons with U.K. authorities because we have a good base on which to build, so we should not be just keeping up with the U.K., we should be ahead of the U.K., if we are not then we have to examine the issues around why we are not, as we found in the recent survey of maths teaching that

the number of skilled specialist mathematicians and the absence of them in certain areas is one of the key issues. There are lots of issues that go into standards and the level of achievement, I think the issue has to be around the level of achievement, not around the structures that we have there, unless of course that becomes evident and we have to find the evidence that is getting in the way. If it were to be then obviously one has to go there.

1.2.15 Deputy G.C.L. Baudains:

I think it was on 3 occasions the previous candidate suggested that he wanted to make sure that during these reviews departments were adequately resourced. Does the present candidate believe that is an essential criteria of the review?

Deputy G.P. Southern:

Absolutely. When and where that comes up is not clear to me at this stage, nonetheless resources is an essential issue for all Scrutiny Panels.

The Deputy Bailiff:

Thank you, Deputy, your time is up and we will therefore invite the Connétable of St. Brelade to return to the Assembly. Thanks to the eagle eyes of Deputy Martin, I can apologise to Members and say that I made an error a moment ago in saying that this was to be a secret ballot. It was until the amendments to the Standing Orders in July last year, which had passed me by I am afraid, and therefore it is to be a recorded vote and therefore we will use the electronic system of voting. I was going to say, we are going to use the electronic system for voting; I will shortly ask the Greffier to open the voting and this is going to be a slight variation on the usual arrangements, you vote pour if you are for Deputy Southern and you vote “C” for the Connétable. We do not yet have the Connétable of St. Brelade back in the Assembly. Connétable, we are about to move to a vote on the election. I say again to Members, we are going to use the electronic system of voting, you vote “P” for Deputy Southern and you vote “C” for the Connétable. I will ask the Greffier to open the voting.

Deputy G.P. Southern 20		The Connétable of St. Brelade 26	ABSTAIN: 1
Senator A. Breckon		Senator P.F. Routier	Deputy of St. John
Senator S.C. Ferguson		Senator P.F.C. Ozouf	
Senator A.J.H. Maclean		Senator B.I. Le Marquand	
Senator F.du H. Le Gresley		Senator I.J. Gorst	
Connétable of St. Helier		Senator L.J. Farnham	
Connétable of St. Lawrence		Senator P.M. Bailhache	
Connétable of St. Martin		Connétable of Trinity	
Deputy R.C. Duhamel (S)		Connétable of St. Clement	
Deputy R.G. Le Hérisier (S)		Connétable of St. Peter	
Deputy J.A. Martin (H)		Connétable of St. Mary	
Deputy G.P. Southern (H)		Connétable of St. John	
Deputy of Grouville		Connétable of St. Ouen	
Deputy J.A.N. Le Fondré (L)		Connétable of St. Brelade	
Deputy M. Tadier (B)		Connétable of St. Saviour	
Deputy M.R. Higgins (H)		Connétable of Grouville	
Deputy J.M. Maçon (S)		Deputy of St. Ouen	
Deputy G.C.L. Baudains (C)		Deputy J.A. Hilton (H)	
Deputy J.H. Young (B)		Deputy of Trinity	
Deputy of St. Mary		Deputy S.S.P.A. Power (B)	
Deputy R.J. Rondel (H)		Deputy K.C. Lewis (S)	
		Deputy E.J. Noel (L)	
		Deputy T.A. Vallois (S)	

		Deputy A.K.F. Green (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		

The Deputy Bailiff:

So the Connétable of St. Brelade is appointed to the Education and Home Affairs Scrutiny Panel Chair. [Approbation] Connétable?

The Connétable of St. Brelade:

Can I just thank those who voted for me and assure those that did not vote for me that I will do the best job I can and also to confirm that I would again like to say that I would like to work closely with the current members of the panel if at all possible.

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

2. The Chief Minister - statement regarding the announcement by Lambeth Palace re interim episcopal oversight of the Channel Islands

The Deputy Bailiff:

Chief Minister, before we go on to the rest of the agenda, I understand there is a statement you wish to make; are you ready to make that now?

2.1 Senator I.J. Gorst (The Chief Minister):

Thank you, yes. The office of Chief Minister is responsible for constitutional matters within the Executive branch of Government. I am making this statement with regard to that responsibility. The church community in the Island will naturally have their own perspective on this matter. Members will have seen the announcement made yesterday by Lambeth Palace that the Bishop of Dover, the Right Reverend Trevor Willmott, is to assume interim episcopal oversight of the work of the Church of England in the Channel Islands on behalf of the Archbishop of Canterbury to whom the Bishop of Winchester has delegated the oversight of the Islands. This transfer of episcopal oversight on an interim basis, which has the full consent and support of the Bishop of Winchester, is a constructive solution to the present difficulties and is intended to assist the mission of the church to flourish in the Islands. Members may recall that the Bishop of Dover is a former Bishop of Basingstoke in the Dioceses of Winchester and is therefore familiar with the Islands. The Bishop also undertook a pastoral visit to Jersey and Guernsey in December last year accompanied by the Bishop of Lambeth when they had the opportunity to meet a range of people in the Islands. Our understanding is that the Archbishop expects that this interim arrangement should be in place shortly. While the complete arrangement is still being worked through, Diocesan officers will be considering the details during the coming weeks in order to ensure that the arrangements work effectively and to the satisfaction of the Archbishop, the Bishop of Winchester, the Bishop of Dover and the Deans. Lambeth Palace has also announced that the reports commissioned by the Bishop of Winchester and being conducted by Dame Heather Steel and Bishop John Gladwin will be completed in due course. We continue to anticipate the commitments made in the terms of reference of the Steel investigation will be honoured and that on receipt of the final report a copy will be supplied to the Bailiff, the Dean and the Ministry of Justice. Lastly, Lambeth Palace has announced that the Archbishop intends to appoint a commission to look at the relationship between the Islands, the Diocese of Winchester and the wider Church of England. There are complex constitutional and ecclesiastical matters that will need to be considered. It is

expected that a person of standing is likely to be appointed in due course to head the commission. Given the complex issues to be considered and the need to consult widely, this commission is likely to be a lengthy process if it is to arrive at recommendations that will provide a solid foundation for the future. I will seek to keep Members informed regarding constitutional matters as these evolve and we will provide whatever support we can to the Bishop of Dover in his new role.

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

I would like to thank the Chief Minister for his statement. Given the correspondence revealed last year from the Bishop of Winchester whereby he directed a Member of this Assembly to break Jersey law, does the Chief Minister agree that representations should be made to the Westminster body responsible for parliamentary standards to strongly complain about this matter? If not, why not, and will he undertake, as Chief Minister, to do so?

Senator I.J. Gorst:

I am not sure if that really is within my remit to carry out such a correspondence. As I said in the statement, the Bishops of Dover and Lambeth visited the Island at the end of last year and consulted widely with the church community and they are proposing the current change in episcopal oversight to hopefully mean that the Island's church communities can move forward on a positive footing.

2.1.2 Deputy R.G. Le Hérisier:

Given that the origins of what has now become a very sort of high-sounding constitutional affair lay in a safeguarding issue, could the Chief Minister outline whether the study he initiated, as indeed reported, and/or whether he has come to any conclusions as to the division in dealing with such issues, a division that seems to exist between the civil and the ecclesiastical authorities and how would he improve the situation?

Senator I.J. Gorst:

I of course answered questions with regard to the review that the independent Chairman of the Safeguarding Board has undertaken and that is not yet complete; it is right that that is completed and I have been given an assurance that will be put into the public domain when completed. I said right from the start it is important that the civil safeguarding procedures are appropriate and meet relevant standards and I know that, not only myself, but the Council of Ministers and relevant Ministers, are committed to ensuring that is the case. I also understand from my communication with the church that they are exactly of the same opinion and they are committed to ensuring that their safeguarding standards meet relevant accepted standards.

2.1.3 The Connétable of St. Lawrence:

In consideration of the extremely close links between the ancient Parish churches and the office of Connétable, does the Chief Minister know whether there will be any formal communication from the Bishop to the Connétables?

Senator I.J. Gorst:

I think that the formal communication to date has been with the Island heads and, as one would expect, with the Chief Minister as head of the Executive. I have no doubt whatsoever that the commission, which is to be put in place, will consult widely. In my conversations, as you would expect, they are focused upon Islanders, Island life, the structure of our community and the effect that the ongoing situation has had upon that Island life.

[10:45]

Therefore I have no doubt that certainly the Bishops of Dover and Lambeth and therefore the Archbishop of Canterbury are fully aware of the different nature of the relationship between the Parish church and our parochial municipal authorities on the Island compared with what they might be used to in the United Kingdom and they will consider that and I am sure that the commission will consider that and that will require them to liaise with Connétables in due course.

2.1.4 The Deputy of St. Martin:

Notwithstanding the ongoing commission's report and investigations, are there any constitutional matters that will be needed to be dealt with immediately and, if so, what are they?

Senator I.J. Gorst:

As I said in my statement, giving effect to the proposed arrangement, the details of that will be dealt with by diocesan staff obviously in liaison with the Dean over the course of the next couple of weeks to put the proposed change into place and I cannot say at this stage exactly what those details will contain, but it is important that they are addressed so that this arrangement can be put into place.

2.1.5 Deputy J.A.N. Le Fondré:

One comment, one question. In response to the Chief Minister's answer to my first question, the very first sentence of his statement says he is responsible for the constitutional matters, I would have thought the question I raised did impinge upon those very constitutional matters. The question I would ask, in his statement he uses that lovely worn phrase of "completed in due course". Do we have any indication of the timescale for the Dame Heather Steel review and if, for example, it has not been received by 15th February, being roughly the middle of February, will he endeavour to put further pressure on the relevant bodies to ensure that report is finally released?

Senator I.J. Gorst:

I did not quite see the Deputy's initial question in those terms. I think he seemed to be referring to the Bishop's seat in the House of Lords, but perhaps we could have a conversation offline to understand that more fully. I will continue to make, and I have made previously, clear my belief that report should be put into the public domain as the Korris report was, as the review by the independent safeguarding chairman will be in due course as well.

2.1.6 The Connétable of St. John:

Does the Chief Minister understand that the Church of England have representatives within each Parish within the administration, i.e. they sit on the Roads Committee, *et cetera*, and has all that really been taken into account with all the changes going on?

Senator I.J. Gorst:

Absolutely it has and that has been the main point of my conversation with all those, be they representatives of the Diocese of Winchester, the Bishops of Dover and Lambeth, the unique nature of the relationship between the Church of England in Jersey and the parochial municipal authorities, which I believe go in to making us the Island that we are and the strong community that we enjoy. So the Connétable is right to raise the issue but it is an issue that I raised very strongly with church authorities.

2.1.7 Deputy M.R. Higgins:

Following on from Deputy Le Fondré's question about pressing for the release of the Dame Heather Steel report, will the Chief Minister also press Dame Heather Steel to release the transcript that she promised former Deputy Bob Hill of their meeting, because otherwise it will call into

question any validity of her own report? She gave that undertaking; she has broken it, and it is germane to the whole question and I say the validity of her own report.

Senator I.J. Gorst:

They are details of what I am not aware and I do not think that Members would expect me to be. This is an independently commissioned report by the Bishop of Winchester and if undertakings had been given I would expect them to be stood by.

2.1.8 Deputy M. Tadier:

It is curious that, although we have a Dean who has a privileged seat in this Assembly, it falls to the Chief Minister to make statements on the Church of England. Maybe one day we can look forward to the Dean giving statements on the Strategic Plan instead of the Chief Minister. Does the Chief Minister agree that in the 21st century it is absolutely essential that we have a separation of church and state and will he make urgent arrangements for the disestablishment of the Church of England in Jersey so that these up-to-date arrangements can be put in place for a functioning modern democracy?

Senator I.J. Gorst:

This is not the first time the Deputy has asked me this question over recent months and therefore he will not be surprised to hear that my answer has not changed and I stand by my previous answer: no, I will not. I do not think that it is appropriate. I do not think it is within the remit of this Assembly anyway and I think that the points made by the Connétable of St. John and the Connétable of St. Lawrence I wholeheartedly endorse. That close relationship goes right to the very heart of our community.

2.1.9 Deputy M. Tadier:

Is the Chief Minister saying that it is not within the remit of the Assembly to achieve a separation of church and state and, if not, who has autonomy in this Island to be able to do such a thing?

Senator I.J. Gorst:

Certainly these are very complex constitutional matters and we would very quickly need to have legal advice independently issued but I think it is somewhat strange if the Deputy feels that we could disestablish Her Majesty from the Church of England. I stand by the comments I made earlier.

The Deputy Bailiff:

I think I can save you at that point, Chief Minister, your ten minutes is up for questions.

Deputy M. Tadier:

Sir, is it possible to ask the Attorney General that question; whether we have the power in the Assembly to do so?

The Deputy Bailiff:

No doubt on another occasion on notice that is the sort of question you might wish to ask the Attorney General, but not today.

PUBLIC BUSINESS – resumption

3. Ratification of the Convention on Mutual Administrative Assistance in Tax Matters (P.154/2014)

The Deputy Bailiff:

We now return to the agenda and the next item on the agenda is P.154/2013 -Ratification of the Convention on Mutual Administrative Assistance in Tax Matters - lodged by the Minister for External Affairs and I will ask the Deputy Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to agree that Jersey should join the Convention on Mutual Administrative Assistance in Tax Matters, as set out in the report of the Minister for External Relations dated 12th November 2013.

3.1 Senator P.M. Bailhache (The Minister for External Affairs):

At its summit in September 2013 in St. Petersburg, the G20 group of countries stated and I quote: “We expect all jurisdictions to join the Convention” which is the Convention on Mutual Administrative Assistance in Tax Matters: “without delay.” Earlier in 2013, in response to an approach from the United Kingdom Government, the Government of Jersey, in common with the other C.D.s (Crown Dependencies) and overseas territories, committed to join this Convention. Jersey is not able to sign the Convention in its own right because only sovereign states can become signatories. Jersey will join the Convention, subject to the decision of this Assembly, by virtue of an extension of the ratification of the United Kingdom. Joining the Convention is just one of a number of actions that Jersey has taken in support of current international tax initiatives to show that it is an international finance centre wholly committed to compliance with international standards and the international fight against tax evasion. The Convention obligations have 3 main elements: the first is exchange of tax information on request, mirroring the obligations in the tax information exchange agreements that this Assembly has ratified; secondly the automatic exchange of information, parties to the Convention will agree to exchange information bilaterally, they will be expected to do so using the new single standard, which is being developed by the O.E.C.D. (Organisation for Economic Co-operation and Development) at the request of the G20 countries, and it is expected that standard will be based on the U.S. (United States) F.A.T.C.A. (Foreign Account Tax Compliance Act) model and is due to come into effect in 2015; and thirdly the Convention will involve assistance in the recovery of tax claims, unlike the 2 previous obligations, this provision is open to reservation by jurisdictions. The United Kingdom will send letters to the Depository for the Convention; that is the Secretary General of the O.E.C.D. or the Secretary General of the Council of Europe, requesting the extension of the ratification and covering any declarations or reservations that we would wish to enter. The draft letters are attached to the report and proposition. The reservations parallel the reservations entered by Guernsey and the Isle of Man. The United Kingdom will only ratify the Convention on Jersey’s behalf when it is satisfied that the necessary legislation to give effect to the Convention has been put in place. This is the purpose behind the Regulations that the Assembly will be asked to adopt immediately after the ratification of this Convention. Regulations provide for the application to requests for information under the Convention, the same rules that presently apply to requests for information under T.I.E.A.s (Tax Information Exchange Agreements). Regulations will be required in due course to cover the automatic exchange of information but these need to await the finalisation of the new single standard that the O.E.C.D. is in the process of developing. So the Convention will come into effect in Jersey on the first day of the month following the expiration of 3 months after the date of receipt of the letters from the United Kingdom Government to the Depository. If the letters can be received before the end of January the Convention should come into effect on 1st May 2014. I move the proposition.

The Deputy Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak? Deputy Le Hérissier.

3.1.1 Deputy R.G. Le Hérissier:

Yes, just 2 points, I wonder if I could ask a question of the Minister, would he accept that essentially we had no choice in this matter and that, given what happened with the French blacklisting, it is absolutely imperative that we keep ahead of the game rather than, as it seems to have been policy, trail behind it in the hope that we could avoid excessive regulation. Secondly, would he acknowledge that this really means that in terms of business and so forth the business that comes here must, to all intents and purposes, be transparent business and that there can be no hiding place?

3.1.2 Senator S.C. Ferguson:

I just have a small question. In the preamble the script talks about tax avoidance as well as tax evasion and, as anybody who knows anything about tax knows, all the kerfuffle we have had recently about large corporations avoiding tax has arisen because of things like the E.U. (European Union) taxation rules. Exactly where is the position on tax avoidance under this agreement?

3.1.3 Deputy G.C.L. Baudains of St. Clement:

We all know how what started out as the E.E.C. (European Economic Community) morphed into the E.U. and many people are not comfortable with that. I wonder if the Minister could advise me, with this particular situation, is there any probability in the future of it morphing into other areas, which we may not be content with, and, should that happen, what remedies would we have?

3.1.4 Senator P.F.C. Ozouf:

To respond partly to Deputy Le Hérissier's point, it is important that the Island sent out the clear message that we are intolerant of use of the Island inappropriately for tax evasion.

[11:00]

Indeed, the work that has been going on in recent months setting up the Sound Business Practice Committee - the 3 members of that are from the Commission, Jersey Finance and our Director of Financial Services - is framing exactly guidance to financial services institutions here about what is acceptable and what is not acceptable in terms of business. Of course, these matters are matters for other jurisdictions to legislate, but indeed that definition of what is acceptable and what is not is now becoming clear. The Treasury themselves have put some colour in relation to what they regard as abusive tax. Clearly, as far as the legal position is concerned, avoidance is illegal and abusive structures where they may be against the will of Parliament could still be legal, but the change in the U.K. where they have put in place a general anti-avoidance law is also now assisting in that whole definition of what is effectively not only against the will of Parliament - a Parliament in relation to a Bill - but also schemes are now being ruled out. We want to send out the very clear message that arrangements such as the K2 arrangements, which were from this boutique group of individuals based in London, is not welcome. It was maybe legal, but it is not welcome. As far as the overall agenda and Jersey's position in this, we are indeed part of the global community that is putting the rules in place. Being Vice-Chairs on the Global Forum on Tax and now a new body that has been created that Jersey is part of means we are part of this dialogue. I can say, for my own work and the excellent communications that exist with Chief Ministers and External Relations in relation to tax matters, we are regarded, as Jersey, as an important player in that group of countries that are designing the rules and making them effective and that is a very different position from what we were previously. The Chief Minister's work at the G8 Summit in Downing Street has made a huge difference. The delisting of Jersey from the French blacklist and the way in which departments have worked together has been a game-changer in terms of the reputation. These things will always evolve. Rules will always evolve in countries and globalisation will mean that

there will be common views, but I think that Jersey is increasingly regarded with a very high reputation in terms of what we are doing, what we continue to do and what we will do in future.

3.1.5 Deputy T.A. Vallois of St. Saviour:

Can I just ask Senator Bailhache, under page 3.4 it talks about the letters attached as appendix 2 about the reservations and declarations that have been made, if he could just expand on the letter's, which is shown at page 23, very layman terms as to the reasoning behind those particular reservations, just to give me a better understanding, please.

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on Senator Bailhache to reply.

3.1.6 Senator P.M. Bailhache:

Deputy Le Hérissier asked whether we had no choice in the matter. Of course, it is true that Jersey is a small state and that when large countries determine the direction of international travel it is very difficult for small states to stand in the way. Jersey has made it clear for a very long time that its financial services business is not based upon tax evasion. It is not based upon artificial or aggressive tax avoidance, difficult as that may be to define. It is based upon recognition of international standards which apply to all civilised countries. The answer to Deputy Le Hérissier was, in part, given by Senator Ozouf during his intervention. Jersey is part of the global organisation that is putting in place the necessary rules for the orderly and proper conduct of financial services business. We have no interest, as I have said, in facilitating dubious activities by individuals or companies established in the Island or those who might wish to make use of the services offered by those in the Island. I think the answer to Deputy Le Hérissier is, yes, we obviously have to take account of the international direction of travel but, at the same time, we are perfectly entitled as a state to protect our own interests and to make sure that the rules that are set up by international organisations are rules that are applied across the board so that our competitors who are dealing in the same kind of business as we are do not operate under different rules, which are more advantageous to the rules that we have accepted in accepting international standards. Senator Ferguson drew attention to the phrase "tax avoidance" in the preamble to the convention and it is true that this phrase is used rather loosely and unhelpfully, I think, in a number of international agreements and by international organisations. The fact of the matter is that tax is legal imposition. If you break the rules and try to evade tax, you are committing a criminal offence. If you order your affairs transparently and openly in accordance with the rules that tax authorities have laid down, tax authorities may not like it but you are doing what you are entitled to do. I accept Senator Ferguson's point, but I am afraid I did not draft the multilateral convention. Deputy Baudains asked whether this might morph into other obligations. I think the answer to that is no. These obligations will be very closely defined when the standard has been set by the O.E.C.D. and I think we can remain comfortable with that. Deputy Vallois asked whether I could expand on the reservations which have been set out on page 23 of the appendix to the report. There has been a very significant movement over the last 50 years in terms of tax and the willingness of countries to help each other insofar as the recovery of tax was concerned. There were cases at the end of the 19th century and in the 20th century which made it very clear that tax was a national problem. If a taxpayer of country A put his money in country B and sought to avoid payment of tax in country A, that was country A's problem and not country B's problem. Things have changed markedly in the last 10 and 20 years, partly as a result of international conventions, partly as a result of decisions of the courts and partly as a result of statutes passed by different countries. It is an area where there is still considerable movement. The multilateral convention makes it clear that countries will have an obligation to provide tax information and to provide that automatically in due course and to help each other to collect tax. That does not necessarily mean to say that in Jersey we wish to spend

hundreds of thousands of pounds of our taxpayers' money helping France or the United Kingdom to track down a particular tax evader and get money back from him. There is a balance to be struck here and one of the reservations that is contained in paragraph (a) of the reservations on page 23 is a reservation saying that we will not provide any assistance in relation to the taxes of other parties in any of the categories listed in paragraph 1(b) of Article 2. Those taxes are taxes on land and the view was taken that if rates, for example, or other land taxes are levied in another country then, to be frank, it is a matter for that country to collect that kind of tax. Although Jersey will obviously wish to follow international standards in this matter, it is not something where I think we want to leap to be at the front of the pack. We will want to see how far other countries go in developing the rules for giving mutual assistance to each other in the recovery of tax and it will be a slow process. That is why the reservations are there; so that we are not obliged right at the start to, for example, collect a tax for Outer Mongolia. I hope that answers the questions of Members and I maintain the proposition.

The Deputy Bailiff:

All Members in favour of adopting the proposition kindly show. Those against. The proposition is adopted.

4. Draft Taxation (Implementation) (Convention on Mutual Administrative Assistance in Tax Matters) (Jersey) Regulations 201- (P.155/2013)

The Deputy Bailiff:

We now come to P.155 - Draft Taxation (Implementation) (Convention on Mutual Administrative Assistance in Tax Matters) (Jersey) Regulations - lodged by the Minister for External Relations and I ask the Greffier to read the citation.

The Assistant Greffier of the States:

Draft Taxation (Implementation) (Convention on Mutual Administrative Assistance in Tax Matters) (Jersey) Regulations 201-. The States, in pursuance of Article 23(5) of the Public Finances (Jersey) Law 2004 and, following the decision of the States taken on the day these regulations are made to adopt P.154/2013, have made the following Regulations.

4.1 Senator P.M. Bailhache (The Minister for External Relations):

These are the Regulations to give effect to the ratification of the multilateral convention which the Assembly has just agreed to do and I move the principles of the Regulations and am happy to answer any questions.

The Deputy Bailiff:

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

4.1.1 Deputy G.C.L. Baudains:

In the previous proposition it said that Jersey will be accepting automatic and spontaneous exchange of information. Under these Regulations I do have a concern should a request for information be politically motivated or mischievous. I notice on page 9 there are a number of countries that I would be concerned about. In fact, there are one or 2 that have some major internal corruption issues. What ability do we have to object to another country's request or even their refusal to co-operate with us openly and honestly? Is there an appeal system of any sort or are we obliged to co-operate no matter what?

4.1.2 Deputy M. Tadier:

Back in 2011 during question time Senator Ozouf, as Minister for Treasury and Resources, said: “The Island has committed to automatic exchange of information on the trigger of all of the nation states within the E.U. having complied with the Directive in terms of automatic exchange as opposed to withholding.” Then he just goes on to confirm that he is not the Minister for Finance of countries such as Luxembourg but, yes, the trigger will be when all the other countries have complied in the E.U. Will the rapporteur or indeed the Minister himself, given that he can speak, confirm whether or not all of the countries within the E.U. have already signed up to this and Jersey is doing so on a level playing field with those other countries?

[11:15]

It seems to me, looking at the list, that there are significant gaps of E.U. countries, particularly some who the industry might consider competitors such as Belgium, for one. Switzerland is obviously not part of the E.U. but is part of the area, but these are nonetheless considerations. Will the Minister say whether or not we have done a U-turn on that particular statement and we are no longer waiting for all the other countries in the E.U. to sign up and that statement was proved to be incorrect?

4.1.3 Senator P.F.C. Ozouf:

I was not able to call up the Hansard that the Deputy was referring to, but I think that he probably is referring to matters concerning the E.U. Savings Directive and the arrangements within Europe. As I am sure the Minister for External Affairs will explain, this is an international convention which is not simply European centric. Indeed, since I will have made those comments in the Assembly the world has moved on very significantly. The G8 and the G10 has moved this agenda on. The U.K.’s presidency last year put this at the heart of the international community’s agenda and it is going to be for the G20 to run on this initiative. The presidency is currently Russia. That has, in fact, been effectively handed over to Australia. We had the Turkish ambassador here this week. Turkey is the country that follows and this is the convention which follows the international agenda, not the European one. I will obviously check Hansard to see what I was referring to there, but, in relation to the European agenda, that has changed similarly and Jersey has given a commitment in relation to automatic exchange of information, which is different from the position that was 2 years ago.

The Deputy Bailiff:

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

4.1.4 Senator P.M. Bailhache:

Deputy Tadier asked whether all the countries of the European Union had signed up to automatic exchange of information. I think that was the question. The answer to that is that all countries except Austria and Luxembourg have signed up to automatic exchange of information. Luxembourg has announced that it will embrace automatic exchange of information on 1st January 2015 and Austria, it is thought, will make a similar announcement. The new Government of Austria only came into office during the autumn of last year and it perhaps is a little early for formal announcements to have been made, but it is understood that Austria is moving in the same direction. This convention, of course, is not promoted by the European Union. It is promoted by the O.E.C.D. and by the Council of Europe, which is a much larger group of nations. The issues of transparency have also been taken forward by another group called the Global Forum on Transparency and Exchange of Information for Tax Purposes, which is a body composed of 121 jurisdictions, of which Jersey is one. That Global Forum has a peer review group of 30 members, the task of which is to assess how different jurisdictions are performing in terms of exchange of information, and Jersey is a member of that group. As Senator said in relation to the previous debate, Jersey is at the heart of setting the rules for exchange of information between nations. We

have not done a U-turn in terms of our policy. We have simply followed the direction of travel of the international community. We held back from embracing automatic exchange of information because it was in our commercial interests not to do that until all members of the European Union had committed to automatic exchange, but now, with the U.S. F.A.T.C.A. and other instruments that have been agreed, it is time to join the other nations which have committed to automatic exchange. Deputy Baudains asked, quite rightly, whether there was any risk to Jersey by reason of corrupt jurisdictions or jurisdictions which did not adhere to the rule of law becoming involved in conventions of this kind. What the Assembly is being asked to do this morning is to put in place the framework which will enable the United Kingdom to ratify the convention on our behalf. Once that has been done, there is a great deal of practical work which follows because, before automatic exchange will take place with any country, there is a need for a bilateral agreement between the countries to settle the terms upon which the convention will be implemented. That will be a matter to be considered on a case-by-case basis at the time when those detailed discussions take place on bilateral agreements. I maintain the principles of the Regulations.

The Deputy Bailiff:

All Members in favour of adopting the proposition kindly show. Those against. The principles are adopted. Do you move the Regulations *en bloc*, Minister?

Senator P.M. Bailhache:

With your leave, Sir, I will move the Regulations *en bloc*.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the detail of the Regulations? All Members in favour of adopting the Regulations kindly show. The appel is called for. I invite Members to return to their seats and the vote is on whether to adopt the Regulations in Second Reading. I ask the Greffier to open the vote.

POUR: 35		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator P.M. Bailhache				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisser (S)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				

Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Deputy Bailiff:

Do you move the Regulations in Third Reading?

Senator P.M. Bailhache:

I move the Regulations in Third Reading.

The Deputy Bailiff:

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

5. Housing Shadow Board: Terms of Reference and appointment of Directors (P.156/2013)

The Deputy Bailiff:

We now come to the Housing Shadow Board: Terms of Reference and appointment of Directors - P.156 - lodged by the Minister for Housing, and I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion - (a) to approve the Terms of Reference of the Housing Shadow Board as outlined in the attached report of the Minister for Housing dated 2nd December 2013; (b) to appoint the following as directors of the Housing Shadow Board for the period to the incorporation of States-owned housing as a Company Limited by Guarantee wholly owned by the States of Jersey as approved by the States on 16th May 2013 - Mr. Michael Jones (Non-Executive Chairman), Mrs. Heather Bestwick (Non-Executive Director), Advocate Jane Martin (Non-Executive Director), Mr. Colin Russell (Tenant Representative Director), Mr. Frank Walker O.B.E. (Order of the British Empire) (Non-Executive Director), Mr. Ian Gallichan (Chief Executive Officer).

Deputy J.A.N. Le Fondré:

Can I just state, as an honorary secretary of another housing provider, I am not entirely comfortable taking part in this debate and I will withdraw, with no disrespect to you, Sir.

The Deputy Bailiff:

Thank you, Deputy Le Fondré. That is noted.

5.1 Deputy A.K.F. Green of St. Helier (The Minister for Housing):

I am pleased to bring this proposition to the Assembly today, yet another piece in the jigsaw of the Housing Transformation Programme. Members will recall that on 16th May last year we discussed extensively P.33 and it was approved, as amended, by 32 votes to 8. In P.33 we outlined why we needed to change and why we had to come up with various different structures to deliver that change. In my view, and I hope Members accept this as well, P.33 was supported by an excellent, comprehensive business case, R.15. The report attached to P.33/2013 set out in sections 3.4 to 3.47 the proposed composition of the company's new board and proposed that the board would initially be appointed as a shadow board. They would develop a constitution, memorandum and articles of association and, in addition, the shadow board would define and develop the appropriate governance arrangements for the new company in accordance with best practice. Given the challenging timetable that we set in P.33 for the incorporation of the Housing Department, which will be on 1st July this year, it is necessary for the new company's board to be fully conversant with the operation and challenges that face the company and to ensure that there is continuity throughout the period of this transformation. The board members have been appointed initially, as I said before, as a shadow board, with the full intention that they will eventually become the first board of directors of the new housing company when it is formed. Now, terms of reference. The proposed terms of reference for the shadow housing board are to develop a constitution, memorandum and articles of association for the new housing company; to define and develop appropriate governance arrangements for the new housing company in accordance with best practice; to agree, on behalf of the new housing company, a sustainable transfer agreement with the Minister for Treasury and Resources; to oversee the preparation for the incorporation of the new housing company; to develop a 5-year business plan for the new company. I have detailed in the report the appointment process, which was overseen by the Appointments Commission and I do not intend, unless Members have questions on it, to repeat it. It is all there and it can be seen. I have to say, though, that I was delighted with the response that we received to the advertisement and the calibre of the candidates. A few new faces have emerged and I am grateful to them for putting themselves forward for this new, vital role and I know that they will do an excellent job for us. I therefore would like to ask the Assembly to (a) approve the terms and conditions of the housing shadow board, as I have already detailed, and (b) to appoint the following directors to the housing shadow board: Michael Jones (Non-Executive Chairman), Heather Bestwick (Non-Executive Director), Jane Martin (Non-Executive Director), Colin Russell (Tenant Representative Director), Frank Walker O.B.E. (Non-Executive Director), and Ian Gallichan (Chief Executive of Housing).

The Deputy Bailiff:

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

5.1.1 Deputy J.H. Young:

The principle of staffing the board or appointing the quality people to the board is absolutely right and this is an important role, but I really have to rise to flag-up concern over the remuneration rates proposed to be paid. What we are here proposing is that we will pay a daily rate of £1,333 for the chairman for 30 days and a daily rate of £750 to the non-executives for 20 days with an additional daily rate being payable if additional requirement is made. Now, I know the report says the remuneration is broadly in line with other comparable organisations. That may be so. For example, I have spoken in the Assembly before of my concern, when we were talking about planning appeals, about the high costs of paying judicial rates to sit on boards and so on. I think if this is a principle, the more and more we start to escalate these very well-remunerated positions, I really think that it is time to have a review of this because people that come forward, they are absolutely sincere people but I think my expectation would be, maybe I am too altruistic, is that people would not necessarily look for economic rates to be paid in order to fulfil a social responsibility. Somewhere between what is a full commercial price and free is where I would like

it to be. So if this were a full time board I think the cost for this will be getting up to close on £1 million a year. Obviously I am very pleased it is not a full-time board but I just make the principle; I am standing up to make that principle. I am really unhappy with this remuneration rate, I want to see it reviewed and if this is the way we go for all these other boards that we set up, I am going to be saying the same thing every time. Thank you.

[11:30]

5.1.2 Deputy R.G. Le Hérisier:

As the Minister said, he was implying basically: “I have said enough about this” and I can well see why because he rightly has got a reputation as an action man. But the point remains, those 2 paragraphs at the foot of page 3. I wonder, we all know in British Government there has been this remarkable expansion of the quango sector and there has been this remarkable contraction because it was done for the finest of reasons to bring business expertise into government. But what it was never done for was to create a vacuum, a political vacuum, and where it has created that, and we have seen it, I think, with the police commissioners, they are not quite a quango but that has been a bit of a disaster, and so forth. I would like the Minister to once more try and give us comfort that he will truly be pulling the levers of Executive and political authority. He says this board has none but when you look at this board, you look at the calibre of people, you look at the previous roles of people. The notion that they are all going to sit there and decide on the colour scheme for the new estate or the new expansion of the estate at Le Squez is obviously risible. These are people who are going to play a massive driving role, rightly, but that means the Minister’s role in this situation has to be very clear and it has to be the most powerful, so to speak, with the checks and balances of the Council of Ministers. I do not wish, as I may be sounding, to reopen the debate, but it is very important that the Minister makes it clear that he, his successor, or the successor in this role, is in charge and he explains to us how he or she is in charge because we do not want to create another quango in a vacuum which rides away deciding everything from micro-management issues to strategic issues. Thank you.

5.1.3 Senator P.F.C. Ozouf:

I was delighted yesterday that the States approved the final stage of the Minister for Housing and my proposal for the bond issue; £250 million will be now, and I will be setting out the timetable with the Minister, the timetable where we will be going to the bond market to secure long-term, I hope, 30-year money at historic interest rates, certainly before they rise as they are expected to do. So the vast majority of these funds will be probably drawn down by the future Andium Homes, which is the innovative and, I think, very good name that the shadow board has come up with for this organisation. Some probably north of £200 million capital will be in addition to the likely value of the transfer of properties which is probably going to mean that this entity is probably one of the most valuable incorporated entities in Jersey. It will certainly be the most valuable of any of the incorporated bodies that we will be responsible for, with net assets probably north of £1.5 billion. Deputy Le Hérisier spoke about will the Minister be in charge. The States has agreed for a proper segregation of duties between policy, strategy and implementation, and I will be working with the Minister for Housing on the implementation and the delivery. This entity will be responsible for delivery. The shareholder will be, it will be envisaged, as I imagine that the regulations which have yet to be approved by the Assembly will be, as other incorporated entities. The shareholder function will be for the Treasury. But the accountability for policy and strategy will be within the Minister. Now why does this matter for me to explain this in these terms? Let us look at the track record of the way that we have run social housing in the past. Is it a track record which we can say has worked? Well, certainly we have 4,400 units of social rented accommodation, but we allow the situation as a result of the governance, of the financial arrangements at the top, for effectively there to be chronic under-investment in relation to the social

housing stock. The annual budgeting process which we have forced the housing entity to have, meant that the housing entity had to compete against capital for other hospital or education requirements, and effectively the housing entity, the Housing Department, was starved of the resources that it needed in order to invest in its own stock. The Minister for Housing and I are going to be absolutely as tough as old boots with relation to delivery for this entity. These non-executives which we are appointing are going to have their work cut out to ensure that the sites, that the homes, that the hundreds of social rented homes, that they are going to be charged with managing, ensuring that they are run properly, are delivering the best possible standard of accommodation for the tenants that they are looking after. Tenants will have better certainty in relation to their arrangements in terms of tenancy agreements, *et cetera*. There will be a huge improvement in relation to the delivery, and there also, I think, will be no longer perhaps the stigma of social housing in relation to this, and that is where I think the useful separation, and I think that is where the name of this entity is going to be important. Subsidy for housing is going to be provided continually by Social Security, but delivery, day-in, day-out, an improvement of social housing and more of it is going to be delivered by this board. I want value for money and I too, like no doubt the Minister, want to ensure that this entity worth hundreds of millions of pounds, which will be responsible for drawing down certainly £200 million of the bond issue that we are going to make, is going to be used properly. We want accountability. We want to ensure that the excellent staff within the Housing Department are held accountable for that delivery, and that is what these non-executives are going to do, and that is all part of ensuring that there is accountability, value for money, best value for taxpayers' money, and the best possible services for tenants. So this is what this is all about. This is about putting a governance structure in that will work. I am looking forward to putting in place these improvements with the Minister for Housing. I will be supporting this proposition and I support also the ongoing reasonable but important remuneration that is required for these people to carry out their duties. Going forward, remuneration will be the subject of, I have no doubt, the existing arrangements for other entities. Remuneration will be agreed in future at the annual board meeting. We will consult with the Minister for Housing for all of these issues in the performance of our duties, and I would say that for the other entities that I certainly am aware of that we are incorporating in the States, in reality these individuals do far more than the dates ... the simple days that they are doing. The reading, the involvement in the organisation means that I would expect them to be doing more than simply the days that are set out in this proposition.

Deputy R.G. Le Hérissier:

I wonder if I can make a point of clarification. Constantly when the Minister has been asked as sole ... how does he reconcile what he tells us as sole shareholder of J.T. (Jersey Telecom) that we are not allowed to interfere in strategic issues like fibre optic and indeed I was roundly chastised for interfering in the queuing system up the road. How does he reconcile that?

The Deputy Bailiff:

It is a proper point of clarification but it was just about to become a speech. Minister.

Senator P.F.C. Ozouf:

Here, we have got a very clear difference. Policy is a matter for the Minister for Housing. That is who is going to be answering all of the questions in relation to policy and strategy. This board and the Treasury's responsibilities are going to be for implementation. So it is very clear, if the policy of the Minister who is going to set out tough targets, there is also going to be a regulator in relation to this entity which the Minister no doubt will perform. This is different. We are depoliticising the implementation and focusing on what ... and Deputy Le Hérissier talks a lot about this in the last 15 years. We should not be in the weeds, we should not be worrying about how the grass is cut, we

should be dealing with the high level issues and asking others and charging others to implement the policies that we should be spending time on that we have not done in the past.

5.1.4 Deputy J.G. Reed of St. Ouen:

The Minister for Treasury and Resources has quite rightly said that he expects the Minister to set tough targets. I have one simple question. Could the Minister, in his summing-up, explain when he expects this shadow board, should I say, to complete the terms of reference that we are approving today?

5.1.5 Deputy M.R. Higgins:

First of all, I would like to echo Deputy Young's comments. I happen to think that the salaries that we are starting to pay these bodies are excessive and I would like the Minister to justify the salaries that are being paid for such little time. That is the first point. The second point is, again, with one of the Members at least, former Senator Walker who already sits on the Ports of Jersey, Digital Jersey and others, are there no other people of quality out there or are we just going for the same elite who are coming and sitting on all these boards? My third point is, and I am afraid it does relate to former Senator Walker, but it also should relate to the others. What due diligence has been done on these individuals? Senator Walker, for example, there have been allegations for many years, which have been discounted, that he has a very close relationship with Dandara and other property companies, what due diligence is being done to ensure that those allegations are false and that there are no links that they are not aware of? What checks have been done?

The Deputy Bailiff:

Deputy, can I be absolutely plain, you are not making any allegations.

Deputy M.R. Higgins:

I am not making an allegation. I am saying that others have made the allegations, rumours have circulated around the Island for some time. I am just asking what due diligence has been done and if it has been done and could scotch those allegations, so much for the better.

5.1.6 Deputy G.P. Southern:

I too share some of the qualms of Deputy Le Hérissier and also those of the Deputy of St. Brelade in that if we are paying these sorts of sums to run an authority in which the tenants will be faced by rent rises year on year over the near future up to 90 per cent of private sector rents, it is hardly worth having a social housing policy at all, and the fact that those rents are going up and the only way the books can be balanced was that 90 per cent rate, is because yet again, still, we are maintaining the process that has happened before which caused all the failings in the previous regime of social housing whereby of the £1 billion in rents projected over the next 30 years, half of that sum, half a billion pounds will be going back to Treasury. That is exactly the same policy as we have had. That is why rents have to go up. Now, at the moment, they only go up when you move home or are moved, but increasingly people will start to feel that pinch over the coming years as they do move and we will experience a backlash over that, I think. In particular, I am worried in the delivery of this system if we see such activities like tenants being charged for refurbishment costs way beyond their means to pay, thousands of pounds when they move homes, by particular landlords. My issue is that paying these rates when we are charging the tenants themselves to afford these rates is a mistake. I will be voting against this.

[11:45]

5.1.7 Senator S.C. Ferguson:

Carrying on from the 90 per cent of market rental, I rather suspect that with 4,000 homes in the rental area, the social rented area, the States probably sets the market. But the Deputy of St. Ouen and I brought the discussion on maintenance in the public sector to the attention of the Assembly, I think, back in 2008. Way back when, and I think it was just before that that the Minister for Treasury and Resource was, I think ... it was just before I joined the States, was on the Housing Committee at that time. So he must know something about the maintenance plan. I look at the board and I do have concerns because given the calibre of the board and their sort of go-go mentality and basis, and when I consider the amount of cash which is going to be available it is absolutely essential that the checks and balances must be in place before anything starts. Any lending must be an agenda item and fully discussed by the Council of Ministers before any lending is undertaken. It would be nice to have somebody give me that assurance because it must not just be a round-robin email saying: "This is what we are going to do" and dictating a decision. I do share the other concerns about this. I share the concerns about the fact that, yes, it is one thing to outsource but is there really a cost benefit putting these things out to quangos? I think it is something that I hope will add to the Corporate Services Scrutiny Panel's work programme somewhere. It may be done this session or next session, but I think it is something that needs looking at - perhaps I can push it over to Public Accounts. Thank you.

5.1.8 The Connétable of St. John:

I am just looking at the non-executive directors. I see there is one who is a former architect which is fine, we are going to be building a number of homes, *et cetera*. We have got 2 in the legal business; I wonder why we need 2. One, the tenant representative, well, he is a hands-on person being a plumber and heating engineer, and then you have got another one who is a media person or former media person. I just wonder what all these people are going to be bringing to the table. Maybe the Minister, when he replies, will give us chapter and verse. As I say, I can see one of the legal people with a background as landlord to tenant relationship first hand bringing that to the table, but one or 2 of the others there, will he please go in detail on where they fit into the picture, please, because I do not see why a media person is required and/or a second lawyer. Thank you.

5.1.9 Deputy M. Tadier:

Yesterday we heard many words spoken on the principle of democracy. I think we all agree that to a greater or lesser extent any parliament should really represent the society in which that parliament finds itself, both in terms of representing and taking up causes for the constituents but also by and large the same cross-section of society should be present in any Assembly. But let us ask ourselves, let us have a reality check here because we can tend to get too inward looking. What percentage of this Assembly lives in States housing or even trust housing? I suspect that there is only one out of 51 in this Assembly, so less than 2 per cent of this Assembly has real experience of States housing. It is not to say they would not have had in the past. What percentage of the Assembly even rents their own home? It is probably higher than that but I would suggest that most Members of this Assembly are home owners, many in fact are probably *rentiers* as well, they own more than one home and they get some kind of income from the rental of land or property. Therein really lies the rub, certainly in terms of public perception, but also, I suggest, in reality because when it comes to the general population, thousands do depend on our social housing network, also on the trust network, and many more depend, who do not even qualify for housing, depend on some kind of subsidy being given by the taxpayer to be able to afford their homes in Jersey. Now, these are the real underlying issues which have not been addressed and which will still be problematic to be addressed even under the new housing scheme. The real issue here is that on some occasions I have spoken to people at Social Security who work there and when I have said, you know: "Some people ... it is really landlords who benefit from the rent rebate scheme." Let us call it the rent rebate scheme, it might go under a different name, and I said: "There are people out there who own

5 or 6 properties, there is no obligation at all to make sure those properties are fit for purpose and they are charging above market rates because it is subsidised by the taxpayer. Taxpayers who possibly do not own any property at all are having to pay money straight into the back pocket of landlords who might own 5 or 6 properties” so I said to the person at Social Security. He said: “Monty, that is the tip of the iceberg. I see landlords who own hundreds of properties and they rely on the taxpayer through the rebate system essentially to pay their mortgages and they work that into their business model.” So talk about the free market economy. What have any of us in the Assembly done to address that issue? Now, it could be said that this housing scheme will somehow ameliorate that situation. I do not see it happening, it is something I spoke about in 2011 here when I was asking for the job of Minister for Housing. The reason I raise this is because yesterday, as I said, we spoke a lot about democracy, about democratic accountability, and now we are appointing essentially technocrats - hopefully technocrats - we are saying that they are experts. It is not about the individuals on this *per se* because no doubt they all have something to bring to the table and there is no point in going through each of those names now. But we are giving over democratic oversight to a large extent to technocrats. What did somebody say? These are not my words but I think it is important to listen to what might be typical comments from the public: “Do ex-civil servants, ex-politicians or ex-business associates of the States end up on these private all-powerful quangos? If so, are they not completely and utterly conflicted?” That is one point of view. They may not be completely and utterly conflicted but certainly questions have to be asked about why we are appointing them and giving up democratic oversight. I just also ask, are people better off now that Jersey Telecom has been incorporated? Is the level of confidence in Jersey Telecom better or worse? Have people’s bills gone up or down as a result? Do complaints about broadband, about being charged for downloads in the day time, are those complaints going up or down? Are people switching from Jersey Telecom to other providers because they are much cheaper and can undercut, and are people saying, I believe quite correctly, that Jersey Telecom’s revenue which goes to the Treasury is essentially a stealth tax? Those who choose to get their phones via Jersey Telecom are paying a stealth tax that goes to the Treasury, and I certainly was very keen to always stay with Jersey Telecom because I knew essentially it was States-owned. Now I believe we are not getting a good deal and people vote with their feet and it is exactly the same that is happening in the Housing Department. We have already been told that rents will go up because of this new housing model. We have given over direct responsibility to a quango, to technocrats, and as a result the system ... the user, who is not represented in this Assembly, she is not in here at the moment. We talk about having one representative of the housing users on the board, we do not even have one in the Assembly at the moment making these decisions about people’s lives. Rents will go up, that is because we have not addressed the underlying issue to do with rents; why are they so expensive? Why is the supply not guaranteed of a certain standard? Yet we marry that figure at 90 per cent to the private sector over which we have no control, and in fact over which we are fuelling the rents through our rebate system as I have said. We have got to address these issues. You do not need *per se* a housing unit to do that. I know that is probably slightly ... these arguments have been made before, but I am certainly not supporting this because we are going in the wrong direction. We need to seriously have a review about whether this is the right way to be doing things, and until we can address those underlying issues we are simply, as was said yesterday, fiddling at the edges, or to use another cliché, using a sticking plaster for what is essentially a compound fracture.

5.1.10 Deputy G.C.L. Baudains:

Unlike some other Members I am not overly concerned by part (b) with the suggested candidates but I do have, possibly following on from the last speaker, some concerns with part (a). As Members will know, I am concerned generally about creating boards because they tend to cost money, whereas before when they were run by groups of politicians or committees that was not the case. I also have concerns about accountability and access. The previous speaker was talking

about Jersey Telecom as an example. As we have seen, it becomes more difficult for members of the public to get satisfaction or indeed it also affects our ability to intervene, and I fully understand the Minister for Housing will remain but my concern is that there will be overlap and as a result tenants will adversely be affected. I will not go into the issues of rent rebate and other issues but ... and as Senator Ferguson said, the fact that 90 per cent will cause a race between private landlords and public sector, which is spiralling upwards all the time, is unhelpful. There are a load of issues around this. My main concern is that we are the landlord of last resort and we should be mindful of that, it is almost a special circumstance which concerns me. So for that reason this proposition concerns me and at the present time I do not think I will be supporting it.

The Deputy Bailiff:

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

5.1.11 Deputy A.K.F. Green:

I would like to start by saying if you always do what you have always done, you will always get what you have always got. In other words, if we carry on doing things the same way we will end up with the same problems, and this is what this housing transformation is about to change. Now, I will try and pick up on some of the points, but I think I would like to start first of all with Deputy Higgins because it is strange, is it not, how myths become fact in this Island. Mr. Walker is a non-executive director of the Ports of Jersey, he is also an unpaid voluntary Chairman of Digital Jersey, and to that extent that is as far as his current public commitments go. I think it is wrong... I think we are really lucky that we get people of Mr. Walker and the others' calibre coming forward, knowing full well that comments are going to be made about them and they will have no opportunity to respond. I find that quite appalling. But I will also answer the question from Deputy Higgins about what due diligence we did. We carried out checks; disclosure checks, police checks, credit checks, sanctions checks, I.D. (identification) checks, references, qualification verification, and we have received all those back positively. So, this was not undertaken lightly and if you read my report you will see the process that we undertook in terms of the selection. I was delighted with the number of applicants we had: 38 from memory. Some of those were also good people but would have been conflicted had we appointed them. For example, some of them were directors of construction companies. Now I will pick up on the Constable of St. John's points. I am doing them in the order that they come to mind rather than the order that they were asked. I think it is a little bit disingenuous to suggest that one of them was a media man. One of them is a very successful businessman. The Chairman is an architect but that was not the strength that attracted us to him. The Chairman works partly for Cambridge University as one of the U.K.'s, if not one of the world's, experts in social housing and has chaired a large housing association himself. So he brings a whole raft of skills. Back to the 2 lawyers: one of the lawyers in particular - and I am not going to start picking out names - has work in London or has worked in London with, it was not quite social housing but housing for people that were homeless and she has done work in that area. I was keen to have a business-minded board and I will come back to Senator Ferguson on the way that we will tackle this.

[12:00]

I was keen to have a business minded board with a social conscience. Members have picked up rightly that there is only ... I think it was Deputy Tadier - and I will come back to his other points afterwards - mentioned that there is only one tenant representative. It is intended to have 2, but in the process unfortunately we only found one that was up to scratch, if you like, that met our criteria, and we intend to carry out another recruitment exercise to find 2. I think that is quite important. There is no suggestion that the current tenant representative could not hold his own, but I think it is quite important that he is not a lone voice. I found the comment from - and I do not think it was

meant the way it was said - Deputy Le Hérisier that they are going to determine the colour of the paint really quite ridiculous because they are going to set the working programme for this housing company. We have at the moment about 4,500 units, we have 20 per cent of those that do not meet current standards, and we do not have enough homes, and that is ... we have a waiting list of 780 people trying to get on to those homes and that is on a very tight criteria. A very tight criteria that houses nobody under 25 and no couples without children under 50 unless they have got problems. I want to change that, but it would be dishonest to change it at the present time because they would never get to the top of the list. So there is a lot of work to be done there. Picking up on Senator Ferguson's, I think, 2 comments I picked up there. First of all, 90 per cent rents. The reason we set the rents at 90 per cent is so that we follow the market and not lead the market, and I have taken expert economic advice on that. That is why we set below the market rate. I say to the Senator also that if my building programme gets delivered and I will do everything I can to make sure that it does, and that the other housing trusts deliver their work and that we get the other affordable homes for people to buy through the rezoning of some land, hopefully, in the near future, increasing supply will, if not lower, certainly stabilise rents. It is the lack of supply that has pushed rents up in the private sector. I also will pick up on rent in the private sector with Deputy Tadier because he was suggesting, I think quite rightly, that there are some difficulties in the private sector, and I do not dispute that. But that is part of the transformation programme, but it is not this part. The part of the Strategic Housing Unit which will be looking at housing across all tenures, and including, I hope, eventually, although the standards set in the private sector at the moment come under health, including, I hope, eventually, the unqualified sector. I am keen that everybody in Jersey whether they are qualified or unqualified has a good standard of housing and that is a role for the Strategic Housing Unit. I think it was Deputy Baudains and others queried whether they would have access and started to liken us to other quangos. This is different, you have kept a Minister for Housing and I am working on the way that the regulator will be employed, and at the moment, and I have to say it is not finalised, but at the moment I suspect that the regulator will be accountable to the Minister for Housing. That is something I am looking at, and that way I can ensure that the wishes of the Assembly in terms of the strategic direction of housing for the Island are carried out. Deputy Young made comment, and others, about the remuneration. Well, I have checked the remuneration for the other boards and we are at the low end. We are at the low end, and I have to stress that this is for working days in the office and those that are honest will know that as the Minister for Treasury and Resource said, that many of these people will be working many hours in excess of that. So this is at the low end, and there is a saying - and I like slipping these in: "If you throw peanuts you get monkeys." Well, we have got some very good people because we are paying well below the market rate but we are recognising that people have skills that we want them to bring. I am just trying to look ... the Deputy of St. Ouen asked me when the terms of reference will be complete ...

The Deputy Bailiff:

Forgive me, Minister, one moment, please. I wonder if Members might keep the buzz down and give the Minister the courtesy of listening to what he has got to say. **[Approbation]**

Deputy A.K.F. Green:

The Deputy of St. Ouen asked me when the terms of reference will be completed. I have yet to discuss that - if we appoint the board today - with the Chairman, but it clearly has to be done before incorporation. Incorporation cannot happen in July unless this is done; so it will be soon, is what I am saying. I think I have covered most of the points. I apologise if I have missed anything because there was quite a lot that was said but quite a lot that was repeated. But this is an opportunity ... I can see that the Constable of St. John has got a question.

The Deputy Bailiff:

Minister, could you finish your summing up and then if there are any points of clarification you can deal with them.

Deputy A.K.F. Green:

This is, as I said, the next bit in the jigsaw of an exciting programme to house our community properly. I pick up on one point that I had forgotten about that was raised by Members, suggesting that we should lower the rent or that the housing company should have lower rents. As I said, if we always do what we have always done we will have the same outcome. We can no longer continue to subsidise housing by failing to maintain it, by failing to put windows in when they need replacing, by failing to firmly make efficient the buildings. If people need access to get into housing, to afford their housing, that is Social Security's role. My role is to ensure that the money is spent on maintaining and developing new homes, not keeping rents artificially low at the expense of maintenance. We have tried that, it did not work. Let us do something new.

The Deputy Bailiff:

Do you have a point of clarification?

The Connétable of St. John:

Yes. Could the Minister please expand ... I did ask a question about why we needed 2 members of the legal profession as directors.

Deputy A.K.F. Green:

They were not particularly appointed because they were members of the legal profession. One was appointed, as I said, particularly because she had experience with the homeless in London, and the other one has been appointed for her legal skills.

The Deputy Bailiff:

There is continuing debate in the Deputies benches which really would be best served not done in this Assembly, thank you. Senator Ferguson, you had a point of clarification.

Senator S.C. Ferguson:

It is nice it is not the Senators for a change, Sir.

The Deputy Bailiff:

That is true, Senator. [Laughter]

Senator S.C. Ferguson:

A point of clarification. Does the Minister have any idea how many houses there are for rent in the private sector?

Deputy A.K.F. Green:

To be honest, no.

The Deputy Bailiff:

Deputy Southern, you have a point of clarification.

Deputy G.P. Southern:

A point of clarification. The Minister mentioned that potential increase in supply might bring rents down. What population figure is he basing that on?

Deputy A.K.F. Green:

I am basing it on the current population figure which is just 900,000 [90,000] or so.

The Deputy Bailiff:

Deputy Tadier, you have a point of clarification. [Laughter]

Deputy M. Tadier:

It is clarification also. The Minister talked about we cannot go on subsidising ... sorry, I will start again. It is a clarification. The Minister says we cannot go on subsidising housing but does he know for sure that the amount that is being paid into Treasury by Housing and by their tenants over decades does not exceed the amount that is being paid out by Treasury in terms of maintenance and repairs?

Deputy A.K.F. Green:

No, I do not, but what I am doing is doing things differently. We have agreed with the Minister for Treasury and Resources to freeze the payment to Treasury, and as I said before, if we live in the real world, yes, give me the money and then where does the money come from for other things like education, health, police? I lived in the real world, I went for the art of the possible and in a commercial world we would probably be paying a lot more to rent the capital that the new company will be running.

The Deputy Bailiff:

Very well, the debate and the points of clarification are now over. The appel is called for. I invite Members to return to their seats.

Deputy J.M. Maçon:

On a point of order, would it be possible to take (a) and (b) separately?

Deputy A.K.F. Green:

The problem is if we take them separately you could end up with the terms of reference and no board or you could end up with a board and no terms of reference. So I think, no, take them together. If you do not like it, vote against.

The Connétable of St. John:

As a private landlord, do I have to declare an interest?

The Deputy Bailiff:

No. I am not sure about declaring it but you certainly are entitled to stay and vote. You have no interest, as such, as a private landlord, in this. Very well, the appel is called for. I invite Members to return to their seats. The vote is on P.156. I ask the Greffier to open the voting.

POUR: 28		CONTRE: 7		ABSTAIN: 2
Senator P.F. Routier		Connétable of St. John		Senator A. Breckon
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		Senator S.C. Ferguson
Senator A.J.H. Maclean		Deputy M. Tadier (B)		
Senator B.I. Le Marquand		Deputy T.A. Vallois (S)		
Senator F.du H. Le Gresley		Deputy M.R. Higgins (H)		
Senator I.J. Gorst		Deputy J.M. Maçon (S)		
Connétable of Trinity		Deputy G.C.L. Baudains (C)		
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				

Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

6. Machinery of Government: committee system (P.157/2013)

The Deputy Bailiff:

We now come to P.157 - Machinery of Government: committee system - lodged by Deputy Baudains. I will ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion to request the Privileges and Procedures Committee to research variations of the committee-style government and to seek the opinions of the public on the desirability of revising the machinery of government in Jersey to introduce a committee-style structure and to further request the committee to bring forward for approval recommendations for revisions to the machinery of government in light of the outcome of the public consultation process.

6.1 Deputy G.C.L. Baudains:

First of all I would like to make clear why I am bringing this proposition, and mainly it is because we have spent 7 years now trying to find solutions to the various problems that we face and both politicians and the public are getting somewhat weary of it, and I do not blame them. I cannot imagine there is enthusiasm for ... to spend another term, and the next one will be 4 years, still trying to find those elusive remedies. So I think it is very important that we try to get it right at this time. I will also make it clear that I am talking about the machinery of government, not the electoral reform which we have been recently going through again; an entirely different animal. It has always been my view: let us fix the machinery before we decide how many we need to operate it. It really does not make sense to do it the other way round. If the main structure is not fit for purpose, whether we have 30, 50 or 100 people really is inconsequential. I spent 3 years on a previous Privilege and Procedures Committee and virtually all we did in that time was review the machinery of government, and essentially got nowhere. Neither did the following P.P.C. (Privilege and Procedures Committee) in its 3 years, and I have just spent the last year on a P.P.C. sub-panel looking at the same thing. Once again, as in all previous attempts, we have only been able to propose minor amendments, the major ones have been insoluble. Now, the recent sub-panel identified the following problems with our current Ministerial government; that was blurred lines of accountability, a prevailing silo mentality, insufficient inclusivity, insufficient use of States Members' talents and expertise, ineffective lines of communication and potentially a Civil Service wielding too much power. Well, none of those occurred under the previous system except perhaps the silo mentality, and that still exists today. The major problems remain unresolved. In my view,

that is because in the last 7 years the focus has been on modifying the existing system. We have not looked at alternative systems. In my spell on P.P.C., that was under the chairmanship of Constable Gray of St. Clement, both Senator Mike Vibert and myself wanted to do that, we wanted to look at a modified committee system and compare it with the Ministerial system. But we were told our terms of reference did not permit that, and I am not aware of the situation with the following P.P.C. under Connétable Gallichan of St. Mary, but the more recent sub-panel of P.P.C., of which I was a member, well, we did not look at that either, in our case mainly because of time constraints. We were trying to work around the Electoral Commission's work and we simply were not able to do everything. Surely if we are genuine about having the most suitable type of government for Jersey we owe it to the public as well as ourselves to look at all options. I realise there are a few who prefer the current system for various reasons. In my view it concentrates power in a few hands, but I suspect those people are in the minority, and so all I am asking in this proposition is that having consistently found ourselves unable to make more than minor changes to our present system and despite major shortcomings being evidenced, as I have just outlined, that we look at alternatives.

[12:15]

That is not too difficult or at least it should not be because there are really only a few options: there is Ministerial government or committee government, and I hope nobody is thinking ... I recall the words of the previous Constable of Grouville who said he thought the best form of government was a benign dictatorship. Well, it may well be but how can you make sure it is benign. We had a committee system for more years than I can remember, probably 50 years, maybe more, and we have had Ministerial for 8, so surely we should all know enough about both to be able to make a sensible judgment and arrive at solutions. We can have the Ministerial system that we have now. Well, some people, very few I think, believe that it is absolutely perfect and we should not change it. Most people believe it is not working well. We could modify the existing system and fix the problems. Well, as I have just outlined a few moments ago, we have spent 7 years trying to do that with little success so it looks like that is out as well. We could revert to the previous committee system. In my view and some others, that was better than what we have now but it was not perfect, not by any means. So why not investigate how we could improve the previous system and then compare it with what we have now, and then we can decide which one ... which option of those is the best. To me, it would seem an obvious course of action but we are not doing it. Sadly, the selection, the number of Members familiar with committee government gets fewer to the extent by now I believe most Members will have no experience of it. Some may even think what we have now works, as they have known nothing else. So for the benefit of those people it is probably appropriate that I give an outline of how it did work. I do not want to go into enormous detail. In the committee system, States Members made virtually all decisions. You knew who was responsible and accountable for each decision, but when we moved to a Ministerial system virtually all decision-making was delegated to civil servants, or the vast majority of them anyway, and because a Minister cannot do what 7 people used to do before, is one reason. There were parts of Government that did not fit into a Ministerial system. We did not know what to do with them. Well, there used to be a Tourism Committee, that no longer exists. Who is championing tourism these days? Where is the focal point? I know it lies with E.D. (Economic Development) but it is not ... there is no focal point as there was before. If a member of the public wanted to discuss tourism issues they went straight to the Tourism Committee. We had an Agricultural and Fisheries Committee. Who is the champion of agriculture these days? I am not sure. We used to have a Telecommunications Committee so we incorporated Jersey Telecom, it is now run by a board, and we know from previous questions that there are concerns about how that is being run. In the days of committee - and I, with Senator Routier, was on the Telecoms Board - I do not believe these problems would have arisen. But the problem is now we have a body at arm's length. All we can

do is sit back and watch while customers complain. We used to have a Housing Committee. People with housing problems met the politicians who made the decisions, similar to the way that planning applications come to the Planning Applications Panel; you meet the members of the public face to face. That Housing Committee was handed over to one man, the Minister, but now, as we have just been debating, it is going to a board. So I can only presume that in future tenants will be experiencing the same sort of problems that the customers of Jersey Telecom are. Harbours and airport used to be a committee. Well, we tried to get rid of it just before moving to a Ministerial government because it was inconvenient, it did not fit. We could not achieve that in time so at the last moment it was tacked on to Economic Development. Some 8 years later we are now trying to get rid of it again and form another board, which I find quite interesting because as I made comment on the previous proposition, what is really the difference between a board and a committee except it is at arm's length, people got more difficult to control and it cost us money. It is a committee by any other name. Another previous committee was Policy and Resources which consisted almost exclusively of the presidents of other committees. Its purpose was to get the various government departments working in unison for the benefit of the Island, and I admit it was only partly successful. But of course now we have a very similar body, it is called the Council of Ministers, and now we know that all departments work in harmony and all our problems are solved. **[Laughter]** But does anyone notice the irony in some of this? Some States Members are quite allergic to committees, you would think they were talking about some terrorist organisation the way they go on about it. But I notice one, for example, not only sits on the Comité des Connétables but also on the Privileges and Procedures Committee. He does not like committees so he sits on 2 of them, and if committees are so useless, as I said just a few seconds ago, why are we replacing them with boards? A committee by any other name except it has disadvantages; they are less accountable, they cost money, board members are salaried. But States Members served on committees as part of their job. Boards are at arm's length, and I know from experience a politician now has very little ability to help members of the public who encounter problems in that area. It should be of concern to us, that is the *J.E.P. (Jersey Evening Post)* recently so eloquently put it in print: "Big decisions about the Island's direction often involving large amounts of public money are now effectively being made daily by men and women who have not needed to take the trouble of facing the electorate" and I think that is one of the things which the public are most unhappy about. So was the committee system perfect? Far from it, but the problems that did exist would have been a lot easier to resolve than the problems we are trying to fix of Ministerial government. Now, the major accusation against the committee system was delay. It took too long to make a decision. Well, that is only partly true, and the reason there was delay and the reason why it occurred was because once a committee had made a decision it was then passed to the Greffe as an Act which languished there for a couple of weeks or more before it was distributed more widely. I am not blaming the Greffe for that, that was the process but I have never been quite sure why that was as it was, and clearly that sort of delay is unacceptable in this day and age. I mean, let us face it, at that time, around about when I first entered the States, cell phones were a novelty and emails were practically unheard of, everything was done via fax. What I am saying is that today there is absolutely no reason why committee decisions should be any slower than a Ministerial one, and being the considered opinion of several minds rather than one, it is more likely to be a correct decision. Members of committees also were assigned different jobs and were better able to hold officers to account. Decisions were based on a full examination of the facts whereas now one person, the Minister, is advised by perhaps just one officer; he has no time to evaluate options or hold his officers to account. I mean, I recall one particular instance when I was on the Public Services Committee, I think it was about 1999 or thereabouts. The committee had a presentation from the officers about drainage in La Blinerie, and I queried why we needed a pumping station and a lot of infrastructure that was only going to serve about 8 houses. I said: "Why can we not pick up about 20 houses or 18 houses on a gravity system? It would be cheaper, it would not have

the capital outlay or maintenance and all that. You know, are there any other options?" The officers told us: "Yes, there are 2 or 3 other options but we have not brought them to you." So naturally the committee said: "Well, in that case we will defer to the next meeting and we want to see the other options." When we did see the other options we chose one different from that which the officers had suggested to us. I would suggest that today a Minister would not have the time or the ability to hold his officers to account at that level. Another thing, one of the first things a newly formed committee did was to authorise their President so that in an emergency he could make a decision which would later be ratified by committee. In slightly less urgent circumstances the committee clerk, the independent clerk from the Greffe, would canvass the committee members by telephone to get a decision; that would normally take perhaps an hour. So I have to say the allegation committees were slow-making decisions is not strictly true, it was the process that followed the decision-making which delayed matters, which, as I have said, with today's technology could easily be overcome, which is exactly why I am suggesting we investigate a revised committee system as opposed to simply returning to what we had before which some seem to suggest is what I am proposing. So, how does that compare with a Ministerial system? As I have said, we have been trying to fix that for, I think, about 7 years now, and to all intents and purposes we have failed; 7 or more years work by a dozen or more people should tell us one thing and that is there is a fault in the basic structure. I have listed some of the problems with Ministerial government. We no longer have a committee dedicated to tourism or agriculture or housing or harbours and airport or telecoms; all gone. I believe we are the poorer for it but there is a reason why Ministerial does not serve the Island well and why the public are so exasperated with politicians, and that main reason is because the system we have now will only work satisfactorily when you have a political party system and we are all independents. Without parties every candidate for the States has her or his own personal manifesto. For a start, that does not sit well in the Council of Ministers where collective responsibility is supposed to reign. In a party political system once a party is elected, those in Government are united around a common set of policies and ideas. We are trying to do the same with 50 different manifestos and it simply does not work. There are also other problems because it means at election time a candidate can sell his ideas to the public, but if elected has no chance of putting them forward. Previously he or she would aim to get on a committee dealing with issues close to his or her heart and relating to the manifesto and have some influence in that area and would be able to influence policy; but not now. The best you can hope for is getting on a Scrutiny Panel and then you are not creating policy you are merely reviewing what someone else has done using second-hand information, and when you have finished, whether your report achieves anything depends almost entirely on the mood of the Minister. **[Approbation]** **[Laughter]** I think somebody's shoelaces are loose. **[Laughter]** Not being able to abide by one's manifesto or be in a part of government that makes the best use of one's expertise not only frustrates politicians, and do I know it, they are probably the 2 areas that irritate the public the most. Ministerial government does not make the best use of Members' talents. What about Ministerial Decisions? Usually the first, or certainly the first I know about a Ministerial Decision is after they have come into force. But importantly there is little or no record of what the Minister based his or her decision on. Under the previous system, under the committee system, every decision was made in a formal setting administered by an independent clerk from the Greffe. Anyone wanting to know what a committee had decided or why, on what information, what policies it was working on only had to go to the Greffe and read the committee minutes. Today how does one find out what a Minister has decided or more importantly why? Well, you cannot because a Minister's discussions with his officers are not minuted, well, not as far as I know. We have created, in my view, a system that is not fit for purpose. Now, some say you cannot go back but also I would say to persevere even when you are proven wrong displays an arrogance that should have no place in politics. We were sold the idea of Ministerial government on 2 fronts: quicker decisions and it would save a lot of money. We have heard that before. The

first is debatable, the second has proved to be untrue. I have got a few examples. The Chief Minister's Department, I believe, costs around about £20 million a year to run where we did not have one previously. Previously all States Members were involved in decision-making and policy formation, but importantly they sat on more than one ... each member sat on more than one committee, so not only did everyone have a better understanding of what was going on, there was not the polarisation there is today. You might disagree one day with a certain politician and a few days later you would be sitting with him or her on another committee so there was never the entrenchment that we see today. Under the present system, policy and decision-making is mainly farmed out to civil servants or boards and so to keep a check on this we created Scrutiny, a sort of fudge to compensate for the fact that we were moving to a system that required political parties but we did not have them, so a pseudo opposition was created but of course it must not be in opposition. As I said, reviewing decisions made by others.

[12:30]

Unfortunately that means doing the work twice. It is inefficient. A department might be working on a policy for 2 or 3 years, a number of people will be working on it, much effort will be put into it. The Scrutiny Panel are then expected, in a very short period of time - maybe a couple of months - to look at all that work and try to evaluate what is going on and come to a meaningful conclusion. As I said, that is doing the work twice. Far better to question and challenge at the very beginning, as happened in committees. That was Scrutiny in real time, it did not need any of the resources currently allocated to that area. You had all the information all of the time because you were making the decisions. Everything was scrutinised before a decision was made. I do apologise if I have bored those Members familiar with the previous system, but hopefully I have given those Members who are not familiar with it at least the beginning of an understanding of the options available and to create a machinery of government that is more efficient and better serves the public. I would reiterate, I am not asking we return to our previous committee system. All I am asking is, having spent years attempting to modify our present system, the Ministerial system, and failed to find solutions to the major problems - all we have managed to find is solutions to minor problems, tweaking it to make it, can I say, a little less worse than it is - we look to see if a modified committee system would give us what we need. Quite a few States Members, and every member of the public I have spoken to on this subject, believes that our previous system was better than the present one. If we could improve on that why are persevering with a system that proves impossible to fix? I have to say, with due respect, I find P.P.C.'s comments disappointing. A tremendous amount of effort has gone in to trying to improve our Ministerial system over many years and with very little success. I am offering a potential solution, but they are not happy with it, they turn it down. I find that disappointing. I have to ask if the sub-panel of P.P.C. reviewing the machinery of government in the last 12 months had come up with the piece of work I am asking for today, would P.P.C. have rejected it? I do not think so. To my mind their position does not make sense. After a break I came back to the States in 2012 with the determination to finally resolve the problems besetting our machinery of government, which is why - as Members will recall - I lodged a proposition in the very early days to get things moving as quickly as possible, and why I put my name forward for the P.P.C. sub-panel, looking into it. As I have said, I am disappointed the panel were not able to compare the present system with an improved committee system. But it is not too late to do that now. I will also add, for those that might suggest even if it was better we do not want the upheaval it would cause, that a change to a committee system of some sort would not mean the sort of upheaval we had when we changed to Ministerial. In fact it could be as simple as increasing the number of Assistant Ministers by putting Scrutiny members at the beginning of policy determination. If you make Scrutiny members Assistant Ministers you have done the job. I would suggest developing policy in making decisions has to be more efficient, productive, and satisfying than reviewing decisions somebody else has already made. I would also suggest it would reconnect

the public with politicians. Having your elected candidate involved in government is more likely to mean your representative gets the opportunity for his or her manifesto pledges than at present. Finally, as I mentioned earlier, I know some Members are totally opposed to a committee system of any sort, so I would ask Members to keep an open mind and not be swayed by that. After all, we already have the Privileges and Procedures Committee, the Planning Applications Panel, the Public Accounts Committee, Scrutiny Panels are virtually committees, and that is not to mention all the boards making executive decisions, all the dozens of working parties that exist, most of which we do not know about. Then of course we have the Council of Ministers, a committee by any other name. We would hardly be breaking new ground. So the work I am asking for should only take a few months, perhaps a couple of months, and I would be quite happy to offer my services to get the work done. I make the proposition.

The Deputy Bailiff:

Is that seconded? [**Seconded**]

6.1.1 Deputy R.G. Le Hérissier:

Very quickly, that has obviously been quite an exhaustive speech where a lot of issues have been covered. But what I would really like to hear from the Member, having himself been involved - and perhaps P.P.C. will address this issue - why has the previous work not amounted to anything? Because it is going to be dreadful if we set along the same path as we set along with electoral reform, and we just go from one investigation to another investigation. So I wonder if the Member could give his analysis of why it has not worked out so far.

6.1.2 Connétable L. Norman of St. Clement:

I was interested to hear the Deputy tell us that when he was on the Public Services Committee, the committee overrode the advice of the engineers and changed the drainage system at La Blinerie. At last I finally found out why we get so much flooding problems in La Blinerie. [**Laughter**]

Deputy G.C.L. Baudains:

The Constable is confusing a foul system with drainage.

The Connétable of St. Clement:

Even worse. The Deputy looks back with rose-coloured glasses and suffers from nostalgia, because the committee system was absolutely moribund. I, as one who spent years in the committee system, knew it had failed and that is why I was so supportive of the change to Ministerial system. The system lacked accountability because the presidents hid or could hide behind their committee. They could not make decisions, and it lacked transparency. Communication between committees was extremely difficult and tardy and slow, as the Deputy said. Nothing to do with the Greffe, but communication between committees was through acts and copies of minutes. But they could not be distributed to the other committees until the first committee had had another meeting to improve those minutes and those acts. So it was nothing to do with the Greffe, the whole system was slow. The committee presidents themselves very rarely met and when they did they could not make decisions because those presidents had no authority to make decisions. They had to go back to their committees to get those decisions made. I sat on a number of committees, telecoms is one I remember where we spent meeting after meeting trying to design a new logo for the business. I sat on the postal committee and after spending the first hour and a half of the meeting agreeing the minutes we then spent most of the rest of it on designs for new stamps. What was happening was committees were dealing with administrative matters, not with political matters, because that is what they wanted to do and that is what Members understood. We heard it this morning from the Deputy, he is an engineer - a good engineer, no doubt - and he was interested in drainage issues. Well, of course he is going to show an interest in that but what the committees should have been

doing, and what the Ministers now are doing, are dealing with political matters. It was quite clear from the Clothier review, because States Members sitting on committees were more interested in administrative matters the politics were left to the Civil Service. The whole thing was totally the wrong way around and that is one of the major reasons why we changed and we changed for the better.

6.1.3 Deputy R.C. Duhamel of St. Saviour:

I think this is wholly supportable. I think we have to realise that we are living in a new world with internet and electronic communication. The sins of the past or the difficulties of the past can be, as we heard from the Deputy of St. Clement, that new systems can be designed in a way that allows all Members to participate in strategic planning. I think really this is at the heart of the difficulties that the Ministerial system has at the moment in that we do not have a fully inclusive system. Some Members feel that they are in a position to play a greater part than others. We only have to have a look at the debates that take place within this Assembly in order to find difficulties with the system. We are told that this is no longer really a debating Chamber, this is no longer the place where we tease-out the merits of things that are being put forward to us to decide. The central decision making powers of this House have been watered down to an extent that we are only the Legislature. I think it is about time to redress the past and to come forward with a system that perhaps does not - as the Deputy has said - go all the way back to the previous committee system, that did have faults, but to a different system that can address all of these problems in a way that allows us to gain satisfaction by knowing that as a States Member we are part of the government, and that the government functions are not necessarily only carried out by a small number of lucky Members. So, as I say, I wholeheartedly support this move to look at the system and I think it is incumbent upon every Member in assessing anything in the best Scrutiny traditions, to look to see where the best system is before we go headlong into agreeing that the only way of running this Island is by a broken Ministerial system.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. The States will stand adjourned until 2.15 p.m. this afternoon.

[12:41]

LUNCHEON ADJOURNMENT

[14:15]

6.1.4 Deputy J.M. Maçon:

I begin talking with my P.P.C. hat on and, as Members will have seen the comments produced from our committee, in that the sub-panel that Deputy Baudains himself sat on when reviewing this topic did go out to States Members and they did ask them about whether they would want to move back to some form of committee system or carry on with the Ministerial government. The overwhelming support from that response from States Members was to carry on with a Ministerial style system. I will put my hand up that I advocated the committee system myself. But, nevertheless, that was the position after going out to States Members. A huge tranche of work from that point has occurred. From that report we had the in-committee debate which Members will be aware of. From that, further work from my committee is coming to fruition now to come back to the States to bring amendments to the Standing Orders and the States of Jersey Law in order to facilitate the changes which were recommended in that report. So with regards to this particular proposition, that gives 2 problems for the committee: the first is if it were to be adopted it would almost ask us to put all the changes that we have come forward with into the bin, and that was a huge amount of work that has gone on, including a huge amount of law drafting time and expense

which, of course, my committee found very difficult to be able to support this proposition. Another one would be the amount of work that it would take in order to redraft and redo all the interactions that a new structure should form could not possibly be done in the time left that we have for this Assembly, never mind the rest of the work that the committee has to do in the meantime. Just to review all that and come back with something is not going to be able to happen within the term of the Assembly and, therefore, my committee was unable to come to a point where we felt we could support this proposition, simply on the practicalities of what was being asked for. If I take my P.P.C. hat off and talk as an independent Member. As Members will know, I have always favoured a committee system. When we had the in-committee debate I stood up and I said many of the arguments that Deputy Baudains put forward, that we were wasting expertise, we are not doing the best that we could for the Island, the structure is not the best going forward in our non-official political party system. Therefore, it puts me - as the Chairman of P.P.C. - in a very, very difficult position in that with my heart I very much agree with the sentiments of Deputy Baudains, but in my head, and doing the responsibilities that I have as Chairman of P.P.C., I know that what is being asked for cannot be delivered. What I would ask Members to do is re-read the comments of P.P.C. and I will carry on listening to this debate. But if Members do vote for this, be under no illusion that my committee is going to be able to turn around and bring this back before an election, if at all. Then by that time we might be in a new Assembly and they may have a totally different opinion on the system as well. So that is why the comments of the committee have been framed in the way that they have. But Members of P.P.C. are to vote with their consciences and will do as they see fit.

6.1.5 Senator S.C. Ferguson:

With regard to Deputy Maçon's comment, despite the vote, I may well be changing my mind. One of the problems we have is that most of the Ministers have never served in the committee system. In fact most of them have never served on Scrutiny which is a problem, they do not understand it. There are notable exceptions, obviously, but on the whole they have just been in the new system all the time. My feeling is that if you have never tried something then you rarely make a balanced review of it. There is a saying by a gentleman called Petronius Arbitrator, I do not know whether he is a recent gentleman pretending to be Greek, or an Ancient Greek, but he did say something to the effect that usually we meet a new situation by reorganising, and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency, and demoralisation. I just wonder if we have that because it reminds me of the conversion to Ministerial government. As I say, the only Members of the Executive who have served on the committee system are the Deputy of Grouville, the Deputy of Trinity, the Minister for Environment, Senator Routier, and the Minister for Treasury and Resources, I am sorry he is not here. There will be complaints regarding slowness of systems, as the Connétable of St. Clement has said, but in retrospect why change the whole system when it is the mechanics needing changing? My Scrutiny Panel have just visited the Social Security Department to see how their efficiency moves and improvement are going and, as an example, one operation which used to take 18 days has now been cut down to 3 days using common sense, staff enthusiasm, and congratulations and good luck to them. But if you can do that sort of thing just by the staff working on it, what could we have done with the committee system with a bit of common sense? The Swiss system does not rely on a Ministerial silo system, it is quite difficult, in fact, to find out who runs the country. There is no Prime Minister as such, I understand - no doubt the Minister for External Relations will be able to put me right on all this - but they have a small governing council, 2 chambers, and the cantons for local government. Constitutional changes always require referenda and it seems to me it is a better model than Westminster. From my Swiss friends I gather that the big plus factor is that in vital canton meetings the local refuse collector and the chief executive of Hoffmann-La Roche can all participate on equal terms, which does have similarities to our Parish Assemblies. Frankly, I think when we changed to Ministerial government we missed a trick or 3 and it would be worth an

independent review. If the committee is worried about the timing, well, include it in the legacy programme for the next Assembly. Another good thing, it would enable us to adopt the Deputy Vallois preferred Scrutiny option, which I think has a lot to commend it. I will be voting for this.

6.1.6 The Connétable of St. John:

Yes, as a dinosaur ... **[Laughter]** There is nothing wrong in looking at the past that might give us something good for the future. There was a lot good with the old system but it probably would not be quite right for today, with all the modern technology and everything else. But at the same time it is well worth reviewing what we had and what we could do with a system not dissimilar to a committee system. I would take issue with the P.P.C. President about his timing, *et cetera*. Surely he could ask for a sub-panel to be set up, they could review this. Because in my mind that is the way he should be handling it. If he has too much work with his current team, get a sub-panel pulled together because there is merit, and Deputy Baudains is absolutely right to bring this forward. Just to pooh-pooh the whole idea because of time constraints in his department, he needs to be looking at the bigger picture of what is good for the Island. It is all well and good to tell us that he is trying to do reform under the existing system, but we know that the existing system has an awful lot of flaws. That is what happens when you adopt something in principle, but I will not go there at this moment. I am definitely supporting this because it is being presented as possibly a way forward for the future. We do not go back, but we can take something good out of what was there in the past and see if we could improve it, and as the alternative to what is on offer at the moment, and we are talking about putting all this power into the hands of the Chief Minister for hiring and firing, *et cetera*, and until the last debacle on the 'Duhamelgate' I was supportive of going down that road. But because of that debacle ... I will pronounce it the way I like, Senator. **[Laughter]** I do not need to be corrected, thank you, I am a Jerseyman.

The Deputy Bailiff:

As long as you use English, Connétable.

The Connétable of St. John:

Je réponds en français si tu veux, Monsieur. But that said, I think there is a lot of merit in seeing if we could not review this with a sub-panel and then the Members could decide for themselves.

6.1.7 Deputy J.H. Young:

I am in favour of this proposition too. When I first came to Jersey with a background of English local government, and I have never forgotten it, I came face to face with Jersey's committee system I was - contrary to the views of others - very impressed. Because it struck me, here was a flexible, single-purpose government that could effectively do anything. It was very flexible and certainly my experiences at the time working as part of the Treasury team, and also within Health, and I remember the committee of the day were real political giants who were able to develop the whole hospital, expand our health service - it took place in the 1980s - to the extent that it gave us a good basis for the future. Obviously it has been overtaken by events, but it was committees that were able to do those things. I think we lost something. Those committees were able to use the skills which varied between Members, delegate, divide up tasks between their Members, and be able to work as a team and not expecting everybody to work as one-man bands. There were problems, of course - cross-committee was one - but of course there were solutions: there were too many committees. Then over the years we gradually got fewer and fewer, they were whittled down, correctly. There was also the administrative problems of communication, but I think those communication problems were absolutely solvable and, frankly, now - as has been said - with modern arrangements those things would not be a problem, it is facilitating good communication. Also, of course, we were working under certain handicaps, there were no powers of delegation. Delegation was introduced in I think about 2001, 2002, to enable things like sub-committees and

groups and so on. So I think there was a tremendous amount of good there, but of course we were overtaken by the Clothier Committee and I remember going to the Clothier Committee and having a discussion with them about the twin objectives of achieving democracy in administration, and efficiency. It was seen to be 2 sides of the coin: we could move towards greater efficiency it was argued, save money, speed things up, but it was recognised there was a risk of squeezing out the democratic input of Members and, thereby, distancing with the public. Of course before I was made redundant from the public sector I was able to do some work on setting up the Ministerial system, but never saw it into practice. I certainly formed the view that the Clothier Panel followed very much the fashion which was prevalent in those days of English local government, part of the Blair Government were English local authorities with over 100,000 were able to introduce cabinet governments. Of course this worked well with local authority where party structures were prevalent.

[14:30]

Then of course I went into 7 years in the private sector and was able to observe from afar how our Ministerial government was going on, and of course listening to people generally saying: "This Ministerial system, how is it working?" and raising lots of issues. So when I got elected in 2011 one of my main platforms, I wanted to have a look at how this was working and really put my efforts into seeing its improvement. I think things have been lost and I think the need to balance between democracy and efficiency we have lost sight of. I think that has resulted in a disengagement of the public, because the public do not really understand and nor perhaps should they. It is not necessary for them to understand how the mechanics of government work but the end result is that I think there is an expectation the Members that are elected are going to be able to influence government policies, where the reality is you cannot unless you are a Minister. I remember reading one of the Minister's statements in the paper saying: "Well, you have to be a Minister otherwise you cannot have any effect." I think there is a lot of truth in that. So public engagement here is the price. We have lost it. In the last 2 years I have worked really hard as a member of the Machinery of Government Sub-Committee, I think we have done a huge amount of ground work, and of course I am not on it anymore and that is okay. But we have another working group now and I think my worry is we know that group has to produce its proposals before the next set of elections, so changes to the law have to come to this Assembly and we have to debate them. I am really worried that we seem to be headed towards only dealing with one side of the issue, the strengthening of the tight control of the Ministerial system, strengthening at the centre. That is an element but the thing is, it is not the only thing. I really worry about us drifting into a situation where this Assembly or Members of this Assembly just become a Legislature, very little discussion about policy development, no review of performance areas and problems. I am not going to dwell on the recent experiences between the Council of Ministers, it is a factor in there. I am really worried because we have lost the address of the alternatives. I think it was the last Assembly, this Assembly debated an alternative of setting up what was called at the time, Ministerial boards. That got very close to being approved and that was brought forward because Members of the last Assembly saw the same things that I believe Members of this Assembly see, the problems of the Ministerial system. That alternative was lost, so in the last 2 years we have picked it up but again it has run into problems, it has fallen by the wayside. We had a proposal which was a very watered down thing called Non-Executive Members that failed to get anyway. What I am personally looking for in proposals is the strength and balances. Where are the things that match the efficiencies and the tight centre of this control to ensure that the democratic element is there? We did ask ourselves the question on that group, what alternatives are going on elsewhere? Of course, the U.K. has changed. Having bought into Ministerial government, or cabinet government in local authorities, the Localism Act 2011 was passed, recognising the need to take government back to the people, because the people in the U.K. recognised the problem. So they were allowed, by that law,

to readopt the Ministerial or cabinet system, or go to committees, or to look at what were called hybrids to try and find a middle ground between the 2. Certainly one example that was pointed out to us was Cornwall. Cornwall was one of the areas to adopt the cabinet system and of course when you look at the website now you see that they have a very sophisticated structure of bodies which they call committees but right at the top there is a thing called “Constitution and Governance Committees” setting out the whole structure. This is the point, it is a cross-party politics, party grouping, independence group that sets the rules for that. I think there is merit, strongly, in us looking to see these types of systems, how they are developing elsewhere. So, as a member of P.P.C., I know that the agenda is daunting, I can see why the comments that have come forward that say: “We are too busy, we cannot do it.” I am disappointed at that. I certainly argued for some watering down of that and I personally believe that as a member of P.P.C. I put my full weight - if the House approves this - for this work to be done. I, therefore, express my whole support. We will have alternative views, certainly we know very well the view of the Constable of St. Clement has always been very clear on one spectrum, the Deputy of St. Clement is clear on the other spectrum. What he is asking for is to try and find the middle ground by learning from the experiences of others, to check it out. Otherwise I fear that there is a danger that the work that comes forward just to strengthen the power of the centre, strengthen the Ministerial power, without the checks and balances, I think will run the risk of draining into the sand. So I am going to support the proposition.

6.1.8 The Deputy of St. Martin:

I will not be supporting this proposition, but I do understand where the Deputy is coming from because, to me, being a Minister can be a lonely place if you choose to make it so. But I would say to the Deputy, being a Back-Bencher can also be a lonely place if you so choose. I would say to everybody here that we have a committee type system here in this building at our fingertips as we speak, and of course that system is scrutiny. My own view - and I know it is not one that is shared by everybody in this Assembly - is that Scrutiny should not be adversarial, but more constructive. In my own view again you do not stop or you should not stop being a different type of politician because you find yourself on one side of the fence or the other, whether you start in Scrutiny, or on the Executive, or indeed if you find yourself in a committee type system. I certainly do not see my job to make things better is one that I would look at differently if I was sitting on a Back-Bench in scrutiny, as an Assistant Minister, a Minister, or indeed the Chief Minister. So I would say to Ministers who are feeling lonely, invite your panel in, invite your Scrutiny Panel in for a chat. Nearly every argument that Deputy Baudains put forward today for a committee system can be achieved by Scrutiny. Scrutiny can be done in real time, all you need to do is to ask to see the business plan that your Minister is putting forward for the next 3 years. You can sit down in informal meetings, in hearings, in quarterly hearings, you can discuss, you can chat, you can work things through. If the Scrutiny Panel are happy they can issue a comments paper at the end to back up what the Minister is doing. If the Scrutiny Panel are not happy, of course, they have the option of doing a review and reporting to this Assembly. I have to say, in the 2½ years that I have been here I feel now that if a Scrutiny Panel comes forward with a review which disagrees vehemently with a Minister that the chances are that the House will support the Scrutiny Panel and ask the Minister to go away and come back with something that was better. So I would say to Members, we have a system at our fingertips that we can adopt, what we really need to do to make things better is just work a little bit harder at working together.

6.1.9 Deputy M. Tadier:

I do not think this is a straightforward or easy decision to make, for various reasons. Yesterday we were taken into a vision of the future by Senator Ozouf. I will not finish that sentence but I do question which direction this is taking us in. That said, in one way this is quite simple: we have an

independent Member of the Assembly, a Back-Bencher, who is asking for a body of work to be done, which he is willing to partake in. We know the previous speaker who is on P.P.C. has indicated that he would be willing to take up this workload with perhaps another Member from the Assembly, so in one sense that is not a problem because we can allow them to get on with it. If that is an area that they want to be working to then I do not see why we should necessarily be stopping them. There is perhaps an irony as well that the next agenda item down for today, what is it, let us have a look ... I think it is the Access to Justice Review, what does that seek to do? The Access to Justice Review is to appoint Members from across the benches - from the Executive and the Non-Executive - to include a Constable, some Non-Executive Deputies, and some Ministerial input. So essentially what we have there is an N.E.M. (Non-Executive Member). We have Non-Executive Members who are coming together with the Ministerial team, with relevant oversight and officer support, in order to look at an issue which is considered to be very important. So on the one hand the Machinery of Government review which I chaired and which the proposer has sat on with other Members, came forward with its own proposal to say why do we not have a hybrid system. That was pretty quickly scotched. We had some very good and I think very important recommendations for scrutiny, which need to be implemented irrespective of whether we change to a more powerful executive. That was rejected, although something very similar was discussed at the time. So it seems to me that we are doing some of this already anyway. We are seeing lots of Ministerial boards which have been appointed, it is not always with the same transparency that they should be, but certainly there seems to be a move. The Chief Minister himself talked about the need to have more inclusivity, to work with Back-Benchers, and indeed if we are to talk about the recent scenario that happened with the Ministerial fallout, but then when it was rescued that was not due to Ministers all looking inwards and talking to each other, it was when other States Members were used as conduits and discussion was taking place between Non-Executive Members. Interestingly not directly face to face, we were told, but through a third party conduit. That is when the real consensus and the real valuable, if you like, reconciliation took place, and the meeting of minds. So I think it is already recognised that the more heads you can bring to a table - particularly those who do not classically agree with you politically - it is remarkable when you do sit around a committee table how much common ground that there is and how the differences seem to fade away pretty quickly. You are a lot close physically and perhaps that has a ramification also. But we do sit at a crossroads and I think it is twofold, as an Island we have grown in the past in terms of population and in terms of the complexity of simply life and the legislation that we have to pass, and that we have fallen between 2 stalls in a sense that certainly in the past ... you would not expect Sark to have a Ministerial system, let us put it that way. They can quite happily sit around a table and discuss their issues. Once you reach a critical size you reach a tipping point, I think, and Jersey is in between that tipping point of being a nation state on the one hand but also essentially a small municipality on the other. That is probably why we found the transition from committee consensus-style government with its pros and cons, towards an absolute Ministerial system, which some are still pushing towards, quite difficult. At the moment I am - after the whole events of recent weeks - and I think like other Members, including, I suggest, Members on P.P.C. who may have been more ambivalent, have come to the position as it currently stands that I cannot conceive in any way of giving more powers to any Chief Minister in future because it is not a safe mechanism by which to act. That, given a choice in the matter, I would like to see more consensual style politics where more people are involved - where appropriate - than giving more decision making powers to a smaller group which invariably ends up in circles within circles. It will be one thing if all the Council of Ministers were copied-in on all decision making processes, but it has become evident that is not even the case at the moment.

[14:45]

So I think that if the proposer and my colleague from P.P.C. want to get on with this work ... it is increasingly likely that the machinery of government proposals coming forward will not be unanimous and that they will be bitterly fought over in certain parts, depending on how they tie-up with other changes that are happening in our system of government, and I would be quite interested to know what the alternative is, if you like, a commissioned minority report by this Assembly that we can compare with the other working groups' findings when they come out and see which one we like best. They are offering to do the work, why not simply let them do that and see how the 2 compare.

6.1.10 Senator A. Breckon:

First of all I would like to pick up on the comments of the Constable of St. Clement. He was not very kind about his comments about the committee system but he was Minister for Education for 6 years and I was a member of that committee at the same time, and I can give the House an assurance that the Constable was not as bad as he described himself. It was a good committee and it worked. I mean, there were all sorts of useful things going on so the committee system was not all negative, I am sure he would acknowledge that. Coming back to the proposition, it begins to request the Privileges and Procedures Committee to research variations of committee style government and to seek the opinions of the public. Well, I do not think that has ever been done and it could be an opportunity for the Privileges and Procedures Committee to use a similar process to scrutiny and advertise for public response. Because do the public like Ministerial government? Do they understand it? Do they support it? Are they any better off, you might even care to ask them. I think there is something there that could be useful and inform the debate and our perhaps future considerations. Because when we look at who voted for Ministerial government it was not the public. A decision was taken in this House a while ago and among that debate was an amendment which was very similar to this proposition, from the late Deputy Mike Vibert, and it was a very narrow vote, it was only one or 2 of a difference between having a hybrid system and having Ministerial government. We have moved on and perhaps we have forgotten that. It is up to the Privileges and Procedures Committee to come back and I think people have already volunteered to become involved and add to the possibility of doing this in a reasonable time, perhaps by the end of the year, if not in full then perhaps some preliminary findings, and I think that could be done. It is about the sharing of responsibility and we have seen instances where sometimes - somebody has just said a few minutes ago - being a Minister can be a lonely thing, and there are issues perhaps with other opinion and support. I know the Minister for Economic Development for a while had a sort of sounding board, he had other Members that used to come into the department and listen to things and that seems to have fallen by the wayside. But there are perhaps things that could be done so I do not think that we should shut things out and say: "Well, we are where we are and we will just plough on regardless." Perhaps it is time to take a review and then whoever in the future can look at it and make an educated judgment about that. But I do not think there is anything that should be cast in stone and just say: "Well, we will just carry on regardless and hope for the best." Because if it is about inclusivity and using Members' talents and even, as has happened in the past and still happens now where we use - we just discussed this morning - appointing a board to do certain things, we have skilled governors, we have other things where people from the community contribute. There are perhaps things that could be done there but I think it should be approached with open minds rather than closed minds and saying: "Well, this is where we are and we are just going to carry on regardless." For those reasons I can support this proposition. Thank you.

6.1.11 Senator P.M. Bailhache:

It is always tempting for Members of a certain age - as Connétable Norman has said - to look back through rose-tinted spectacles at what used to be and to think that all was perfect in the garden of a bygone age. I have heard countless times members of the public tell me that the Assembly was

better when it was composed of unpaid Members, people who were not up for election because it offered a means of earning one's living, and Members were then good, solid citizens with only the interests of Jersey at heart. But then I cast my mind back to the former Deputy Norman Le Brocq who was only able to become a Member of this Assembly because members of his union clubbed together in order to give him a salary to enable him to become a Member. I do not think we want to go back to that situation. We want our Assembly to be open to anyone who is prepared to offer his or her services in the interests of the public. The great advantage of committee government was its inclusivity. Everybody who was on a States committee could say: "I am part of the Government of Jersey." That is why when Ministerial government was introduced in 2005 the Chief Ministers who followed - and many others - underlined the merits of inclusivity as being something which was a necessary part of the work of the Assembly. In fact, inclusivity is incompatible with Ministerial government as set up under the States of Jersey Law 2005. The structure that only a limited number of Members - 21, I think it is - can serve as Ministers and Assistant Ministers. The result of that is that the majority of Members cannot play a part in executive government. I think that we lose out, not just because there are talents that cannot be employed in the interests of executive government, but because it is too easy to slip into a "them and us" mentality. There have been too many examples of that since Ministerial government was introduced. In fact, fortunately, the scrutiny panels of this Assembly have avoided, largely, slipping into that dangerous territory. But those of us who were involved in one way or another in previous Assemblies will know that was not always the case. There is nothing to be lost, in my view, by abolishing the Troy Rule and enabling more Members to play a part as Assistant Ministers, while on the other side of the coin enabling Assistant Ministers to play a part in Scrutiny. That would strengthen Scrutiny and enable a much more inclusive approach to using the talents that we have in this Assembly for the benefit of the community. So I would support a proposition if it had been brought by the proposer to research variations of possible government. But that is not what we are asked to do. We have had our hands tied by the proposer because the P.P.C. would be asked only to research variations of committee-style government. In my view it is too late to turn the clock back. Committee government was not the panacea that some Members seem to imagine. It was slow, it was cumbersome, it was incompatible with the need of modern government to be able to react speedily to challenges both domestic and external. I am slightly amused also that the proposer suggests that the P.P.C. should seek the opinions of the public. I think the public is a bit disillusioned on consultations of this kind. If I were a member of the public asked to express my opinion on this kind of issue I would say, and my language would probably not be quite as polite as this: "Get lost. You asked us what we thought about electoral reform, we told you and you ignored what we said." So while I understand the wish of the proposer of this motion to see some variations in the style of our government, I cannot support this proposition.

6.1.12 Senator A.J.H. Maclean:

I like Deputy Baudains. **[Laughter]** Just while I collect my thoughts. Deputy Baudains and I have discussed matters around reform and machinery of government in the past. He has been in and we have had some very constructive discussions on the matter and he has expressed today some of his views, some of his frustrations with where we are now. Some of which, I have to say, I share with him. I have to say the system we have is far from perfect. I have to also say that the system we had was far from perfect, and I think the Deputy recognises that. In fact I would like to, at this point, almost pick him up and no longer focus on looking backwards at what may or may not have been successful or good there, but look forwards as to how we can take what we have - the Ministerial system which, as I say, has its failings - take that system and improve. Because it does need improvement, as indeed all areas of the machinery of government within which we operate. It is interesting, I think it is contained ... I am just quickly looking, Sir, you caught me out calling me when you did, but the Privileges and Procedures Committee comments on this highlight Clothier's

comments that were published back in 2000. They talked specifically in there about: “The many defects in the existing structure and functioning of the States and its committees.” It noted that each committee was a virtual law unto itself, with no obligation to ensure that its decisions were consistent with the policy already agreed by the States, or indeed, for that matter, other committees. I mention that in passing because clearly that was research by Clothier. There were faults with the old committee system, as indeed there is room for improvement with the Ministerial position that we are currently in at the moment. The Deputy also picked on many examples, he in particular has a distrust or dislike or a feeling that perhaps boards that have sprung up in different areas, and I have to admit, in Economic Development we have a number of boards to help us with the administration of the areas that we are responsible for; a good example, in my opinion, is the Airport Shadow Board. I think that is a really good example and the Deputy said: “What is it that a board can do that the old committee system could not do, apart from the fact that the board is costly?” Well, yes, you do have to pay for boards, clearly. Boards are populated by individuals with a professional background with specific expertise that cost money. I do not think that is something that we should necessarily apologise for. I think if we look, for example, at the shadow board for the ports, you see on there businessmen, you see entrepreneurs, you see accountants, you see individuals that have experience, have owned aircraft, owned airports for that matter, have run commercial ports. This type of expertise costs money. You do not get it for free. In fact, you get what you pay for in many respects. I think the performance that we have seen over the last few years since we put in place the shadow board at the airport pays testament to that. You now have a ports structure, the airport and the harbour, which is profitable, does not rely upon payments from the Treasury or indeed the taxpayer, and is largely self-funding and has a self-funding programme into the future. That is as a direct result of the professional expertise and a disciplined governance that a board structure brings. It is of course a shadow board, it operates on an advisory basis to the Minister. That was another area that the Deputy was concerned about: who is going to have control and oversight? I know he has concerns around some of the boards and incorporated structures within the States, that there is no longer a say. Well, the boards are answerable. If it is a shadow structure they are answerable to the Minister, they operate in an advisory base.

[15:00]

If it is a formal incorporated structure as you see with, for example, Telecom which I think he mentioned, then of course the board is answerable to the shareholder and that is exactly as it should be. So I do not think that we are necessarily seeing a circumstance where it does not work, in fact I think boards bring a great deal to the party. What concerns me about the proposition: the principle about looking at ways to improve what we have is absolutely right, but when you look at the wording behind the proposition it is quite tightly framed and it almost predetermines the outcome. It says: “To request P.P.C. to research committee-style government.” It is predetermining, almost, that the committee or a close variation of committee is the outcome that the proposer of this proposition would like to see. It also goes on to say: “And to seek the opinion of the public.” I agree with Senator Bailhache, who a moment ago made a comment about the public. I think they have had probably quite enough of being asked and ignored and I am not quite sure how in this case we would go about seeking the opinion of the public on a matter which is largely internal. It is very difficult for the public, who do not necessarily know the intricate workings of government, to give an opinion. They could give a high level view, but to give a workable opinion that you could create something from is very difficult and, frankly, somewhat unfair to ask them to comment on. It says: “To seek the opinion of the public on the desirability of revising the machinery of government to introduce a committee-style structure.” So the proposition which is asking P.P.C. to go and look broadly at how we can improve what we are doing and what we have, is far from that. It is looking at how we can reintroduce a committee-style structure. Before moving to my next point, I would also say that the financial and manpower implications on the proposition comment that there is no

foreseen costs but I would question, if there is going to be a public engagement, how you do that without any form of cost. There has to be presumably some form of advertising, some sort of interaction with the public, and so on. There has to be some form of analysis of the data collected from the public, unless of course we go down the route of ignoring them, which clearly we do not want to do again. So I just would like perhaps the Deputy to clarify the cost of his proposal. There has to be a cost and it does not make it clear in the proposition about what that might be. All that said, I can see some benefit - more than some benefit - in looking at ways in which - in fact I think it is utterly vital - machinery of government is improved. I know of the work that has been going on in the background looking at some of these areas, and we do need an appropriate mechanism, whether indeed rather than ourselves, whether indeed rather than P.P.C. who have a heavy workload, there does need to be some form of independent body to look and give advice. There were some comments that Clothier made, but whether indeed that is a way forward, that is something I personally would be open to because I think there are certainly some merits to improving, and a continual process of evolution, rather than revolution, with the Ministerial system that we currently have. I would also say that as far as I am concerned, machinery of government, an efficient operation of government, has to run hand in hand with electoral reform. The 2 should be running in parallel with each other. We spent a long time yesterday and part of the day before talking about electoral reform, whereas machinery of government and that important subject has really slipped somewhat behind. Frankly, if we are going to do one we have to do the other and we have to run them in parallel, so there needs to be some form of co-ordination in that regard. For the reasons stated I am not able to support the proposition as presented, but I do believe an important piece of work does need to be done and the intent to move and improve Ministerial government must be a matter of some priority that is moved forward. Thank you.

6.1.13 Senator I.J. Gorst:

I just wanted to return to Deputy Baudains opening speech. I understand the frustrations which have given birth to his proposition; he outlined a number of them with regard to our current machinery of government. I think that they are frustrations that most Members in this Assembly share. I suppose the question is, do we share and agree with the answer that Deputy Baudains is proposing? In all honesty I do not see how we can and the reason I say that is because P.P.C., at the start of this term of the States, set up a sub-panel looking at the machinery of government. Deputy Baudains was on - that and he has talked about what he felt were the shortcomings of the terms of reference - and so was Deputy Young, and Deputy Young has spoken in favour of largely returning to a committee style system. That Machinery of Government Sub-Panel produced a very thorough and good piece of work and that led to an in-committee debate in this Assembly and a steering group has been set up involving the Chairman of P.P.C., the President of the Chairmen's Committee, Deputy Tadier, who was the Chairman of the sub-group, and me. We are in the process of bringing forward changes in required legislation and, I think, Standing Orders to give effect largely to suggestions that that sub-group made and also having regard to the in-committee debate. One of the issues that we considered in that in-committee debate, and it is still relevant, to some extent it goes to the heart of Deputy Baudains' proposition, and Senator Bailhache touched upon it and that is: do we want to maintain the Troy Rule? Do we want to maintain the differential between the Executive numbers in this Assembly with this Assembly rightly holding Ministers and the Executive to account? Yes, this Assembly has got other rules about scrutinising legislation and reviewing policies. Well, they are important parts of this Assembly's role but the question then, and the question remains, I think, in considering this proposition, do we want that or do we want to move to a more inclusive system? If we want to move to a more inclusive system I would suggest that the answer there is not going back to the committee system but would be going to something more like the Isle of Man system. It will not surprise you to know that when I meet with my colleagues, the Chief Ministers of the Crown Dependencies, we do, from time to time, compare

notes about our systems and sometimes we are more like Guernsey than we, perhaps, like to think but that likeness is not always a good thing because our colleagues in Guernsey had a report that looked at the machinery of government, something called the Harwood Report and rather than implementing it wholeheartedly they implemented it partially and they are now left with a system which they feel needs to be changed, something that we rather did with regards to the Clothier Report. The Isle of Man, of course, have had a Ministerial system more akin to ours for many years and it has evolved over time and we read only this evening in our paper, although I do not read the paper as often as perhaps I did, an article praising the Isle of Man system. It takes time. I believe we made the right decision in moving to Ministerial government but it will and does need reforming over time. I think that at this point we should continue with the work that the Machinery of Government Sub-Panel proposed and is being brought forward because that piece of work recognises the drive of this Assembly to maintain the Troy Rule and keep the Executive in the minority and that is the system that will be brought forward. I hope that Deputy Baudains will see that that will go a long way to addressing many of the concerns that he raised right at the start in the moving of this proposition.

6.1.14 Deputy J.A.N. Le Fondré:

Sorry, I thought there was a queue in front of me. I think I am glad to follow the last couple of speakers because obviously I was also a member of the Machinery of Government Review and that was certainly a challenging task to get some quite disparate views around to a co-ordinated package and then obviously bring it to this Assembly. The problem was, I think, that, speaking personally, I could support the package as a whole because one was giving greater power, if one likes, to the centre but increasingly adding checks and balances in there and we thought it addressed the marrying of the Troy Rule and the inclusivity issue. If the package is cherry-picked, not having seen the final recommendations yet, then I think one becomes more concerned. I am concerned, therefore, particularly as has been referred to after more recent events, that some of those recommendations will not make it to the Assembly. To be blunt on the sub-panel on Machinery of Government Review we did not really give as much consideration to the committee system, and going over old grounds as it were, as one 2 Members might have liked. I think because we thought that the reality was it would never have a chance of getting through this Assembly but the point is that it is categorically the case that one of the findings in identifying the problems in the Machinery of Government was inclusivity. The other conclusion, because the Troy Rule has been referred to, is that people were generally supportive of the Troy Rule but what became very clear is if that greater power, for want of a better expression, was concentrated more on the centre that support for the Troy Rule increased and the Troy Rule obviously is the point about the Executive is in the minority of the Assembly and that is about checks and balances and that is your difficulty between inclusivity and oversight. The reason I have raised that is that I do not particularly have a problem with that. Sorry, one of the other conclusions was that we made recommendations as a package, I think it was in the final report, it was certainly in the draft, there was a conclusion in there that if the machinery of government ... if dissatisfaction with the level, being at its present level, got worse with the Ministerial system there was a strong view that the committee system should be properly evaluated at some point in the future, but I cannot remember what time period we put on it, but it was something like the next 6 years. So, in other words, the point was that there was, in the huge number of discussions we had with Members on a confidential basis, concerns about the existing system, concerns about lack of inclusivity, concerns about transparency and concerns about the authority of the Chamber on the Assembly in relation to the Executive side. I think that may be taken as read. The difficulty, of course, is trying to find the solution. Now, looking at the actual wording of the proposition, it is: "To research variations of committee style government." Well, to an extent that does fill a gap of some work that, perhaps, could have been done and was not under the Machinery of Government Review, and it is on the desirability. Well, if you are considering the

desirability of something I would rather assume you would look at what is suggested, the committee system, you might compare it to an existing system so I would not consider it prescriptive in terms of, you can only look at this. If you are looking at the desirability you have to compare and contrast. It is then about the introduction of the committee-style structure, that is fine. It is then: "To further request the committee to bring forward recommendations for revisions in light of the outcome of public consultation." So I do not think it is as tightly constraining as certain speakers have made out. What I can also say is that certainly when I get phone calls from time to time from parishioners or whoever quite often there will be a conversation harking back to some former committee system or they will ask me what committee I sit on. Although we understand the mechanisms here, or we think we understand, certainly the public does not and that is after 8 years and so that, in itself, is possibly a message. The final thing, which is really just from the point of the view of the review that is going on, is I think we also all accept that Scrutiny has to be important. There has to be that oversight role. How does one scrutinise a decision that is exempt; that never sees the light of day, that you do not know exists?

[15:15]

That is the other difficulty. That is one of the dilemmas we have had that does need to be addressed in any future recommendations that come through. Anybody looking blank, Ministerial reports are quite often exempt, attach a Ministerial Decision, but a Ministerial Decision itself can be exempt and is never reported. That, as I say, is balances. The Isle of Man system, as I have understood, is very much based around what is called Ministerial boards. Loosely, it is not that far different to some form of committee system I would argue. I think, as I have understood it, on the Isle of Man the Chief Officer sometimes sits on it and does have a vote, interestingly enough. On that note I will be happy to support the proposition on the basis I do not expect it to come back for this year but to put it on to the Legacy Programme going forward for someone to look at.

Deputy R.G. Le Hérisier:

I have just had an email from deepest Cornwall which requires a clarification from Deputy Young who commented on, as I recall, Cornwall County Council. What they are saying is it is a typical cabinet system. The reason they have joint portfolios is that they have a coalition arrangement in the council at the moment.

The Deputy Bailiff:

I am sure you accept that point of clarification, Deputy.

Deputy J.H. Young:

Just to say my information was taken from their website having been alerted to the fact that they did take a vote on moving to it and obviously I have gone on the structure of the website. If there is an overlay in cabinet nonetheless there are plenty of committees in Cornwall which the website will show. Maybe it is an example of a hybrid.

6.1.15 Deputy T.A. Vallois:

Sorry, I feel like it is necessary for me to speak after my second Machinery of Government Review of 2 years of ... I will not say torture because maybe that is too harsh but it is close. Where do I start? When we started that Machinery of Government Review we sought the views of States Members and there was a clear majority that we should stick with Ministerial government hence the reason why we reviewed the current system of Ministerial government, identified what the issues were and took everyone's views into account. It took us 2 years to bring it an in-committee debate last year where every single Member in this Assembly had the ability to have their say about Ministerial government. There were no limits on that. They could have said what they wanted on Ministerial government, they had that ability. Yes, there are frustrations with Ministerial

government. I was not part of the committee system but I am sure there were plenty of frustrations with that system as well but the one thing that I have noticed out of doing both reviews, 2 reviews on the machinery on government now, is that you will never ever get a system that is perfect. It is very much dependent on the people that you have within the system and this is politics and we are all independent. I feel like I need to address the Chief Minister's and Senator Bailhache's comments about the Troy Rule because if we were to amend the Troy Rule and attempt to have more, what is suggested as inclusivity, I would argue that that is not necessarily the case because a lot of people who came forward and talked about inclusivity on the Machinery of Government Review were talking about inclusivity in terms of decision making. That is very difficult within the Ministerial government side of things because if you take away the Troy Rule what we are saying is that we are allowing Assistant Ministers to come and serve on Scrutiny. Now, I would not necessarily have an issue with that but where the problems occur, and I will give an extremely perfect example, is when the Chief Minister, the current Chief Minister, set out to stand as Chief Minister for this Assembly he turned around and said: "He wanted a more inclusive government. That he was going to set up boards where everybody could be involved, *et cetera*." Now, there was an attempt at setting up a reform board. I have a lot of interest in the public sector reform and every time it was suggested that I may be able to go and sit on that board I cannot because I am Chair of P.A.C. (Public Accounts Committee) and there may be - may be - some point in the future, assuming that I get through another 2 elections, assuming that I stay as Chair of P.A.C., I would have a conflict of interest so all those arguments start to arise. Well, do you or do not you have a conflict of interest? Do you have executive powers or do you not have executive powers? The real issue with the Ministerial government that I came to find was the role of Assistant Ministers. What do the Ministers want them to do? That is the issue. You can make Scrutiny extremely flexible, allow the ability to interact, allow the ability to have the informal and formal meetings and the quarterly hearings and the accountability. You can have that. It is the people that you put in place to run that that makes the difference. We all work differently and I think the expectations of how each individual works in the system is the issue and the clarity around our roles is an issue. I think we have got to the point with regards to the machinery of government where we will come forward with some amendments to the States of Jersey Law. Yes, I am on this steering group at the moment but, to go back to the committee system, I do not think now or even in the next Assembly you will get a majority agreement that that would be the case. There is no problem with reviewing these things but it is just time and time again, reviews, reviews. I think we are very aware, after 8 years, of the issues and the problems we have had with Ministerial government. What I feel is that we do everything back to front; absolutely everything is back to front. Why would you tighten and create a hold on a Scrutiny function that does not make life-changing decisions, that holds the Executive to account but yet you do not put a code of practice in place for the Council of Ministers. It just seems absolutely absurd. So those are the little things; it is governance arrangements, proper corporate governance and the ability to hold people to account, be transparent, be honest, have integrity, all those things we stood up in the Royal Court and put our hands up to. All those things that we stood up to within the Standing Orders that we apply to our everyday working and at the moment I cannot ... I understand where Deputy Baudains is coming from because he has kept consistent all the way through our group. He believes that the committee system would be better because we are all independents and, yes, Ministerial government would fit more of a political party system. It would. Anybody could argue that but it would. After 2 Machinery of Government Reviews it would but we have to try and work with the system that we have. I think the changes that we are bringing forward - although we have had some debate about the Scrutiny changes on the Chairmen's Committee - I agree with my Chairmen's Committee, because we have had that discussion and that debate about the changes, but I think that is the only way forward. It has taken us 2 years to get to this point to change just the machinery of government and it is so important, especially if people want to reduce the amount of States Members to make sure that you have the

right principles in place of accountability and transparency but also, if you are going to reduce States Members going forward, you need to make sure you have got the right foundations and the right structure in place as well and so I will leave it on that note.

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on Deputy Baudains to reply.

6.1.16 Deputy G.C.L. Baudains:

I thank everyone who has contributed to the debate. Obviously I will not refer to everybody who has spoken. I would take my Constable slightly to task. In a way I thought he was supporting me because he agreed with me that the committee system was extremely slow. I think I made that comment in my opening speech because what ... and I will reiterate this in a few moments that I am not asking to go back to the old committee system. I am not even asking to go back to a revised committee system. What I am asking is that we review it and compare it with what we have now and I think that also addresses the comments that Senator Maclean made because I think he misread the proposition I was making because he said that essentially it had already taken the view that we would be going back. On the third line it says: "To seek opinion of the public on the desirability of revising the machinery of government in Jersey to introduce a committee style structure." That was meant to be taken all in one so I am not suggesting that we go back to a committee system. What I was suggesting there is that, as I said, one would look at the old committee system, see how it could be improved and then that analysis would form a report which you would compare: "Right, we have got that. We have got the improved Ministerial system which is about to arrive; let us look at the 2 and see which one is the best." There might even be a case behind it. What I asking for is not to move to another system. What I am asking for is to review the old system because we have not done that and, to pick up on the last speaker, we have reviewed and reviewed; yes, we have. We have reviewed and reviewed the Ministerial system. We have not, yet, reviewed the committee system. None of the reviews that have been done, and I have been on most of them going back about 7 years now; they have all reviewed the Ministerial system. It has got problems. How can we fix them? We have always come to the same conclusion that the major fix is a lack of inclusivity, the lack of accountability and all that sort of thing. We cannot find a consensus on. We cannot find an answer. All we can do is fiddle at the margins. The reason I brought this proposition, I fear that at the next Assembly we will be doing the same, holding another review of Ministerial government. This is going to go on for ever because it cannot be fixed. It is not going to get much better than it is now and that is the truth of the matter. Also, going back to the Constable of St. Clement, as I said, I think Senator Breckon picked up on this, it is ironic that he hates committee systems as much as he does considering he was President of one for a number of years and currently sits on the Privileges and Procedures Committee so I just thought that was interesting. As one or 2 other speakers have suggested the major failings, which I just mentioned, in the Ministerial system they would only be resolved with party politics. We do not have a party political system at the moment and the public have expressed the view, on a number of occasions, that they do not want party politics so I have come to the conclusion, as I have just said, that we are never going to be able to make it very much better than it is now. We can tweak a few little things. We can maybe have another Scrutiny Panel, we can do this, we can do that but we are not going to solve the major issues. What we have at present is frustrating for politicians but it is also extremely frustrating for the public and I think we lose sight of that. I mean there have been comments before along those lines that the public do not feel they are connected anymore. Senator Bailhache made some interesting comments when he said that: "Inclusivity is incompatible with Ministerial government. We lose out. We slip into a 'them and us' mentality." I do agree with him that the "them and us" mentality was far worse in the previous Assembly than it is in this one but then he went on to find a different solution than the one I am looking at. So the problems that we have

tried to fix with ... as I said in my opening speech, I served on a P.P.C. committee for 3 years. We could not find a consensus to solve the problems. The following P.P.C. spent 3 years on it. I have just spent another year on it so that is 7 years I have spent and I am fully aware of the difficulty, and there is just no way. If all those people working for all that time could not find a solution I do not think we are going to find one in the near future. The lack of inclusivity is the major one, as Deputy Vallois was referring to. The one that troubles the public the most is the fact that we are ... and this goes back to the comment that the Constable of St. Clement made this morning about decision making. The fact is that we are not making decisions, we are a Legislature. The public would expect us to make decisions and I know the Constable this morning referred to the fact that it took 2 or 3 meetings to decide on a Jersey Telecom logo.

[15:30]

Well, I cannot remember how long it took to design the flying banana but these things do occur but at least when the public have an issue they could get things resolved. They felt that the people that they had elected were making decisions on their behalf. The Constable of St. Clement, again, if I may refer to him, said this morning that what was happening then was that while the politicians were making the decisions the policy was made by civil servants. Well, now we have the situation where that is still the case but the civil servants are making 95 per cent of the decisions as well, a highly unsatisfactory situation. I mean at the moment we have 11 Members, that is the Government, running the Island, so unless you happen to be fortunate enough to be elected to a Ministerial position you cannot decide you can only look on and try to challenge. Deputy Vallois referred to the Assistant Ministers, which we were concerned about in our various reviews because it is a grey area. Some, like the Assistant Minister for Treasury and Resources, are fully involved; others are kept at arm's length. So we have got 40 Members not included in governing. We cannot develop policy. We cannot make decisions and as a member of the Planning Applications Panel I can assure Members that a team makes better decisions than one person. You have to have input which is why one of the thoughts that I had was that Scrutiny, as I said in my opening speech, is reviewing decisions made by somebody else. Would it not be better if, I think, along the lines that the Deputy of St. Martin was saying, if Scrutiny was upfront in real time? Now, where I differ from him is that I believe Scrutiny should be within the Ministerial system. The committee would be the Minister and the Scrutiny Panel all in one unit. So we are not that far apart I do not think. Obviously I believe the committee system had advantages over the present system greater than the present system has advantages the other way around. Members of the public were not fully involved in the decision to move to Ministerial government. I do not think they really understood it was being proposed and in fact a decade later there are quite a few still who do not understand it. I have to say that every member of the public who has spoken to me on the subject in the last year or so has expressed the opinion that they preferred the previous system. I cannot stress strongly enough but I not asking that we go back to the committee system. I am not asking that we should go back to an improved committee system. What I am asking is that we look at the old committee system and see how it could be improved in the same way as we have looked at the Ministerial system and see how that can be improved and then we will make a note of what conclusions we have come to. We then compare that with the improved Ministerial system and we can judge which is best. We might even come to the conclusion, as Deputy Young has said, that a hybrid is the answer. I am asking for research to take place not a change to another system at the present time but I make the proposition.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats.

Senator A.J.H. Maclean:

I just wanted a couple of points of clarification if I might? I did ask the Deputy if he would be able to give an indication as to whether there was a cost associated with the proposition. It says in the financial implications there is not but clearly he is asking for a certain amount of work to be done which would have a cost, I would have thought, associated. Could he confirm that?

Deputy G.C.L. Baudains:

I do apologise and I overlooked that. The only cost involved would be the officer time taken to be clerk of the working party because the working party would be politicians who were ...

Senator A.J.H. Maclean:

I was referring in particular to the public consultation that the Deputy was referring to. How can that be carried out without any cost implications? Perhaps he could just clarify.

Deputy G.C.L. Baudains:

I cannot comment on the consultation because that would be a matter for P.P.C.

The Deputy Bailiff:

Very well, the appel has been called for. The vote is on the proposition of Deputy Baudains, P.157. I ask the Greffier to open the voting.

POUR: 16	CONTRE: 28	ABSTAIN: 1
Senator A. Breckon	Senator P.F. Routier	Deputy T.A. Vallois (S)
Senator S.C. Ferguson	Senator P.F.C. Ozouf	
Connétable of St. John	Senator A.J.H. Maclean	
Deputy R.C. Duhamel (S)	Senator B.I. Le Marquand	
Deputy R.G. Le Hérisssier (S)	Senator F.du H. Le Gresley	
Deputy J.A. Martin (H)	Senator I.J. Gorst	
Deputy of Grouville	Senator P.M. Bailhache	
Deputy J.A.N. Le Fondré (L)	Connétable of St. Helier	
Deputy S.S.P.A. Power (B)	Connétable of Trinity	
Deputy M. Tadier (B)	Connétable of St. Clement	
Deputy M.R. Higgins (H)	Connétable of St. Peter	
Deputy J.M. Maçon (S)	Connétable of St. Lawrence	
Deputy G.C.L. Baudains (C)	Connétable of St. Mary	
Deputy J.H. Young (B)	Connétable of St. Ouen	
Deputy of St. Mary	Connétable of St. Brelade	
Deputy R.J. Rondel (H)	Connétable of St. Martin	
	Connétable of Grouville	
	Deputy of St. Ouen	
	Deputy J.A. Hilton (H)	
	Deputy of Trinity	
	Deputy K.C. Lewis (S)	
	Deputy E.J. Noel (L)	
	Deputy A.K.F. Green (H)	
	Deputy of St. John	
	Deputy J.P.G. Baker (H)	
	Deputy S.J. Pinel (C)	
	Deputy of St. Martin	
	Deputy R.G. Bryans (H)	

7. Access to Justice in Jersey: review (P.158/2013)

The Deputy Bailiff:

We now come to P.158 - Access to justice in Jersey: review - lodged by the Chief Minister and I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion - (a) to agree the proposed Terms of Reference, Methodology and Membership for a Review of Access to Justice in Jersey as detailed in section 2 of the accompanying report of the Chief Minister dated 2nd December 2012, (b) to agree that immediately following the adoption of this proposition the States should appoint by open ballot, as members of the Advisory Panel (through separate ballots as required) - (i) one Member who is the Minister or Assistant Minister, (ii) one Connétable and, (iii) 2 elected Members who are not Ministers or Assistant Ministers.

7.1 Senator I.J. Gorst (The Chief Minister):

This is a proposition which recommends the Terms of Reference and Methodology for a Review of Access to Justice in Jersey and that is detailed in the report that accompanies the proposition. If Members are to agree this then immediately following the agreement and the adoption of the proposition we will move to the appointment by open ballot of members of the proposed advisory panel. Members may recall that during the debate in September last year regarding justice policy and resources I stated my intention to commission a review into access to justice in Jersey. Jersey, in common with all other democratic and just communities, requires ways of resolving disputes between members of our community, which are fair and respected. I am confident that the legal system in Jersey achieves that. What can be more difficult however is to ensure that all members of our community have proper access to information, advice and representation before that system. It is important, therefore, to review the ways in which we seek to ensure that people are able to have access to that information, advice and representation. The terms of reference proposed have arisen from some initial discussions held during October last year with a number of people now proposed as members of the expert group. I am also grateful for the input received from Deputies Tadier and Young who offered a number of good observations on an earlier draft. This work resulted in a draft terms of reference which were duly considered by the Council of Ministers in November last year. We will also see from the terms of reference that the intention is to undertake a full review of access to justice in Jersey which will include a review of legal aid. The review will examine the scope for alternative approaches and will make proposals for developing further our efficient and effective legal system. The objective is to identify proposals which would improve access to justice and the resolution of complaints while delivering value for money and the use of public funds. Members will note the following intention: "To take a broad interpretation of access to justice, to consult widely and gather evidence from the public, to consider issues in relation to affordability and different funding models, to consider competition, price and other market based factors and to have regard to the potential impact of any recommendation on the users of legal services and the tradition of honorary service in Jersey." I am proposing that the work is assisted by an advisory panel to be chaired by Senator Routier. The panel will comprise 4 other Members with the composition of the panel including those holding both Executive and Non-Executive roles and at least one Connétable. I am also proposing that the review is assisted by an expert group which will comprise representatives from the Law Officers Department, the Judicial Greffe, the Law Society of Jersey, the offices of Bâtonnier and Acting Bâtonnier, the Chamber of Commerce, the Citizens Advice Bureau and the Consumer Council. I am particularly grateful to the Chamber of Commerce, Citizens Advice Bureau and Consumer Council for agreeing to provide their expertise in order that the perspective of Islanders needing to access the justice system, whether as citizens or businesses, can be present at the heart of the review. Once Members have decided upon this proposition the review would result in an interim report being produced within 6 months, a final report will be presented within 12 months of the interim report. I am sure that Members

appreciate that this is an important but necessarily lengthy piece of work and I hope that the Assembly will support it.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] We have an amendment of Deputy Tadier.

Deputy M. Tadier:

Before that is read out can I say that I have spoken to the Chief Minister and I do not wish to pursue this amendment so if it is okay with the Assembly can I withdraw? I can explain why later.

The Deputy Bailiff:

You can withdraw the amendment before it is read of your own initiative and that is what you are doing. Very well, does any Member wish to speak on the proposition of the Chief Minister?

7.1.1 Deputy M.R. Higgins:

While I would welcome a review of the area I think it is going to be a monumental task and I think especially the legal aid system, which is definitely broken. We have a situation at the moment where the lawyers are doing it for free. They do not want to be doing it for free. They would like state funding. We have a system that people who cannot afford to go to court ... anyone with a modest income or a reasonable income cannot afford expensive legal cases. We have a system that is really broken and I do not believe that States Members within 6 months or a year will address this. The U.K. is grappling with legal aid as well and it is going on and on. To be perfectly honest if we are going to do this exercise I think it might be better to bring in the experts at the start and let them do all the work behind the scenes because it will just tie-up States Members for an awful lot of time. I do not really want to be negative but we do have a broken system and it is a major undertaking. Look at other systems where legal aid is being done and you will see exactly what I mean.

7.1.2 Senator A. Breckon:

Just some help really for the Chief Minister and I shall move on. We have just been talking, a few moments ago, about the committee system but I am aware that quite a few years ago a former Legislation Committee did a review into legal aid so there might be pieces of work ... and I know when I was Chairman of the Consumer Council we also did a report into legal services and charges so there might well be, as well as consulting and gathering in the methodology, it might well gather what is already there because that could well inform where we are. I do not necessarily agree with what Deputy Higgins has just said because I do not think it is fair to categorise the legal profession. It is very convenient at times with perhaps journalists and politicians and estate agents to have a sort of race for the bottom but in my experience many members of the legal profession do give their time freely and willingly and contribute to society. Having said that there are some levels of charges which are questionable but it is not all bad news and I think this is welcome. It is something that has been around for a long time and I hope the House will wholeheartedly support that and the Chief Minister will take on board that there are pieces of work that are already there that could save trying to reinvent the wheel because there is lots of information and work that has already been done.

7.1.3 Deputy J.H. Young:

I am very grateful for the Chief Minister's proposition. I think it is a very positive move towards sorting out a very longstanding ... and it is a huge problem affecting ordinary people's lives. In one of my careers I found myself as an accountant working for a local law firm and so that 5-year experience working in a managerial capacity did give me some familiarity with the practicalities particularly of the finances of access to law on the legal aid system. I think I certainly formed the

impression during that time that our system of law was very sophisticated and very well suited to what I would call very large-scale, high profile commercial litigation.

[15:45]

It obviously needs to have that. As a major international finance centre it is absolutely right that we have all the infrastructure in place so that people can comfortably do that commercial business in Jersey and feel confident about it and have the skills here. Of course skills are expensive and Jersey is a high cost place anyway. What I am very much hoping this review will concentrate on is what I may call ordinary people's access to justice at a domestic level. That means dealing with things like their family law problems, their pieces of small litigation and it is not just only about people, small businesses and medium size commercial enterprises who, frankly, under the Royal Court system would run very substantial risks under the system as it currently is. I think the terms of reference do include legal aid for individuals. Now, in theory, of course, the rules for legal aid are set by the members of the Jersey Law Society and that is done as part of the advocates' oath of office that they swear when they are admitted to practice in the Royal Court. So, in theory, we do have a free legal aid service to people. I think that is the theory but in practice the reality is different because of course the codes of practice do allow firms to render charges to individuals and I know that practices vary really quite widely across firms as to the extent of charges and the basis of them. Of course, I think the financial limits to qualify for that legal aid are really quite low and restrictive and so I suppose if you are in ... if you have got no money and you are completely, as it were, without resources then, yes, you will get legal provision but I think the reality is ... I think it was said to me: "What about middle-Jersey?" and I said: "Yes, middle-Jersey does fall into this group that lose out." I think people, when they are facing some of the ordinary domestic circumstances of life, such as the tragedy of divorce and family problems, sometimes come out of that very financially damaged and they carry those problems for the rest of their lives and so I think that we should look at this. I very much welcome this proposal. Whether or not I get elected on to it or not but either way it is really important it is done. There is a funding issue. There is no escaping this. The Jersey Law Society has gone on record, particularly in recent years, about this being an unsustainable practice. I have certainly attended a number of seminars from Members where, of course, the bigger firms anyway have generally learnt to cope with this but the smaller ones no doubt experience major difficulties. So there is a potential funding issue but I think there are alternative solutions about that. There may be some lawyers and professionals in practice who think the answer is hold out, if you like, the begging bowl for public money and that will solve it. I think there are other alternatives to that. There are all sorts of systems of levies and so on but I very much hope that Jersey finds ways of carrying on providing this essential service to people who get in ... situations happen to them, they get that advice. I certainly would not be favouring the changes, which I do not think are going to be maintained in the U.K., when they are talking about ... not proposing removing legal aid entirely from whole groups of people. I think that would be a disaster. I very much hope this group will be pragmatic. It is a big task but I think what we have got is a structure here. We have got the expert group who have the professional knowledge and then with the other members of it I think it should be possible to come out with a pragmatic set of proposals and not, as it were, to go for the Rolls-Royce solutions. I suppose very much in parallel with what we discussed in the early debate about Scrutiny, focus on what is achievable, bring forward proposals that really have got practical common sense to try and improve the situation for ordinary people so I am very in favour. I am delighted the Chief Minister has brought this proposal.

7.1.4 The Connétable of St. John:

I am supportive of the Chief Minister in what he is trying to put together but I have to question, are the nominees that he has put forward, given that one of the nominees had put an amendment to the

proposition, although it is has been withdrawn ... I would presume anyone who shall be taking on this position should be totally unbiased and impartial. Given the withdrawal of that amendment I have got some concern that we may not be getting somebody on that panel who is totally impartial and unbiased. I am not going to say more than that but given that that document was laid for debate today and only just withdrawn I must say that I hope the Deputy concerned will give us his reasons why he laid that in the first place.

7.1.5 Deputy M. Tadier:

It might be apposite for me to do that now. In fact the reasons are within the proposition and the amendment's report. I would have been quite happy to maintain the amendment but let us clear one thing up for a start. It seems I have to address this even though it has been withdrawn but that it fine. The reason I put the amendment is because the Chief Minister specified that he wanted one Member from the Executive. He wanted 2 Members of the Non-Executive and he specified that he wanted one Constable. I do not have a problem with there being a Senator, Deputy and a Constable on there. In fact a Constable has been nominated so presumably it is a very strong likelihood that they will be those individuals who the Chief Minister has nominated. My issue is that first of all we have put a quota in to say that no matter who else is elected we will definitely have one Constable. It is entirely possible that we could have 3 Constables on there because the Assembly may not like the fact that me and my colleague from St. Brelade have been put forward so other Members may wish to put themselves on there but no similar provision had been put forward for at least one Deputy and at least one Senator so why, I was questioning, were we giving a privileged position, a quota system, to the Constables. That is in the second part of the very short proposition, which the Constable of St. John will have read of course, is that we have specified that we want one person from the Executive, 2 from the Non-Executive. Chairing it, of course, would be Senator Routier anyway so you have got a 2/2 split there and depending on which Constable we put in the position and if the Chief Minister's preferred option had been rejected and, let us say, replaced with the Constable of St. Peter then we would have had a 3/2 split in terms of Executive versus Non-Executive. So that is the rationale and it must not be perceived in any other way than that. Having said that, as soon as I got back to Jersey after Christmas I phoned up the Chief Minister's office and said: "Can we discuss that amendment? How do you feel about it?" It was very clear that although the Chief Minister was not too bothered either way he did want to have a Constable for the reason that he thinks that the Parish apparatus, considerations for that, and the access to justice were a valid consideration, there needed to be conduit. So, on that basis, I thought that was probably a reasonable explanation. I would not have done it that way but at least I know what is going on. So the amendment was no longer needed at that point and that is why I have withdrawn it in conversation with the Chief Minister. Turning to the main proposition now, it is clear, I think, that a review is not only needed but it is long overdue. It is something that I had been working on in parallel to the Chief Minister. It is something that I had promised my constituents that I would look at and I was working on a proposition but it became apparent that the Chief Minister shared those concerns and that it was better to do this as a team because we were, essentially, pulling in the same direction. So that is why I and other individuals have got involved. Can I read a quick quote? It relates to one of the many individuals who had been in contact with myself and I am sure the situation has been similar for Members who have been in this Assembly longer than I have, is that issues to do with legal aid, the unfairness of it in certain instances, who can access legal aid. Sometimes it can be the person who is relatively well-off who cannot access legal aid or who cannot access it in its full terms, could be pursued by litigation. Sometimes it could be litigation which is dubious, can rack-up huge bills and there is a disparity in who ends up losing, it is usually the family home gets sold, who ends up winning in certain cases. It is the litigious lawyers on certain occasions but of course we know on the other hand that the system does not work well for lawyers and law firms, especially the smaller ones because there is not a level playing field and of

course all this work is being provided *pro bono* with the following corollary that entails. There was an individual who was living with his partner, going through a divorce and legal aid said: “Well, we need to have your partner’s disclosure. We need to know what your partner earns.” This individual said: “Why? What has that got to do with my partner? I am the one who going through the divorce. She does not provide for me other than that I pay her some costs towards the living.” Quite rightly the judge who was presiding at the time, who will remain nameless, said: “Well, that is clearly not fair, you should not be asking for that”, but this person was refused legal aid. So the words of the Bailiff in summing-up in this case were: “We should add and make it clear that he had very much hoped that the husband would be granted [this is the previous judge who was presiding] legal aid. It would seem that for some time the husband’s partner refused to disclose details of her assets in accordance with the legal requirements of the Legal Aid Scheme but that following the court’s assurance that any such information would not be made available to the wife the husband’s partner did provide the relevant information. However, legal aid was then refused on the basis that her capital assets precluded the granting of legal aid. We would have to say that the decision suggests an urgent need for review of the legal aid guidelines. The house belongs entirely to the husband’s partner and he has no claim upon it.” It goes on a bit further but it says: “That we think that this, and certain other cases which have come to the attention of the court, suggests that a review of the legal aid guidelines is overdue.” So essentially we are saying that States Members, the courts themselves, the lawyers and those in receipt of legal aid but also other processes do definitely see the need for legal aid. I must admit we had robust talks with the Chief Minister, and I am not going to keep people much longer, but I think it is germane just so we know the processes that have been going on in the background. When I initially looked at the expert working group that had been put forward by the Chief Minister early back then, my initial reaction was: “You have got to be joking”, through the Chair. “One has to be joking.” Because I looked at that and thought: “How on earth ...” All these individuals who have got vested interests, this is partly where the problem is, and I thought: “How are we going to make headway?” We had meetings and I have come to the conclusion, although it is not the way I would necessarily have chosen to do it, I do believe that the officer and those involved ... we have to take these people on board. We have to hear what they are going to say and the relevant checks and balances, if you like, the counterbalance is the Executive Members. Deputy Higgins is quite right, this is a massive piece of work that is going to be done in 6 months to report back in time for the next elections, but I think it is crucial that we do that. We have to show that we have started work on this very real area before we can go back to the electorate and give them an update. I would envisage that our part, certainly, would be ... part of the issue is to be able to sit down, provide a forum whereby members of the public can come to us and tell us their experiences and we obviously cannot judge the rights and wrongs of that but to hear where people perceive that they have been let down by the system in any way possible and for us to try and make some sense of that and then to come out with something productive. So that is why I am very happy to be involved with this and I will go along with the methodology. So I do ask Members for their full support and I hope that gave clarification to the Constable.

7.1.6 Deputy G.C.L. Baudains:

Just to say, as probably Members would expect me to, that I find it ironic that the Chief Minister opposes the views on committees but is now proposing one of his own.

[16:00]

Presumably it is doomed to failure before it starts. Perhaps he could explain why he is not doing it through the Ministerial system or by Scrutiny.

7.1.7 Senator P.F. Routier:

Just very briefly. There is no doubt that the task that is being asked of this panel is quite a huge task. I appreciate what Deputy Higgins said that there is a need to have this expert group who are going to advise and I think the successful States Members who are elected to this group will obviously be relying quite heavily on them to give us the expert advice that is needed. The only other comment that I would make is that if I am elected to this position I will give it my every effort to ensure that we do meet the timescale that is being put to us and I have to say the other nominees... I am delighted that we have such a good cross-section of our Assembly and I would be very happy to work with them.

The Deputy Bailiff:

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

7.1.8 Senator I.J. Gorst:

I am grateful for all Members who have spoken who are supportive of the setting up and the undertaking of this piece of work and I am grateful for that. Rightly, points have been made that this will take a good deal of time and I think that, far from the comments that Deputy Tadier might have initially thought about the expert group, the expert group will be absolutely foundational in helping to understand the concerns, put them into context and come forward with creative solutions to any issues which arise certainly around the legal aid and how that might be delivered into the future. I believe that Government has a duty to ensure that all citizens can secure access to justice. This review, I think, will be an important step towards ensuring that we are fulfilling that duty and that all members of our community have, as I said at the start, proper access to the necessary information, advice and representation and I, therefore, ask that Members support the proposition.

The Deputy Bailiff:

All Members in favour of adopting the proposition kindly show? The appel is called for. I invite Members to return to their seats. The issue is on whether to adopt paragraphs (a) and (b) of the proposition of the Chief Minister and I ask the Greffier to open the voting.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisser (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				

Deputy of St. Ouen				
Deputy of Grouville				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Deputy Bailiff:

Now, part (a) of the proposition has been agreed and it seeks the establishment of the board and I think, on a proper construction, that means that Senator Routier's appointment as chairman has already been adopted by the Assembly and, therefore, we turn to the elections under paragraph (b) which are now being requested and I invite nominations. Chief Minister, you are nominating those who are contained in paragraph 3 of the report, are you?

Senator I.J. Gorst:

That is correct, yes. Just for clarity Senator Farnham, the Connétable of St. Mary, Deputies Tadier and Young.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations? Then if there are no other nominations those Members are elected. **[Approbation]**

8. Draft Public Employees (Retirement) (Amendment and Validation) (Jersey) Law 201-(P.159/2013)

The Deputy Bailiff:

Then we come to the Draft Public Employees (Retirement) (Amendment and Validation) (Jersey) Law 201-, P.159, lodged by the States Employment Board and I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

Draft Public Employees (Retirement) (Amendment and Validation) (Jersey) Law 201-. A Law to amend the Public Employees Retirement (Jersey) Law 1967 with effect from 1st and 9th December 2005 and 1st September 2013, and to validate the employment of certain persons by the States Employment Board for the purposes of the provision and payment of a pension under that Law. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

8.1 Senator I.J. Gorst (The Chief Minister):

This is what I hope is a straightforward change which will normalise the position, as the report says, of the Data Protection Commissioner of P.E.C.R.S. (Public Employees Contributory Retirement Scheme), the Greffier of the States and the Deputy Greffier of the States, and the Master of the Royal Court are already being remunerated as if part of the scheme. This is just normalising the situation under the various laws.

The Deputy Bailiff:

Is the proposal seconded? **[Seconded]** Does anyone wish to speak on the principles? Members in favour of adopting the principles, kindly show? Those against? The principles are adopted. Do you move the Articles in Second Reading? Thank you very much. Senator Ferguson, do you wish to scrutinise this piece of legislation?

Senator S.C. Ferguson:

I do not think so.

8.2 Senator I.J. Gorst:

If I could move them in Second Reading.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak in Second Reading?

8.2.1 Deputy R.G. Le Hérissier:

I wonder if the Chief Minister could tell us why we have to go through this laborious process.

The Deputy Bailiff:

So you have adopted the principles without knowing that. Does any other Member wish to speak on the detail of these Articles?

8.2.2 Deputy M.R. Higgins:

If I could just ask a point of clarification really. We know that obviously you, Sir, and other Members of the Royal Court, are not public servants. Could someone please explain to me the relationship of the Master of the Royal Court, how he is appointed, to whom he is accountable and therefore why he fits within the Public Service Scheme?

The Deputy Bailiff:

Does any other Member wish to speak? Chief Minister, would you like the Attorney General to help on that second question?

Senator I.J. Gorst:

Indeed, but I was just trying to recall the first.

The Deputy Bailiff:

The first was Deputy Le Hérissier's question as to why we were troubled with these arrangements at all, I think.

Senator I.J. Gorst:

Firstly because pension matters are not laborious. They are indeed interesting and important and, as the Deputy knows, we are a Legislature so changes to law must come here and we must appropriately debate them, consider them, and approve them or reject them accordingly. I would be grateful if the Attorney General could answer the questions raised by Deputy Higgins because they fall outside of my remit.

Mr. T.J. Le Cocq Q.C., H.M. Attorney General:

The Master of the Royal Court is a judge of the Royal Court who deals with procedural matters. During the course of any piece of litigation or case before the courts, a large number of procedural issues need to be resolved by a judge. They are generally resolved by the Master of the Royal Court at a hearing before him in first instance. The Master of the Royal Court is an appointment by the Bailiff, as I recall.

Deputy M.R. Higgins:

Sorry, could I just ask a supplementary? I assume, then, that the Master of the Royal Court is answerable to the Bailiff is he?

The Attorney General:

I suppose in the sense that any judge is line-managed in any way. In theory, yes, the Master is answerable to the Bailiff but he exercises his discretion and his judgeship in a wholly independent manner as all judges in this Island do. Of course, if anyone disputes his decision on procedural matters, they can appeal and take the matter to the Royal Court.

Senator I.J. Gorst:

I maintain the Articles in Second Reading.

The Deputy Bailiff:

Members in favour of adopting the Articles, kindly show? Those against? The Articles are adopted. Do you move it in Third Reading, Chief Minister?

8.3 Senator I.J. Gorst:

If I may.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak?

8.3.1 Deputy R.G. Le Hérissier:

I wonder if the Chief Minister could tell us, notwithstanding the considerable importance of these issues, why it is not possible to do them in a more expeditious manner?

The Deputy Bailiff:

I am going as quickly as I can. Senator Farnham?

8.3.2 Senator L.J. Farnham:

Well, I think this is about the most expeditious debate we have had all week. **[Laughter]**

The Deputy Bailiff:

Does any other Member wish to speak in Third Reading? Chief Minister?

8.3.3 Senator I.J. Gorst:

I was going to thank Senator Farnham for his intervention and simply note that perhaps if there were fewer questions during the course of the movement of these Articles, it would be even more expeditious, which the Deputy seems to require. These are amendments to the law. That is the way that the P.E.C.R.S. legislation was written prior to the days that we felt it was appropriate to deal with issues like this under Ministerial order. As new pieces of legislation, they are more enabling laws and we deal with things in a different manner but this is a relatively old law and therefore it needs to be dealt with in this manner.

The Deputy Bailiff:

Very well. All Members in favour of adopting the law in Third Reading, kindly show? Those against? The Law is adopted in Third Reading.

9. Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 2013 (Appointed Day) Act 201- (P.161/2013)

The Deputy Bailiff:

We now come to P.161/2013: Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 2013 (Appointed Day) Act 201-, and I ask the Greffier to read the Act.

The Assistant Greffier of the States:

Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 2013 (Appointed Day) Act. The States, in pursuance of Article 6 of the Restriction on Smoking (Amendment No. 3) (Jersey) Law 2013, have made the following Act.

The Deputy Bailiff:

Minister, I understand that you wish the Connétable of St. Peter to deal with this matter?

9.1. Connétable J.M. Refault of St. Peter (Assistant Minister for Health and Social Services - rapporteur):

Members will remember that in April 2013, we supported a proposition on the Regulations on the advertising, promotion and display of tobacco products. We voted then in support of this proposition by 43 votes to 2. These Regulations today will put in place the necessary controls to ensure Islanders are no longer subjected to tobacco advertising and promotion. In particular, smokers, ex-smokers, potential smokers, children and young people will no longer be faced by the bright promotional branding of cigarettes at shop till points across the Island. I am proposing that we vote in favour of P.161/2013 today and support the Appointed Day Act that will bring these Regulations into force on 30th October 2014. I put the proposition.

The Deputy Bailiff:

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

9.1.1 Deputy T.A. Vallois:

Just quickly. I would just like some clarification from the Assistant Minister. This Appointed Day Act is to meet policy aims which were agreed in April last year. I just wonder if he could explain how they are going to measure that, whether there is going to be a baseline data for this and then say, for example, in 5 or 10 years' time when somebody else turns and says: "We should do something else for tobacco and these are the reasons why." This is for comparison reasons. We usually use other areas like the U.K. for baseline data and I was just wondering, in terms of measurement, we want to reach these policy aims but how are we going to prove we have reached them?

9.1.2 Deputy S. Power:

Yes, very similar to Deputy Vallois' theme. I do not know how we are going to benchmark any progress here. I understand the need to reduce the sport-related advertising display and kind of the attraction of it but as to how we benchmark, how we stop an 18 year-old buying tobacco for a 16 year-old and how parents if whoever buy product for their children, I do not know. I just think that as much as P,161/2013 has amiable and good aspirational objectives, I think P.162/2013 is the same but it is largely based on U.K. data which I will deal with when we get to P.162/2013 but I

very much agree with Deputy Vallois. I do not know how we are going to measure this and I am not sure how we are going to enforce it.

9.1.3 Deputy M. Tadier:

It is just a question and it is tangential to this. I support this obviously and it is consequential, is it not, that we have already passed it but I have noticed also the prevalence of alcohol advertising for example. One place is the bowling alley. You go down there and children will be bowling there on a Saturday/Sunday. In fact, there are special promotions to get children and families up there and alcohol is basically sponsoring it and that is what they are seeing and they cannot buy that and it is an 18 year-old age anyway to do that. So I think we do have to have some more joined-up thinking about the messages that we are sending out. It is just to really raise that while I was thinking of it and I see a few heads nodding and perhaps that can be addressed in due course.

9.1.4 Senator L.J. Farnham:

I wondered if the Constable could just remind the Assembly of the arrangements that will be made in the duty free shop at the airport to ensure it complies with these new laws.

[16:15]

The Deputy Bailiff:

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

9.1.5 The Connétable of St. Peter:

The policy aims are to reduce smoking wherever possible across all age ranges and it is a piece of work that is constantly ongoing with the Health Promotion Unit in Public Health. They monitor as much as possible by doing surveys across the different age groups, particularly children and schools is one of the good catchments for seeing what the trends are. Trends are slowly reducing but still they are not low enough and the aim of this particular policy is to stop children who are below the normal age of smoking from starting in the first place. It is to discourage people from being encouraged by the wealth of expensive promotional material which is out there, a lot of which is also linked to sport which we encourage young children to get involved in, and it is trying to reduce all of that impact, encouraging them through sport and other activities to take up smoking, and the way we are going to benchmark those is only by testing it year on year through doing surveys through the different age groups that Public Health test. Also there is a particularly good piece of work done in the 2013 Jersey Annual Social Survey which has got quite a lot of work on it which is good guidance also for Members to have look at to see how it is being benchmarked further across the States. Deputy Tadier raised the issue of alcohol. That is another piece of work, the Alcohol Strategy, which is being worked on again by Public Health. We know that that is also one of the contributors to the mouth and neck cancers that we are seeing a higher incidence of in Jersey and it is obviously another area we wish to tackle. All of these sorts of conditions which are life-limiting and life-shortening are areas where we must put more weight behind them to stop people inadvertently putting themselves at risk to those limiting and life-shortening conditions. The last one, I think, was about the airport. The airport is not exempt at all. The duty free shop equally will be bound by the tobacco display Regulations and they will have to take all the displays and advertised material out as well.

The Deputy Bailiff:

The proposition is made. All Members in favour of adopting the draft Act, kindly show? The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Draft Restriction on Smoking (Amendment No. 3) (Appointed Day) Act and I ask the Greffier to open the voting.

POUR: 30		CONTRE: 3	ABSTAIN: 1
Senator P.F. Routier		Senator S.C. Ferguson	Deputy G.C.L. Baudains (C)
Senator A.J.H. Maclean		Deputy S.S.P.A. Power (B)	
Senator F.du H. Le Gresley		Deputy J.P.G. Baker (H)	
Senator I.J. Gorst			
Senator L.J. Farnham			
Connétable of Trinity			
Connétable of St. Peter			
Connétable of St. Lawrence			
Connétable of St. Ouen			
Connétable of St. Brelade			
Connétable of St. Martin			
Connétable of Grouville			
Deputy R.C. Duhamel (S)			
Deputy J.A. Martin (H)			
Deputy J.A. Hilton (H)			
Deputy of Trinity			
Deputy K.C. Lewis (S)			
Deputy M. Tadier (B)			
Deputy E.J. Noel (L)			
Deputy T.A. Vallois (S)			
Deputy M.R. Higgins (H)			
Deputy A.K.F. Green (H)			
Deputy J.M. Maçon (S)			
Deputy of St. John			
Deputy J.H. Young (B)			
Deputy S.J. Pinel (C)			
Deputy of St. Mary			
Deputy of St. Martin			
Deputy R.G. Bryans (H)			
Deputy R.J. Rondel (H)			

10. Draft Restriction on Smoking (Vending Machines) (Jersey) Regulations 201- P.162/2013

The Deputy Bailiff:

We now come to P.162: Draft Restriction on Smoking (Vending Machines) (Jersey) Regulations 201-, lodged by the Minister for Health and Social Services and I ask the Greffier to read the citation of the Draft.

The Assistant Greffier of the States:

Draft Restriction on Smoking (Vending Machines) (Jersey) Regulations 201-. The States, in pursuance of Articles 1, 1B, 1G and 2 of the Restriction on Smoking (Jersey) Law 1973, have made the following Regulations.

The Deputy Bailiff:

Connétable, would you like to propose the principles?

10.1 The Connétable of St. Peter (Assistant Minister for Health and Social Services - rapporteur):

Yes. I am very pleased to bring forward these Regulations on tobacco vending. This was a project which was started last year which I brought to the Assembly again in April 2013. At that time, we received the unanimous support of Members and today we are bringing vending of tobacco

Regulations to Members that will help us as an Island to do more to protect our children, young people and the population as a whole. Tobacco represents significant harm to our young people and to their future and today approximately 17 per cent or 340 of our Island's 14 to 15 year-olds smoke tobacco regularly. As these same young people are our Island's future, we should all aspire to creating an Island environment where our children and young people have every opportunity to thrive in a healthy and supportive culture. Let us make no mistake. In so many ways, we do this very well and Jersey is a wonderful environment to grow up in, a place where people choose and are proud to bring their children up in but we must not be complacent in this ever-changing world because there is even more that we can still do. Fortunately we have had some success. In 2002, the smoking rate for 14 to 15 year-olds was as high as 35 per cent, double what it is today. Clearly, measures are starting to work. However, we must do all we can to ensure that our children do not become replacement lifelong smokers, smokers that will suffer life-changing and restricting conditions and then may die too early. Despite progress every year, smoking has a real impact on our Island community. Smoking is a risk factor in 4 of the 5 main causes of death in our Island. It is estimated that every year, a total of 355 years of life are lost prematurely due to cancers of respiratory organs that are closely related to cigarette smoking. I will say that again. It is estimated that every year, a total of 355 years of life are lost prematurely due to cancers of respiratory organs that are closely related to cigarette smoking. The majority of Islanders dying from smoking-related illnesses will have taken up smoking as young people. Members may have seen a copy of the latest cancer report for Jersey released only this week. This report shows that the cancers that contribute to most of Jersey's higher overall incidence rate are largely preventable cancers. Smoking is one of the key preventable risk factors associated with our Island's higher than average burden of cancer. Members will recall that when we last debated this in April, there was unanimous support for moving forward to these Draft Regulations. Some of the main concerns at that time included whether vending machines would be legal in pubs if controlled by bar staff, the impact on local suppliers, financial manpower implications for enforcement and the relatively small number of young people using cigarette vending as a source. Let me reassure Members again. These Regulations do not ban vending machines, nor do these Regulations ban the sale of cigarettes from venues where cigarette vending machines can currently be found. They only restrict the direct sale of cigarettes to consumers from vending machines. In fact, businesses can still work with the supplier of vending machines to use them behind the counter so long as customers do not have direct access to them and that they are used in the way that complies with the advertising, promotion and display Regulations that we have just approved the enforcement date on. There will be minor manpower implications for the Health Protection Department in enforcing these Regulations. I am sure Members will appreciate that this will be as ensuring that there is no sight of a cigarette vending machine in the customer-facing areas. Regulating against cigarette vending machines is in line with our States of Jersey Tobacco Control Strategy in its objective to protect families and children. These Regulations have got one measure as part of a breadth of approaches that will work together towards achieving this objective. In particular, these Regulations have been planned to come into force alongside the Regulations on advertising, promotion and display of tobacco. This represents a combined approach with these 2 Regulations dovetailing together to reduce the visibility and access of tobacco and cigarettes to our children and young people. This will work towards discouraging tobacco use and reduce the number of people taking up smoking at an early age. I urge Members to support these Regulations and in doing so, support a healthier future for Jersey's young people. I make the proposition.

The Deputy Bailiff:

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

10.1.1 Deputy J.H. Young:

I am a little bit confused by what the proposer said. I was hoping this was as simple as just doing away with selling cigarettes from vending machines. Perhaps if we can have a little bit more clarification because I am not very clear. It really upsets me a great deal when I see very young people smoking because we are told that young people that start smoking in early years that they have a much greater enhanced risks of getting dread disease, cancer and so on and other conditions than those that commence smoking later in life and, of course, when they are young, they are so very vulnerable to peer pressure and all the rest of it so I think everything should be done to take this source of supply away. My original question was why have we got to wait until October? I suppose I should have asked it on the earlier Regulations because we do seem to have a law already and we have just agreed to change it but why do we have to wait until October because it seems to me given everything we know, we just had these ... you know, the report was really very, very sad reading about the huge incidence of cancer in the Island and being told it is preventable. We have got a lot of catching up with practice elsewhere to do and every one of those incidents of cancer are personal tragedies and we should do everything we can do to avoid it. So why have we got to wait until October to do this?

10.1.2 Deputy M. Tadier:

The rationale for this for the vending machines is, we are told, to do with children and we discussed that at the last time this came to the Assembly was to do with the ease of access and it has just been mentioned there but of course the stats there do not add up because I think we are told - correct me if I am wrong - that 6 per cent of cigarettes are procured from vending machines and it is quite right that we do what we can to eliminate that 6 per cent. It means that 94 per cent of the procurement is not coming from there and I apologise if I have got those exact stats wrong, I am not sure that I have, but if we are clear, I mean, most children who are smoking presumably get them either illegally because they are buying them pretending to be older than they are or the shopkeepers are not putting the right checks and balances. In reality, they are picking them up from home. They have parents who smoke. Sooner or later, they will grab a cigarette from their parents' stash and then they will start smoking and it may well be that they have got friends who start smoking. That is the real issue and I know we cannot solve this all in one place but the question I would ask, which is related, is does smoking in an enclosed area with a child constitute child abuse? If you are in a room or a car and you light up a cigarette and your 2 year-old son or daughter is in the room with you, they obviously do not have a choice in that. They are breathing in your fumes passively. We have banned this in bars and I do not think any of us can envisage going back into that situation where you have to be surrounded by a smoky atmosphere simply because you just want to go out for a quiet drink or potentially not a quiet drink but you should not be smoking but we are failing to protect the very youngest in our society. That should be a criminal act frankly and that is where most of the harm is coming from and that is where most of the habits are being picked up from our young children so I would like to ask while this is all very well, it can be seen as fiddling on the edges. What are we doing about that particular very worrying issue? Secondly, it is not just some young people who are addicted to tobacco. We, as a government, are addicted to tobacco or rather we are addicted to the duties, we are dependent on the duties that come from that and that is why it is always very controversial when it comes to budget time because the public know full well that the government depends on duties. They know that also full well the Minister for Health and Social Security has an absolute responsibility to cut people's dependence on tobacco but as the Police Chief told us a couple of days ago, the eradication of crime completely is just an ideal and it is not likely to happen. Similarly, the eradication of smoking simply by coercive or taxation methods, behavioural changing methods, can only do so much to solve the problem. So my question to this Assembly and in fact future Assemblies is, is it quite right that at some future date, say 2020, we want to make Jersey a smoke-free Island and that is when we envisage saying in 2020 tobacco will not be available anymore, it will be banned, on the basis that if we discovered it today,

we would not be allowing it. We would make it illegal therefore we will give you enough notice to do it because we know it is problematic just to ban things outright but should it be that we are straight up with the public, give them a long lead-in period, you know, October is very good and I know people who have used that but a 4, 5, 6, 7-year period by which point Jersey will potentially be one of the first smoke-free environments in the world. It is food for thought. I commend this but it really is small fry to what we should be doing.

10.1.3 Deputy S. Power:

I am an ex-smoker myself and I do not particularly like being in the environment of tobacco and what it does and indeed if tobacco was introduced in the 21st century, it would probably be classified as a class A drug and banned completely because it is so addictive. It is more addictive than heroin. But in terms of how we deal with it, we have this limited approach to young smokers so we are trying to control the supply of tobacco in certain places, including vending machines, but we are not doing anything about the supply in corner shops and so on and that troubles me because we have an inconsistent approach to a universal problem. Indeed, the text of P.162/2013 is all about what the U.K. does and all about U.K. statistics and anecdotal evidence from regional authorities in the U.K. which bears very little relation to what we do here in Jersey.

[16:30]

Most vending machines, as we are talking about vending machines in Jersey, are sited in licensed premises within sight of the bar staff and this proposal is to site the tobacco product behind the bar staff just causing and costing more problems for the hospitality industry. We have just passed a budget which again hikes up the duty rates on tobacco and I spoke about that and I say to colleagues I am not going to talk about that again but what we have appearing now in Jersey as a result of this ham-fisted approach to the control of tobacco sales to minors and to young people is that on the one hand we control it in licensed premises but on the other hand, we have no intention of controlling it in corner shops, and this again is causing problems for the hospitality industry. I also feel that the evidence out there in St. Aubin and in St. Helier, there are people walking round at weekends with rucksacks selling 200 cigarettes for £30 both in St. Helier and St. Aubin and we have caused that problem, this Assembly has caused that problem, by the duty that is now the impôts duty that is now on tobacco products so I can go to a licensed premises in St. Aubin, talk to the bouncers outside it and order 200 cigarettes of a different brand. It would be delivered to me within 3 to 10 minutes so this is the sort of ham-fisted licensing and control of product that we are dealing with which in no way controls the supply of tobacco, and my message to colleagues today is we must be very careful about how we control the supply of tobacco on this Island and not be inconsistent. If people are selling tobacco products outside nightclubs in St. Helier and St. Aubin, they are also selling to 15 year-olds and 14 year-olds and also if they are buying it, some enterprising young lad outside Victoria College or at Hautlieu or someplace else is going to be selling single cigarettes at 50p because it is happening today. So I say to colleagues, I know this will be passed today. In principle I am going to object, I will be one of 3 or 4, but let us get real about the product and the supply of tobacco product. It is out there today being sold informally without attracting any duty to the Minister for Treasury and Resources and we are not dealing with it. Anyway, that is all I have got to say.

10.1.4 Deputy G.C.L. Baudains:

I wish to refer to the financial and manpower implications. This is a situation which has troubled me on more than one previous proposition. We are told there are no additional financial or manpower implications and then the sentence following says it will impose additional enforcement duties on the Health Protection Department. Unless the department has been carrying under-employed staff, how can that be? I would like an explanation from the Assistant Minister.

10.1.5 Deputy A.E. Pryke of Trinity:

I will just be brief because I know my Assistant Minister will sum up. I just want to bring up the point of what Deputy Tadier said because, thank you, I think what you say is right and I know there are several consultants in the hospital who would wholeheartedly back you of having a smoke-free Island by 2020. I think, in reality, it could be something totally different but we could aim high. But just to say we went out for consultation at the beginning of the year for the tobacco strategy and there was asking there about whether to ban smoking in cars and ban smoking in playgrounds and the results of that will come back in the very near future. So it is not one size that will fit all. It is lots of many different initiatives and, I am sorry, young people are the most important. A lot of work is done in education about the dangers of smoking but if we can catch them early, that is the most important thing.

10.1.6 Senator L.J. Farnham:

Just very briefly. Members will know I am connected to the hospitality industry but I just wanted to pick up on some of the comments that Deputy Power made and firstly, while I admire Deputy Young's keenness to move on with this, I would also remind the Assembly that we are, by virtue of the fact that we own the duty free shop at the airport, the Island's largest tobacconist and we have really got to ... you know, while we want to hurry up and ban vending machines which in my opinion, and I am going to support it and I come on to that briefly in a second, we really want to be looking at a far bigger picture. The hospitality sector, and I am also a director of a hotel and I have to say I do not know if we have any cigarette machines so if we do, I do apologise in advance and I hope Members do not see it as a conflict, but the earnings from tobacco for the hospitality sector are generally so low that members that do have vending machines will probably disregard them. They will not bother to start putting them behind bars and restaurants and such like so but if this and I say it again we really ... this disjointed approach to the way we ... this sort of feel good short sharp shots we have to try and make ourselves I think feel better about this, we do lack a real hard-hitting strategy. If we were serious about it, we would start by tackling the large wholesale/retail selling of tobacco through our own premises. I will be supporting this but I do not think it will have much of an impact although it is better it is done than not done.

The Deputy Bailiff:

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

10.1.7 The Connétable of St. Peter:

Thank you for all those that asked questions and I think if I could start with Deputy Young, I really am pleased to hear the comments he was making about his concerns which I also share about young people smoking and the problems it causes. Young people with developing bodies that are not fully mature being polluted by the chemicals which are produced by cigarette smoke can only cause damage. It can prevent proper growth, proper development, and will potentially give them long-term life-limiting conditions and ongoing health problems. So basically I am fully in accord with him and thank him for raising those points and also taking away the source of supply, this is just one step, another piece of our armoury. We have a whole range of armoury trying to get control of the use of cigarettes and this is one step towards it. Yes, it is a small step but it is a step and it is a step in the right direction and I would hope Members would support that one step this afternoon. He did also ask why we are waiting until October to implement them. Well, there is time. Industry have asked for time to react to the Regulations when they come in to accommodate the needs to control the promotion and advertising of tobacco within their business areas. That also does include, Deputy Power, in the small shops as well as in bars. The small shops are controlled just as much as the bars as well. These Regulations have no friends. They apply to all places where cigarettes are sold, whether it be bars, clubs or shops, big or small, these Regulations, the

advertising and promotion of them and the vending machines, all of those apply to all places where cigarettes are sold apart from the lad with them in his backpack. I am afraid we cannot control illegal imports of tobacco and to reduce the duty, I am jumping into Deputy Power's comments now, to reduce duty to try and put off illegal importation of cigarettes is, quite frankly, I cannot see how that is going to contribute to anything. If we make cigarettes cheaper, it just makes it easier for people to buy them and people will still import cheap ones from Eastern European countries where cigarettes are so cheap they are almost like paper. Coming on to Deputy Tadier's comments, he did make the very good points which we do recognise that we are only tackling 6 per cent of the 100 per cent full market and his figures are right, 94 per cent will probably still smoke. I learned to smoke because my parents did and when they were out, I went to the cupboard and that is where I got my cigarettes unfortunately. Fortunately both my parents have passed away so they will not hear that admission of it and I am sure many others probably had their first sample in much the same way and kids do that, kids experiment I am afraid. That is just life, that is growing up and wanting to act like adults and we cannot control it. That is what happens within families. If we can get parents to stop smoking, then the encouragement for kids to try it will not be there and the ability to take dad's cigarettes out of the cupboard will not be there as well so it is an ongoing full whole draft of strategies to bring that in. Deputy Tadier also raised a point about smoking in enclosed spaces and just a small comment, another one I picked out of the Annual Social Survey was a comment down the bottom. It is rather analogous to this. It says: "Four-fifths (81 per cent) of adults who smoke would support a law in Jersey to stop smoking in cars carrying children under 18 years including two-thirds of those who smoke daily." So there is an appetite out there to control smoking in enclosed spaces. That was specific to cars. That was a question in the Social Survey but there is appetite there to introduce further Regulations to stop smoking where young children can be affected by them. Moving down my comments there. Yes, I think Deputy Power made the comment it was going to give more problems for bar staff and the hospitality industry. I do not see that because we have worked already with the supplier of the vending machines and also with some of the hospitality places that have them within the pubs particularly at the moment, the bars at the moment. They could just put the packets of cigarettes under the bar and just sell them there when people come in with their money so they have to be handled by the bar staff which would control the sale of them but a lot of the managers have concerns about the loss of cigarettes and the monies for them and so they would quite like to have the vending machine placed under the counter where their staff have to put the money in to take the cigarette out of the drawer to pass it on to the buyer so they can still be used as a stock control measure in bars, pubs and clubs. I am very disappointed to hear his comments about a ham-fisted approach in licensed premises but not corner shops. I hope I have encouraged him this afternoon that it is not a ham-fisted approach. This is an across the board approach which affects shops as well as clubs and pubs and he obviously raised issues about importation. That is another issue and that is one that we will have to try to find a resolution to but if we can encourage people and make them alert to the dangers of smoking through things like the Cancer Report which has just come out - I think it came out on Monday - make people realise it is not good for them, then hopefully they will not buy these illegal cigarettes so there will not be any more illegal cigarettes on the street. That would be an ideal long-term aim and that is the last point I think that was raised was Deputy Tadier is right and I think we would all buy into the ideal of having a smoke-free Island by 2020. I do not think any of us would say that is not an objective that we would like to buy into. I do not believe it is possible but let us give it a good try and if we only get 90 per cent of the way there, even if we only get 75 per cent of the way there, then is that not a worthwhile challenge to us today. I make the proposition.

The Deputy Bailiff:

The principles are proposed. All Members in favour of adopting the principles, kindly show? The appel is called for. I invite Members to return to their seats. The vote is on the principles of the

Draft Restriction on Smoking (Vending Machines) Regulations. I ask the Greffier to open the voting.

POUR: 31		CONTRE: 4		ABSTAIN: 0
Senator P.F. Routier		Senator S.C. Ferguson		
Senator A. Breckon		Deputy S.S.P.A. Power (B)		
Senator B.I. Le Marquand		Deputy G.C.L. Baudains (C)		
Senator F.du H. Le Gresley		Deputy J.P.G. Baker (H)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Deputy Bailiff:

Deputy Hilton, in the absence of the Chairman of the Health Scrutiny Panel, do you wish to scrutinise these Regulations?

Deputy J.A. Hilton:

No thank you.

The Deputy Bailiff:

So Assistant Minister, you wish to propose the Regulations *en bloc*?

10.2 The Connétable of St. Peter:

Yes, please.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on the Regulations? The Connétable of St. Clement.

10.2.1 The Connétable of St. Clement:

Just for some clarification on 2 points. One is something which I think the Assistant Minister said and he can clarify if not. I think he said that it would be okay for bars and other such places to have vending machines behind the bar for the staff to put the cash into and yet Regulation 1(1) says the sale of tobacco from a vending machine is prohibited so is there not a conflict there? Secondly, in the same Article 1(4), it says: "This Article does not apply to a vessel of any description that is within the territorial sea adjacent to Jersey." Now, I wonder if he could explain what that means. Does that mean in Jersey's territorial sea or somebody else's territorial sea? I am not quite clear.

The Deputy Bailiff:

Does any other Member wish to speak? Well, there are a couple of fast googlies, Connétable.

[16:45]

The Connétable of St. Peter:

I do thank Constable Norman, one of my fellow Constables, for those googlies from the left field. He is right. I did not explain myself fully with regard to vending machines behind bars. The vending machines can be under the bar where they cannot be seen so therefore they comply with the notion in advertising Regulations in the first place and the customer cannot have direct access to them. How the landlord of the bar, for example, manages his stock control is a matter for him. If he wishes to use a machine to do that, he can do and it can be a vending machine but it cannot be seen and it cannot be used by his customers. With regard to territorial waters, that is Jersey's territorial waters. The Constable is looking quizzically. I will give reasons if he wishes.

The Connétable of St. Clement:

I accept what the Assistant Minister says but I read the sale of tobacco from a vending machine is prohibited. There is no qualification there.

The Deputy Bailiff:

Connétable, I wonder whether you would like to ask the Attorney General when the sale takes place if it takes place by a member of staff taking the tobacco out of the vending machine.

The Attorney General:

If it is of assistance, yes. The prohibitions on the sale of tobacco from vending machines being prohibited. It does not mean to use, by way of an example, if the member of staff was asked for a packet of cigarettes, walked into a stockroom at the very back, obtained that packet of cigarettes from a vending machine, then brought it back and handed it over to the individual and took money, that would not be a sale from a vending machine. It would be a sale over the bar and I believe the Connétable was explaining something in those lines.

Senator L.J. Farnham:

What happens if the member of staff is buying the cigarettes for themselves? **[Laughter] [Aside]**

The Attorney General:

You cannot buy things from yourself. **[Laughter]**

The Deputy Bailiff:

Very well. Connétable, have you finished?

The Connétable of St. Peter:

Yes, unless there are any other points from the Connétable.

The Deputy Bailiff:

No, he has had his speech. You were on to clarification.

Deputy M.R. Higgins:

The second part of the question was not answered about the territorial location. Now, that is an interesting one.

The Deputy Bailiff:

What the Connétable said was that it means the territorial sea adjacent to Jersey is Jersey's territorial sea.

The Connétable of St. Peter:

Regulation 4 item 4 does supply the territorial sea adjacent to Jersey. That is written in the Regulation.

The Deputy Bailiff:

The question, Connétable, was whether it is Jersey's territorial sea or the territorial sea adjacent to Jersey's territorial sea.

The Connétable of St. Peter:

It is Jersey's territorial sea. Within the 3-mile limit of Jersey is Jersey's territorial sea, not inland waters which are the harbours.

The Deputy of St. Martin:

If I might just offer a little bit of help here. I am not 100 per cent sure but I think cigarettes can be sold on ships in Jersey territorial waters provided that vessel is *en route* to another country.

The Attorney General:

Yes, there is no restriction on sale within the territorial sea but certainly a restriction on sale within the inland waters. If a ship is undergoing free passage which there is an obligation to afford to a ship passing through the territorial sea, then there is nothing to stop that ship selling cigarettes from vending machines.

The Deputy Bailiff:

Now with those explanations, are Members willing to adopt the Articles? Those Members in favour, kindly show? Those against? The Articles are adopted. Do you propose the Regulations in Third Reading?

The Connétable of St. Peter:

Yes, please.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Members willing to adopt the Regulations in Third Reading, kindly show? Those against? The Regulations are adopted in Third Reading. We have 3 items left on the agenda before we come to M, the Arrangement of Public Business. Deputy Tadier, 2 of these are yours. It does not look as though we are going to be able to debate all of them tonight. I was wondering whether it might be convenient to deal with P.170/2013 first and perhaps you would let the Assembly know whether you have any wishes to take P.166/2013 thereafter or whether they should all go back to the next meeting.

Deputy M. Tadier:

Yes, Sir. I think obviously definitely take P.170/2013. That is not mine anyway. Due to the time, I suspect we can finish P.166/2013 today. It has been accepted by the Minister and I can make a very quick speech and the other one will have to be left till the next session, I think, but hopefully that will not prejudice it because it is not my fault that it has been brought so late but I will make those arguments on the day.

The Deputy Bailiff:

Very well. Is it convenient, Chief Minister, to take P.170/2013 now?

Senator I.J. Gorst:

Yes, Sir, just before the Greffier reads the proposition, I do not wish to have part (a) read and I will explain why when I introduce the proposition.

The Deputy Bailiff:

So you wish the proposition to refer only to paragraph (b)?

Senator I.J. Gorst:

Yes, please.

11. Jersey Appointments Commission: appointment of Chairman and Re-appointment of 3 Commissioners (P.170/2013)

The Deputy Bailiff:

Very well. Greffier, will you please read that part of the proposition?

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with Article 18(12) of the Employment of States of Jersey Employees (Jersey) Law 2005 to re-appoint Mr. Julian Rogers, Mr. James Morris and Professor Edward Sallis as Commissioners of the Jersey Appointments Commission, up to 19th April 2015, as from February 2014, in accordance with the requirements of Article 18(5) and (7) of the Law.

11.1 Senator I.J. Gorst (The Chief Minister):

Yes, I did not wish to move part (a) of the proposition because subsequent to lodging the proposition, the Chairman has decided to retire and therefore we are in the process of advertising for a new Chairman and Members will see that in due course. Having said that, I of course am very grateful for the work that Mr. Curtis has undertaken on the Commission and for stepping in to complete the term of office of the previous Chairman who stepped down and I propose the term of office to be extended for the other 3 Commissioners as outlined in the proposition.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak?

11.1.1 Senator A. Breckon:

I would just like to ask the Chief Minister perhaps a rhetorical question and that is who oversees the appointment of the members of the Appointments Commission?

11.1.2 Deputy R.G. Le Hérissier:

There has been some excellent work done by the Commission. I know it has had its ups and downs and I have heard, and perhaps the Chief Minister could confirm, that there is a review of its role

being undertaken and would it be necessary to change the recruitment process because as you look at the current Commissioners, there are no women, for example.

11.1.3 Deputy T.A. Vallois:

Can I ask the Chief Minister whether there have been any audits done since the set-up of the Jersey Appointments Commission and whether there will be any due to come forward?

The Deputy Bailiff:

Does any other Member wish to speak? Chief Minister.

11.1.4 Senator I.J. Gorst:

I will try to take them in order. Yes, there is a review of the functions of not only the States Employment Board but also the Appointments Commission in process. Who oversees the overseers? A process is undertaken with the help of external head-hunters in conjunction with States H.R. (Human Resources) and in that way we hope to be able to appoint a new Chairman to the Commission and that is the same process which has been followed in the appointment of all Commissioners in the past as well and there is normally a political representative on that selection panel as well. Does there need to be some changes? I know Deputy Le Hérissier has raised these points in the past and that is why we are looking at the functioning of the Commission going forward to consider some of those issues. The Appointments Commission does do audits and they are received by the States Employment Board and appropriately considered and acted upon and I maintain the proposition.

Deputy T.A. Vallois:

Can I just clarify? I asked whether the Appointments Commission had been audited since the beginning of the Appointments Commission.

Senator I.J. Gorst:

In that case, I suspect the answer is no but I do not know, so I shall find out and get back to the Deputy.

Deputy R.G. Le Hérissier:

I thank the Chief Minister for his announcement that there is a review underway. To clarify, will it look at issues like the manner of recruitment and whether we are, under our current systems, attracting a broad enough group of Commissioners?

Senator I.J. Gorst:

I cannot just recall the terms of reference off the top of my head but certainly if it does not so at this moment in time, I agree with the Deputy, it is a good thing to include that.

The Deputy Bailiff:

The appel is called for. The vote is on the re-appointment of Mr. Rogers, Mr. Morris and Professor Sallis as Commissioners of the Appointments Commission. I invite Members to return to their seats and I ask the Greffier to open the voting.

POUR: 37		CONTRE: 1		ABSTAIN: 1
Senator P.F. Routier		Deputy G.C.L. Baudains (C)		Connétable of St. John
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				

Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

12. Modern Language Teaching: review (P.166/2013)

The Deputy Bailiff:

We now come to P.166/2013 - Modern Language Teaching: review - lodged by Deputy Tadier. Perhaps in the light of the hour, it is in order to take the proposition as read and I invite Deputy Tadier to speak to it.

12.1 Deputy M. Tadier:

May I start by saying *Bom dia, privyet, ni hao, bonjour et Comment que vous êtes?* Today we are going to be talking about language learning. I am going to keep this speech to between 10 and 15 minutes to give everyone sufficient time to contribute. Hopefully that is fair. I will try and not speak for more than 10 minutes though, although I think Members will hopefully share my belief that this is an important area and I know certainly there has been some work going on already. The reason I have brought this proposition is because I am clearly passionate about language learning and I know that we in the Anglo-Saxon world of traditionally being bad when it comes to picking languages, teaching them at a young enough age, *et cetera*. If I can just start by saying my resolve to bring this and to focus more on the way in which languages are taught and learned in the Island was put again into focus when we had the Conference for Culture which took place on 30th November last year. We were privileged to have a speaker, Dr. Marie Jones, who is the Reader in

French linguistics and language at Cambridge and I was quite surprised to find out that Jèrriais is not something which is simply taught here in Jersey at Highlands College and by the Assemblée Jèrriais and the very good work that they do up there but it is taught at Cambridge University in the U.K. as a module in part of their minority languages. Dr. Marie, who is Welsh bilingual herself and speaks other languages too, reminded us that speaking only one language is a rarity in the modern world. Most people throughout the world will speak at least 2 different languages and it is something which used to be the case in Jersey, whether that was Jèrriais, French, English, Portuguese or whatever other languages were - Breton. It was common to hear a mixture and a melee of languages with one or the other being used as the *Linga Franca*, whether it was in the pub or on the farm or around the table. So what I am asking for is quite simply 8 points. One is to look at the current provision of language take-up. I have noted in the appendix that the languages which have been currently taken up is, I think, cause for concern. We have seen certain languages perhaps drop from the curriculum altogether or not having the take-up. We know that French is no longer obligatory in schools. I am not saying that should not be the case but certainly I am concerned about the consequences of that. I think we need to look at the additional languages that could be added to the curriculum to meet the current and future socioeconomic and cultural demands of the Island. We know that certainly in terms of the economy and in terms of business, we are tending to do a lot more business with the Middle East and the Far East not simply in terms of finance although that is the key area but also when it comes to potentially tourism, the Chinese market is something clearly ... and I have spoken with the airport group there. For example, if we could entice even 1 per cent of the Chinese visitors that visit London each year to come over to Jersey for a short holiday, then that would have a massive ramification for boosting what is essentially our third industry after finance and the accommodation industry.

[17:00]

We should look at which languages, if any, should be offered on an optional basis and this really is where I think Jèrriais comes into play. It has to be said that I am something of a recent convert to Jèrriais, our local language. I have stood up in the Assembly in the past and made perhaps sceptical comments about Jèrriais and its place in our curriculum. I think that it has to remain optional. I would not want to see a situation where any language for that matter is forced to be taught because that can be counterproductive. It can put people off learning things when you are forced to do something. I think some of us know that perhaps from past experience. But there is an importance with not simply learning a foreign language because of all the cognitive benefits that it brings with it but if we do not learn Jèrriais, if we do not teach our children Jèrriais, our mother tongue, which is unique to Jersey, who else is going to be doing it? It is something which the Cambridge doctor reminded us about. There are certain phrases that only exist in Jèrriais. When we talk about the *branchage*, I learned this the hard way when I was a student. I said to somebody, a French person: "Oh, you have had the *branchage*." I said: "I have had a *branchage*." I came in with a haircut. I said: "*j'ai eu un branchage*" something to that effect. He looked at me puzzled and said: "What do you mean?" I said: "Branchage, you know, it is like a haircut." He said: "No, no, *branchage*." "So what is a *branchage*?" "Well, that is when we cut up the trees in the parishes but we use it also to mean a haircut," and he said: "Well, we do not even have the word 'branchage'. It was *débranchement* or something to that effect." So even the concept like that which is then morphed is a purely Jèrriais concept which can only be understood by people locally. That all ties-in to the idea of cultural identity but, again, I am not going to fixate on that particular aspect but there is an inherent importance, I think, for those who want to be encouraged to learn it and we know that through the medium of music and language that that can be cemented in our children who will then go on to learn different languages. Four is the optimum age at which foreign languages should be learned. This is really the key area that I want to focus on. When I spoke to the media and other people, a lot of the focus was really on the decline of those who were studying

languages at university level and that is certainly something which needs to be looked into but the real issue is not so much ... by the time you have got to university level in many ways it is too late. There is a great quote from the film *Avatar*, which I watched this weekend was that: "You cannot fill a cup which is already full." That is the beauty of teaching children at a very young age. They have brains like sponges but not in the same way that we have brains like sponges. They have got brains like sponges insofar as they can absorb the information very quickly. They soak it up. They are hungry for action and we are also told by experts that the way we learn languages when you are young changes completely differently to when you are older. There are certain sounds which you cannot even recognise let alone reproduce at an older age than when you were at a young age so everything makes sense, both cognitively, educationally, but also economically to be targeting our resources at the earlier age and we can have ... it may sound far-fetched to those who are not necessarily familiar with it but we can have students leaving primary school if we wanted to being bilingual. They can be fluent in whatever other language by the time they are 10. They can carry that on by the time they are 15 and add to that. We can have trilingual graduates graduating when they are 18. They do not even need to study languages at university. They can go off and study science, engineering, finance, business, whatever, and they will already have those languages in their pocket and they can compete with our European partners because that is where the competition is coming from. I know I am running out of time if I am going to keep to my self-imposed time limit so I think the rest are largely self-explanatory, but I would also like to just focus on the importance of do we have bilingual schools, do we have immersion schools, and whichever of those eventually we decide to go with, the point that must be made is that the methods of teaching ... in the past it may have all been rote and that has a place, rote learning, but essentially it is boring, it is uninspiring and we tend to forget it. How many of us can necessarily remember the Latin or German that we learned when we were younger? But the point about immersion learning is that it is a method in its own right. You do not necessarily have to have a school ... and certainly when I spoke to one of the Chinese teachers who does that here, it is all languages taught within the language. You only revert to the English language as and when you need to and that is a very effective way for learning languages. So I could speak about this all afternoon. It is an area, as I said, that I am passionate about but I now leave it open to the floor and then answer any questions if there are any.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak? Yes, Minister?

12.1.1 The Deputy of St. John:

I am required by the Education (Jersey) Law 1999 to consult with the Jersey Curriculum Council and establish a curriculum that is: "balanced, broadly based and prepares children for the opportunities [I am quoting] responsibilities and experiences of adult life." Fairly recently, England has introduced a new English curriculum, so as Members would expect, we have been working on a review of the Jersey curriculum for some time. We do, anyway, keep the Jersey curriculum under review but with the onset of the new English curriculum, we obviously have to carry out a major review of what we currently do. Modern foreign languages are part of this and the subject therefore is being addressed in the context of the whole curriculum. We are already in the process of considering the questions that the Deputy raises in his proposition but also, of course, we have to review every subject. In case people are not aware, the Jersey curriculum is similar to the English curriculum, but we adopt it therefore and we adapt the English curriculum to suit ourselves to some degree in Jersey with subjects like History, P.S.H.E. (Personal, Social and Health Education) and other things are different so that we can reflect what we do locally in the way of including our political system, a study of local events, *et cetera*. It is important that we adopt the English curriculum and adapt it because our students here sit U.K. G.C.S.E. and A-levels. More

than 98 per cent of our university students are either in the U.K. or at Highlands and so they need a curriculum that is closely aligned to what is taught in the U.K. I am not going to make a long speech. It is going to be not much more. I support modern foreign languages, as the Deputy knows. I have said before in this Assembly that very thing. It is held in high regard by me and will certainly take its place in the new curriculum. However, just a couple of things that the Deputy mentioned in his speech, which I think I should just comment very quickly on. We do have a higher take up by approximately 30 per cent in Jersey of French at G.C.S.E. and something like 6 per cent more at A-level than in the U.K. The results that are obtained are broadly speaking similar to what they achieve but obviously with greater numbers because 30 per cent more, *et cetera*, take the subject. But I would say that balance and breadth in the curriculum do and must remain important principles because there are supporters, as you would imagine, of every subject: Maths, English, Science, History, *et cetera*. If I have forgotten a few, that is because I want to move on quickly. Each of those people would argue passionately and convincingly that their subject should get greater exposure, so to speak. The issue is this: one subject can only be given more time at the expense of something else. The difficult question is which of the others would you reduce? In that context, we are already committed to carrying out an English review of teaching this year and then next year we will be carrying out a science review, but that is of the teaching methods and much more detail of that subject matter within schools. It is important that we do not load schools with more than one detailed review at a time because it does put pressure on schools and we do not want to adversely affect the cohort of children in the schools at any one time. So, to conclude, I thank the Deputy for his support and I would be happy to speak to him and his Scrutiny colleagues at any time in more detail over the next period of time. As I say, we are already carrying out detailed work on the new Jersey curriculum. That will continue, including the provision for languages, and I can undertake to report back to the Assembly on the issues raised in his proposition and also within the time scales he has asked for. Quite simply, the answer is yes. I would be happy to provide the information requested.

12.1.2 The Connétable of St. Mary:

Members will be aware that I am the President of the Jersey Section of the Assemblée Parlementaire de la Francophonie and that I have a passion for languages. I was very pleased that Deputy Tadier brought this proposition and we do talk from time to time about our various aspirations. I was very pleased and encouraged to hear what the Minister had to say but as far as it went, it was good. In my humble opinion, it does not go far enough by a long way because the proposition was not prescriptive. It did not say exactly what had to be done it said “among other things.” I would invite the Minister to take this opportunity to take a bold step. The proposer, when he opened the proposition said something quite telling, something along the lines of: “We, in the Anglo-Saxon world are traditionally bad at learning languages.” Anybody who has seen a comedy film where language is raised will know that the English way of learning languages is to speak very slowly and very loud. **[Laughter]** That is how it works because we know it is a joke but unfortunately that is the stereotype that the world sees us in. Wherever I go in the course of conferences, *et cetera*, when I am talking to other members of the Assemblée Parlementaire, I am astounded at how good their level of English is. Also, because I am of course speaking to those French-speaking members, most of them are not native French speakers. Their French is better than I could ever hope to get and I have lived on this Island and had the benefit of a fantastic French teacher in my school who taught me not only to speak French but how to learn other languages. That is my hobby. When I have nothing else to do, I will start another language. But, I would like to encourage the Minister to look at how these particular countries, especially in Europe, Switzerland, Luxembourg, areas like that, teach their children language. If you look at the foundation stage principles, the goals that our children have, there are 6 set out on the Department for Education, Sport and Culture website, which would be very different goals from the goals of a 3

to 6 year-old coming up in any of those countries where language and different languages is the prime focus of the pre-school education. Most children in schools I have looked at do not start learning things like mathematics until they are at least 7 years old by which time most of them are jolly well bilingual. Some of them are trilingual. Please, I am not an educator; I am talking with passion. This has to be borne out by the research, which is what we are asking the Minister to do. If we do not take that bold step of reviewing the very foundation and the fact that we should be doing social things rather than academic things to children of 3 to 6, then we will never in my humble opinion get over this bridge. We will always be the poor men of business conferences and international gatherings who struggle and who always seem to expect the other participants, no matter how good we try to be in their language, at the end of the day, to break into our language if we get stuck. I have seen that so many times. I am going to challenge the Minister to look at more things than have been set out here. To look at those 6 goals to compare with similar things that they have in these countries and to see if we are not starting, not at the wrong age, I think that is taken for granted, but along the wrong path with formal education in the sciences, *et cetera*, starting perhaps just a little too early here. I understand what the Minister said about the breadth of the curriculum being important and the fact that our students usually go on to take U.K.-based exams, *et cetera*, but we are only talking, if you look at it my way, of the pre-school area. By the time they are coming up to exams and G.C.S.E.s and everything, they are doing exactly the same as their counterparts would be doing at this moment in time but with the added knowledge that they have this learning of language under their belt already. They will never, ever need to revisit those early days because it is built into you and it is the best advantage. I have said this all my life. The best advantage we can give our children is to give them another language early.

12.1.3 The Deputy of St. Martin:

I would like to fully support this proposition. Foreign languages are hugely important to any developing or diversification of economies but only parts of our economy. I would urge the Minister to try to strike a balance. I would like him to strike a balance with other languages and those of non-spoken languages. I have a son at home who speaks, or indeed writes in 5 languages, none of which I think anybody in this Assembly would begin to understand, and that is the languages of information technology, computer technology, coding, whatever you want to call it. These languages are going to be so important to every one of us in the future and I would just urge the Minister not to add minority-spoken languages to the curriculum at the expense of these unspoken technology languages of the future.

[17:15]

12.1.4 The Deputy of Grouville:

I am quite happy to follow on from the Constable of St. Mary because I think a lot has to be said for how we teach languages in our schools. I remember as a young 17 year-old, I went from conjugating verbs in the classroom when your name was called out, to living in Paris and going to the Alliance Française where you had every single nationality in the class except for French. So your thinking and everything had to be conducted in French. There was not a word written on the blackboard and then translated into English. The whole thing was in French, so you think the language. At this point, I would like the Minister, for future reference, to go away and maybe come back with something. When I was on Education, we were looking at a nursery school and indeed, I think it was Senator Bailhache's idea to have a nursery school in another language. I remember friends of mine in Paris who had children, they would be speaking French to them at home, they would drop their children at the school gate and from thereon in they would speak English. So those children came home with the skills of 2 languages. One, oddly enough, speaking English with an American accent, the other one with an English accent, depending how they were taught. But listening to the Minister for Education, Sport and Culture, I found what he had to say very

depressing in that we have a U.K. curriculum and we cannot venture out from that. Yes, we have a U.K. curriculum and our children have to pass exams that are set by U.K. boards, I understand that. However, we have one of the highest working women percentages in Western Europe here in Jersey. I think it is about time we had some blue-sky thinking in that so that those women who do work and even those who do not, might wish their children to stay at school at 3.00 p.m., the ridiculous time where the children are sent away. So if any woman or man - if they take on that role - has to pick up their child at 3.00 p.m. it is near impossible to work that out if someone has to work a full day, to put them in the playground to run around for an hour, get some fresh air, come back into the classroom, maybe be taught some life skills, cooking, finance, whatever and then incorporate these language skills, computer skills, whatever skills, plus do their homework. It would be quite nice, so that when you pick them up at 5.30 p.m. or 6.00 p.m. they come home. I do not think that is such an alien concept but it seems to be over here we just have not progressed this one iota. I think I would ask the Minister for Education, Sport and Culture to do this seeing as he has his blinkers on. We have the U.K. curriculum to follow and we cannot possibly venture outside of that. It is essential for our children to learn language skills in this day and age; Chinese, Spanish as well as French and I will be supporting this wholeheartedly.

12.1.5 Deputy R.G. Bryans:

I agree wholeheartedly with quite a lot that has already been said. I just wanted to pick up on some of the comments that have been made and give some context really. We have been renewing languages for some time. In fact I took a visit to the Isle of Man along with the former Senator Jean Le Maistre to study their Manx language and to see both an immersion school and a bilingual school. In fact, the reason Dr. Marie Jones came over was because the cultural officer had a discussion and said we need to amplify some of the ideas behind these concepts and to begin to broaden the notion of what we could be doing with teaching modern languages. I think it is imperative that we do this sort of thing. In fact, meeting 2 of the students who spoke fluent Manx, woke me up to a concept we have never even come across before. One had said that learning Manx itself - and the parallel here, I suppose, is Jèrriais - opened up a gateway to all the other languages. Once she understood to the concept behind the seduction of learning a language like Manx, which is a very seductive language, she could look at everything else she was learning in another 2 languages and understood all the things that go with the languages, which I do not particularly understand, but the syntax and all that kind of thing. The other thing was that something surprised me. The other student that spoke Manx said it made her a more marketable student when she came to go around the colleges, which I never thought of as a concept before. I thought that was fantastic. I think it is important that languages are led and I think everyone is asking the Minister, and we already have been reviewing this, that languages are going to be important in the future. In fact, in 2 weeks we have a group of Chinese coming over to do that very thing, to look at our education system to see what they can learn and equally, while we have the opportunity, we will be speaking to them. So we have been doing this for a long while. I would also say in reply to my colleague, Deputy Luce, that in terms of learning languages, we are just learning the language of coding. We have just established a new digital strategy, so we are on track; we are looking at these things. My Minister is right; you have a very complex curriculum that permeates our education system and it is full of subtleties and nuances because every head has his own way of teaching that particular curriculum. But as he has already stated, the minute you decide to put something new into that curriculum, something does have to fall off and that is the difficulty.

12.1.6 Deputy S. Power:

Again, I work and study with the Connétable of St. Mary and the Assemblée Parlementaire visits and work in places outside of Jersey in Francophonie countries and indeed, every Friday morning, we still study French and it is a lot of fun. My main message to Deputy Tadier and indeed to the

Minister for Education, Sport and Culture, is that the earlier you get children, the more effective it is. You may not think, having been brought up in the west of Ireland, that it would be a priority in the 1950s and 1960s but indeed, what happened to me was that my mother was a native Irish speaker and spoke to me in Gaelic, and I did not really speak English until I was 8. I did start to speak English at 4 because I started to go to school. But what was instilled into me at that early age was being able to think automatically and being able to translate from Gaelic to English and then later Gaelic to English and French. In actual fact, I studied French through the Gaelic language. So instead of having an English French dictionary, I had a Gaelic French dictionary. You become, at that age, from 4 to 12, it is almost as if an automatic language pilot kicks in and you have an instinctive grasp of syntax, language, grammar, vocabulary and all that kind of thing. So I would encourage the Minister to be very careful in how he approaches this and to do something rather than ponder and peruse and contemplate for a while because if we get our young children in Jersey to think multilingual at an earlier age, it will work better. Multiple languages are a passport. They open the door to frontiers, borders, life outside English language world and as much as the Deputy of St. Martin has said about computer languages, which are a passport to working outside jurisdictions, being able to speak French or Russian, and the Constable of St. Mary and I did study Russian as well, the actual ability to not be worried about going into a non-English area is diffused and it gives you that ability to have a degree of confidence that you would not normally have. I would say to Members today, I laud Deputy Tadier for this, because it is a very important area. It is a basic tenet of education if you can get kids at a very early age and I certainly will be supporting it. My final comment is this, it is for those who want to preserve the Jèrriais, that is that the Government of Ireland made compulsory teaching of the Irish language in all primary schools from the age of 4 and that has now converted into culture, history, music, drama and all sorts of other things. Indeed, I was surprised to see in one of the old Gaelic colleges that I studied in when I was 12 to 16, a clip on YouTube of a group of Irish kids singing a song that became viral. So that is probably jumping one too far but I would say to colleagues, think about getting these children into multiple language use early and it becomes second nature, it becomes instinctive and I laud Deputy Tadier for this today.

12.1.7 Deputy R.G. Le Hérisier:

Very quickly: Deputies Bryan and Ryan have covered a lot of the educational side. It should be made clear, it is wonderful to hear the support from Members and the commitment that they have. It ultimately is a political issue. It is an issue of the political will that this Assembly shows. We are not a bilingual country anymore; we allowed it just to die, particularly after the Second World War. We were very much a bilingual country; we definitely are not now except in a more ornamental sense, like the beginning of sessions here. Where I think, and I am sure the Minister did not intend to say this because he is totally behind this, it should be said that the Jersey-French office has of course laboured mightily out of school hours. It would be nice if we could give them a place in the curriculum, and they are an example. They did not accept the notion that we can only get into schools if we knock something out; they simply went there out of the traditional school hours. As Deputy Tadier knows, because he has done a wonderful job with his pop group, so to speak, they have laboured mightily. Whether they have reached that critical mass where Jersey-French can re-enter the mainstream is obviously very, very doubtful, but they have done remarkable work. It would need us as an Assembly, well beyond the Minister for Education, Sport and Culture. You cannot put this on the shoulders of the Minister for Education, Sport and Culture. It would need us as an Assembly to say: "We are really going to make Jersey French the centrepiece of all sorts of initiatives throughout this Island." Okay, we can have greetings at Jersey airport; we can have little twitters and all that, which the Jersey-French office organised, but we would have to give them more and more support. They have done a fantastic job. I just wanted to put that on record.

12.1.8 Senator P.F.C. Ozouf:

May I just declare an interest? I should have said this earlier. I have been listening to the debate outside. I am the Vice-President of the Alliance Française. I have no pecuniary interest in it but I would declare that I have an interest in the promotion of the French language and I am part of that movement by the Alliance Française in a number of different prospects, which is a bilingual school, *et cetera*. So I think Members know my interest in languages. I will just leave the debate there. Register an interest but I am not going to vote on it because of that interest, Sir.

The Deputy Bailiff:

Does any other Member wish to speak? Deputy Tadier.

12.1.9 Deputy M. Tadier:

I was hoping for Senator Ozouf's vote because I know it is an area of interest that we share which spans the political divide but I understand his position and I know his support is there anyway. It is worth saying that the small things like putting the languages on the pound notes and on the bank notes and the airport that they are absolutely the correct thing to do because it does have a way of getting into your subconscious and then you realise that you do know some Jèrriais and then when someone says to you: "*Séyiz les beinv'nus*" or: "*Comment tu es, man vy?*" you understand what they are saying. It is those small things, I think. We are not here to talk about Jèrriais, *per se*, and there are far better people who are better placed than me to do that but I see certainly the music aspect is preserving it, stopping the decay if you like, but getting it out there and it is really remarkable when you see a 5 year-old coming up to you as a musical group, singing your songs back to you and of course, because I am not the singer, I do not necessarily know the words inside out. When you get a 5 year-old who does know the lyrics inside out because they have learnt them, that is remarkable. It is L'Office de Jèrriais and obviously Kit Ashton, who has been promoting that, they deserve some credit. If I can take 5 minutes to sum up, I take everything on board. I think everyone has been largely supportive. I think it is important to say this is not an either or. It is about redirecting resources where they are most effective.

[17:30]

If I can ask Members, through the Chair, how old were you when you first learned English? I know Deputy Power has already told us but most of us do not have a definite recollection of that because it is a gradual process. We learned it through a kind of osmosis method with our sponge like brains that I spoke about earlier. That is exactly how we could and should if we were young again, and our children in Jersey, be learning languages. The resourcing is much better targeted at that age, as I said earlier, so that they can come to the age of 10, 12, 15 and in particular some will pick it up better than others and then we will not need to worry about what they are doing later on. I do not accept either that it is an either or. I do not accept that something is going to fall off the curriculum if we do that. What I would say is why not teach children art, music or history at school and teach them that in French, in Chinese, whatever the chosen language of that particular school is. You do not need to be doing art in the English medium. That can all be done in French. You can learn the colours in your chosen language. So it is not an either or. I do not accept that false dichotomy. I think that is what I would expect to see about the review. I do appreciate the Minister's response. We have been told that there has already been a lot of review into that. Because there has already been a lot of review and thought going into languages, we expect something very good to come back because of that because it seems that a lot of the work is being done. I would ask the Minister, do use the knowledge resources that are around, not necessarily simply in this Assembly. I am sure there are Members in this Assembly who would like to help but there are those experts outside there. If I can mention names, Sir, I do not think he minds. We know somebody who has done a great deal of work for the Chinese language in the Island but also for forging business links with China is a teacher called Tim Nash and there may be others. He is somebody who very

passionately wants to get involved, I would imagine, in this kind of thing and there will be others out there. I would also warn the Minister that I am slightly worried about the signs that we have been hearing from him saying that we have to make it fit in with the U.K. model. We have heard that if Anglo-Saxons are so bad at learning languages, why are we looking to England, essentially, for a model as to how we should do things? I suspect that is not exactly what he means. I think of course there are core subjects that need to be taught there but the U.K. does provide exams in Polish, Portuguese, Russian, Chinese, Arabic and of course, if these are taught, they would be examined at that level if necessary via the U.K. board or Scottish board, whatever they might be. But, of course, not everybody who has learned their languages at primary school will necessarily even need to do a G.C.S.E. in that language. They might be quite happy now that they are fluent in French, they do not need to do a G.C.S.E. They might want to study instead I.T. Deputy Luce was quite correct: I.T. is clearly a language of sorts. It is a way of communicating. Most computer programmers throughout the world will be bilingual anyway and it is the acquisition of a second language which teaches you how to think outside the box, how to use critical thinking, how to come up with alien concepts and that surely must be of use in any domain of business. That is the key thing. There is an economic argument here. We need to be competing not simply with Europe and the U.K. We also need to be competing with those who come to Jersey, who come to work in our banks, in our shops, in our hospitality industry who already are trilingual in most cases. I do not accept the charge that most foreigners over here cannot speak English. The ones I have come across do speak English and they speak their own languages and whatever else. We need to be competing with those about jobs. It is not simply an immigration policy issue about population. It is about how effectively we are competing with those individuals. I think I have spoken enough on that but I do ask the Minister to hopefully come back with something that is not anodyne, not a bland document, but we would expect to see some really exciting solutions. He can call upon expertise both within this Assembly and without to help guide that piece of work if necessary.

The Deputy Bailiff:

Do you call for the appel? The appel is called for. The vote is on the proposition of Deputy Tadier, Modern Language Teaching: review. I ask Members to return to their seats and the Greffier to open the voting.

POUR: 37	CONTRE: 0	ABSTAIN: 0
Senator P.F. Routier		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F.du H. Le Gresley		
Senator I.J. Gorst		
Senator L.J. Farnham		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of Grouville		
Deputy R.G. Le Hérisier (S)		
Deputy J.A. Martin (H)		
Deputy of St. Ouen		
Deputy of Grouville		

Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy M. Tadier (B)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Deputy Bailiff:

Deputy Tadier, you accept that P.171 should go off to the next meeting? Chairman, the arrangement of public business for the next meeting.

13. Deputy J.M. Maçon (Chairman, Privileges and Procedures Committee):

At the next sitting, given the deferment, I suggest that we take P.171 by Deputy Tadier as the first item of Public Business. From that sitting, P.106 in the name of the Constable of St. Helier elected speaker has been moved to the sitting of 18th March and P.9, which is down for 4th March from the Minister for Economic Development, has been moved to 18th March as well. I have no further amendments that have been brought to my attention and I would like to propose the Order Paper as set out.

The Deputy Bailiff:

I am sorry, Chairman. I missed that next one. P.160 has gone to 18th March and P.169, did you say?

Deputy J.M. Maçon:

P.160 and P.9. Therefore, Sir, looking at the Order Paper we have for next time, I anticipate that if we do get our act together, we could get it done during the same day but Members might want to reserve the morning for the next day as well.

The Deputy Bailiff:

Any questions for the Chairman of the P.P.C.?

Senator P.F. Routier:

I propose the adjournment, Sir.

The Deputy Bailiff:

The adjournment is proposed and the States now stand adjourned until 9.30 a.m. on 4th February.

ADJOURNMENT

[17:36]