

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 22nd APRIL 2025**

<b>COMMUNICATIONS BY THE PRESIDING OFFICER.....</b>	<b>7</b>
<b>1.1 Welcome to His Excellency the Lieutenant Governor .....</b>	<b>7</b>
<b>1.2 Appointment of Mr. Robert James MacRae as Bailiff of Jersey .....</b>	<b>7</b>
<b>1.3 Welcome to students from Lycée Jacques Cartier, Saint-Malo .....</b>	<b>7</b>
<b>QUESTIONS.....</b>	<b>7</b>
<b>2. Written Questions.....</b>	<b>7</b>
1 Deputy M.B. Andrews of St. Helier North of the Minister for Education and Lifelong Learning regarding the development of the primary school estate in St. Helier (WQ.153/2025): .....	7
2 Deputy H.M. Miles of St. Brelade of the Minister for Social Security regarding Sign Language Week (WQ.154/2025): .....	8
3 Deputy K.M. Wilson of St. Clement of the Minister for Social Security regarding the Jersey Cannabis Agency (WQ.155/2025): .....	8
4 Deputy K.M. Wilson of St. Clement of the Minister for Health and Social Services regarding patient services provided at the Enid Quenault Health and Wellbeing Centre (WQ.156/2025): .....	9
5 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding consultant costs (WQ.157/2025): .....	11
6 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding staff employed across the Public Sector at Grade 11 and above (WQ.158/2025): .....	11
7 Deputy M.B. Andrews of St. Helier North of the Minister for Justice and Home Affairs regarding knives in schools (WQ.159/2025): .....	15
8 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Health and Social Services regarding palliative care (WQ.160/2025): .....	16
9 Deputy S.M. Ahier of St. Helier North of the Minister for Treasury and Resources regarding the connection of homes to mains water by Jersey Water (WQ.161/2025): .....	17
10 Deputy H.M. Miles of St. Brelade of the Minister for Children and Families regarding the Short Breaks provision (WQ.162/2025): .....	18
11 Deputy H.M. Miles of St. Brelade of the Minister for Children and Families regarding Oakwell Children's Short Breaks Home (WQ.163/2025): .....	18
13 Deputy J. Renouf of St. Brelade of the Chief Minister regarding the High Value Residency Scheme (WQ.165/2025): .....	20
15 Deputy A.F. Curtis of St. Clement of the Minister for External Relations regarding work to enable UK credit card agencies to provide cards and services to Jersey residents (WQ.167/2025): .....	21

16 Deputy K.M. Wilson of St. Clement of the Minister for Health and Social Services regarding transport links to, and parking facilities at, the Enid Quenault Health and Wellbeing Centre (WQ.169/2025):.....	23
17 Deputy K.M. Wilson of St. Clement of the Minister for Social Security regarding the increases in fees and costs for nursing and residential care provided in the private sector (WQ.170/2025): .....	24
18 Deputy M. Tadier of St. Brelade of the Minister for Infrastructure regarding the toilets at the Nude Dunes development (WQ.171/2025):.....	25
<b>3. Oral Questions .....</b>	<b>25</b>
<b>3.1 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding proposals for potential approaches to the decriminalisation, legalisation and regulation of cannabis (OQ.102/2025): .....</b>	<b>25</b>
Deputy T.J.A. Binet of St. Saviour (The Minister for Health and Social Services): .....	25
3.1.1 Deputy T.A. Coles: .....	26
3.1.2 Deputy A.F. Curtis of St. Clement:.....	26
3.1.3 Deputy T.A. Coles: .....	26
<b>3.2 Deputy M.B. Andrews of St Helier North of the Chief Minister regarding net inward migration (OQ.96/2025): .....</b>	<b>26</b>
Deputy C.S. Alves of St. Helier Central (Assistant Chief Minister -rapporteur):.....	26
3.2.1 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter: .....	27
3.2.2 Deputy L.K.F. Stephenson:.....	27
3.2.3 Deputy J. Renouf of St. Brelade: .....	27
3.2.4 Deputy J. Renouf: .....	27
3.2.5 Deputy M.B. Andrews: .....	27
<b>3.3 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding gender inequalities in Jersey's health system (OQ.98/2025): .....</b>	<b>28</b>
Deputy T.J.A. Binet of St. Saviour (The Minister for Health and Social Services): .....	28
3.3.1 Deputy J. Renouf: .....	29
3.3.2 Deputy L.M.C. Doublet of St. Saviour: .....	29
3.3.3 Deputy L.M.C. Doublet: .....	29
3.3.4 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter: .....	30
3.3.5 Deputy K.L. Moore:.....	30
3.3.6 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter: .....	31
3.3.7 Deputy L.K.F. Stephenson:.....	31
3.3.8 Deputy H.M. Miles of St. Brelade: .....	31
3.3.9 Deputy H.M. Miles: .....	31
3.3.10 Deputy K.M. Wilson: .....	32
3.3.11 Deputy K.M. Wilson: .....	32
3.3.12 Deputy J. Renouf:.....	32
<b>3.4 Deputy A.F. Curtis of St. Clement of the Minister for the Environment regarding the proposed South Hill development (OQ.104/2025): .....</b>	<b>33</b>
Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment): .....	33
3.4.1 Deputy A.F. Curtis:.....	33
3.4.2 Deputy T.A. Coles of St. Helier South: .....	33
3.4.3 Deputy A.F. Curtis:.....	33

<b>3.5 Deputy C.D. Curtis of St. Helier Central of the Chair of the States Employment Board regarding hospital staff rest breaks (OQ.103/2025): .....</b>	<b>34</b>
Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (Chair, States Employment Board):	34
3.5.1 Deputy C.D. Curtis: .....	34
3.5.2 Deputy L.M.C. Doublet of St. Saviour: .....	34
3.5.3 Deputy L.M.C. Doublet: .....	35
3.5.4 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter: .....	35
3.5.5 Deputy L.K.F. Stephenson: .....	35
3.5.6 Deputy M. Tadier of St. Brelade: .....	35
3.5.7 Deputy M. Tadier: .....	35
3.5.8 Deputy C.D. Curtis: .....	35
<b>3.6 Deputy S.M. Ahier of St. Helier North of the Minister for the Environment regarding connecting all island properties to mains water (OQ.101/2025): .....</b>	<b>36</b>
Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment): .....	36
3.6.1 Deputy S.M. Ahier: .....	36
3.6.2 Deputy J. Renouf of St. Brelade: .....	36
3.6.3 Deputy J. Renouf: .....	37
3.6.4 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter: .....	37
3.6.5 Deputy P.F.C. Ozouf of St. Saviour: .....	37
3.6.6 Deputy P.F.C. Ozouf: .....	38
3.6.7 Deputy M. Tadier of St. Brelade: .....	38
3.6.8 Deputy S.M. Ahier: .....	38
<b>3.7 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Infrastructure regarding the scope, priorities, and key objectives of the energy policy (OQ.94/2025): .....</b>	<b>39</b>
Connétable A.N. Jehan of St. John (The Minister for Infrastructure): .....	39
3.7.1 Deputy H.L. Jeune: .....	39
<b>3.8 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding actions taken following the publication in 2018 of the Scrutiny Report on Residential Property Transactions (OQ.97/2025): .....</b>	<b>39</b>
Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister): .....	39
3.8.1 Deputy M.B. Andrews: .....	40
3.8.2 Deputy P.F.C. Ozouf of St. Saviour: .....	40
3.8.3 Deputy P.F.C. Ozouf: .....	40
<b>3.9 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Justice and Home Affairs regarding the Youth Justice Strategy (OQ.95/2025): .....</b>	<b>40</b>
Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs): ...	41
3.9.1 Deputy H.L. Jeune: .....	41
3.9.2 Deputy H.M. Miles of St. Brelade: .....	41
3.9.3 Deputy H.M. Miles: .....	42
3.9.4 Deputy H.L. Jeune: .....	42
<b>3.10 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding the construction of the Acute Hospital at Overdale (OQ.99/2025): .....</b>	<b>42</b>
Deputy T.J.A. Binet of St. Saviour (The Minister for Health and Social Services): .....	42
3.10.1 Deputy J. Renouf: .....	43
3.10.2 Deputy R.S. Kovacs of St. Saviour: .....	43

3.10.3	Deputy R.S. Kovacs: .....	43
3.10.4	Deputy A.F. Curtis of St. Clement: .....	43
3.10.5	Deputy K.M. Wilson of St. Clement: .....	44
3.10.6	Deputy K.M. Wilson: .....	44
3.10.7	Deputy J. Renouf: .....	45
3.11	Deputy H.M. Miles of St. Brelade of the Minister for Sustainable Economic Development regarding a grant to the new exhibitors' committee for the Battle of Flowers (OQ.100/2025): .....	45
<b>4.</b>	<b>Questions to Ministers without notice - The Minister for Infrastructure .....</b>	<b>46</b>
4.1	Deputy H.L. Jeune of St. John, St. Lawrence and Trinity: .....	46
	Connétable A.N. Jehan of St. John (The Minister for Infrastructure): .....	46
4.1.1	Deputy H.L. Jeune: .....	46
4.2	Deputy H.M. Miles of St. Brelade: .....	46
4.2.1	Deputy H.M. Miles: .....	46
4.3	Deputy S.M. Ahier of St. Helier North: .....	46
4.3.1	Deputy S.M. Ahier: .....	47
4.4	Connétable M.K. Jackson of St. Brelade: .....	47
4.4.1	The Connétable of St. Brelade: .....	47
4.5	Deputy J. Renouf of St. Brelade: .....	47
4.5.1	Deputy J. Renouf: .....	48
4.6	Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter: .....	48
4.6.1	Deputy A. Howell of St. John, St. Lawrence and Trinity: .....	48
4.7	Deputy P.F.C. Ozouf of St. Saviour: .....	49
4.7.1	Deputy P.F.C. Ozouf: .....	49
4.8	Deputy R.S. Kovacs of St. Saviour: .....	49
4.8.1	Deputy R.S. Kovacs: .....	50
<b>5.</b>	<b>Questions to Ministers without notice - The Minister for Housing .....</b>	<b>50</b>
5.1	Deputy S.M. Ahier of St. Helier North: .....	50
	Deputy S.Y. Mézec of St. Helier South (The Minister for Housing): .....	50
5.1.1	Deputy S.M. Ahier: .....	50
5.2	Deputy M.B. Andrews of St. Helier North: .....	50
5.2.1	Deputy M.B. Andrews: .....	51
5.3	Deputy J. Renouf of St. Brelade: .....	51
5.3.1	Deputy J. Renouf: .....	51
5.4	Deputy D.J. Warr of St. Helier South: .....	52
5.4.1	Deputy D.J. Warr: .....	52
5.5	Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter: .....	52
5.5.1	Deputy L.K.F. Stephenson: .....	52
5.6	Deputy J. Renouf: .....	53
5.6.1	Deputy J. Renouf: .....	53
5.7	Deputy A.F. Curtis of St. Clement: .....	53
5.7.1	Deputy A.F. Curtis: .....	54
5.8	Deputy H.L. Jeune of St. John, St. Lawrence and Trinity: .....	54
5.8.1	Deputy H.L. Jeune: .....	54
<b>6.</b>	<b>Questions to Ministers without notice - The Chief Minister .....</b>	<b>55</b>
6.1	Deputy J. Renouf of St. Brelade: .....	55
	Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister): .....	55
6.1.1	Deputy J. Renouf: .....	55

6.2	Deputy P.F.C. Ozouf of St. Saviour: .....	55
6.2.1	Deputy P.F.C. Ozouf:.....	56
6.3	Connétable M. O'D. Troy of St. Clement:.....	56
6.3.1	The Connétable of St. Clement:.....	56
6.4	Deputy J. Renouf: .....	56
6.4.1	Deputy J. Renouf: .....	57
6.5	Deputy A.F. Curtis of St. Clement:.....	57
6.5.1	Deputy A.F. Curtis:.....	57
6.6	Deputy K.M. Wilson of St. Clement: .....	57
6.6.1	Deputy K.M. Wilson:.....	58
6.7	Deputy J. Renouf: .....	58
6.7.1	Deputy J. Renouf: .....	58

## **PUBLIC BUSINESS..... 59**

### **7. Draft Employment and Discrimination (Jersey) Amendment Law 202- (P.78/2024). 59**

7.1	Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security): .....	59
7.1.1	Deputy L.M.C. Doublet of St. Saviour: .....	61
7.1.2	Deputy J. Renouf of St. Brelade: .....	61
7.1.3	Deputy P.M. Bailhache of St. Clement:.....	61
7.1.4	Deputy M. Tadier of St. Brelade:.....	61
7.1.5	Deputy L.V. Feltham: .....	63
7.2	Deputy L.V. Feltham: .....	65
7.3	Deputy L.V. Feltham: .....	66

### **7.4 Draft Employment and Discrimination (Jersey) Law 202- (P.78/2024): second amendment (P.78/2024 Amd.(2))..... 67**

7.4.1	Deputy M.R. Ferey of St. Saviour: .....	67
7.4.2	Deputy T.A. Coles: .....	69
7.4.3	Deputy B. Ward of St. Clement:.....	70
7.4.4	Deputy C.D. Curtis of St. Helier Central:.....	70
7.4.5	Deputy S.G. Luce:.....	71
7.4.6	Deputy L.M.C. Doublet: .....	71
7.4.7	Deputy L.V. Feltham: .....	73

## **LUNCHEON ADJOURNMENT PROPOSED..... 74**

## **LUNCHEON ADJOURNMENT..... 75**

7.4.8	Deputy M.R. Le Hegarat of St. Helier North:.....	75
7.4.9	Deputy J. Renouf of St. Brelade: .....	75
7.4.10	Deputy P.M. Bailhache of St. Clement:.....	77
7.4.11	Deputy M.R. Scott of St. Brelade: .....	77
7.4.12	Deputy S.Y. Mézec of St. Helier South: .....	78
7.4.13	Deputy B.B. de S.V.M. Porée of St. Helier South: .....	79
7.4.14	Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter: .....	79
7.4.15	Deputy K.M. Wilson of St. Clement:.....	80
7.4.16	Deputy M. Tadier of St. Brelade:.....	81
7.4.17	Connétable A.N. Jehan of St. John: .....	83
	Mr. M. Jowitt., H.M. Solicitor General:.....	84
7.4.18	Deputy R.S. Kovacs of St. Saviour: .....	84
7.4.19	Deputy M.R. Ferey of St. Saviour:.....	85
7.5	Deputy L.V. Feltham of St. Helier Central:.....	86

7.6 Deputy L.V. Feltham: .....	87
7.6.1 Deputy M. Tadier:.....	87
7.6.2 Deputy L.J. Farnham: .....	88
7.6.3 Deputy L.V. Feltham: .....	89
<b>8. Evidence-Based Energy Strategy (P.11/2025) .....</b>	<b>90</b>
8.1 Deputy H.L. Jeune: .....	91
<b>8.2 Evidence-Based Energy Strategy (P.11/2025): amendment. (P.11/2025 Amd.).....</b>	<b>93</b>
8.2.1 Deputy P.F.C. Ozouf of St. Saviour: .....	94
<b>8.3 Evidence-Based Energy Strategy (P.11/2025) - resumption .....</b>	<b>98</b>
8.3.1 Deputy S.G. Luce of Grouville and St. Martin: .....	99
8.3.2 Deputy M.R. Scott of St. Brelade: .....	99
8.3.3 Deputy P.F.C. Ozouf of St. Saviour: .....	100
8.3.4 Deputy J. Renouf of St. Brelade: .....	101
8.3.5 Deputy H.L. Jeune: .....	102
<b>9. Draft Single-Use Plastics etc. (Restrictions) (Jersey) Amendment No. 2 Law 202- (P.19/2025) .....</b>	<b>104</b>
9.1 Connétable A.N. Jehan of St. John (The Minister for Infrastructure): .....	104
<b>10. Organ Donation Memorial (P.25/2025) .....</b>	<b>106</b>
10.1 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter: .....	107
10.1.1 Deputy T. Binet of St. Saviour .....	108
10.1.2 Deputy M. Tadier of St. Brelade: .....	109
10.1.3 Connétable K.C. Lewis of St. Saviour: .....	109
10.1.4 Deputy L.K.F. Stephenson: .....	110
<b>11. Increase in Assets and Savings Threshold for the Affordable Housing Gateway (P.26/2025) .....</b>	<b>112</b>
11.1 Deputy D.J. Warr of St. Helier South: .....	112
11.1.1 Deputy S.Y. Mézec of St. Helier South: .....	113
11.1.2 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter: .....	115
11.1.3 Deputy P.F.C. Ozouf of St. Saviour:.....	116
<b>ADJOURNMENT.....</b>	<b>120</b>
Appendix One: DRAFT EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202- (P.78/2024) – relevant extracts from the Employment and Discrimination Tribunal guidance: .....	120

[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Bailiff:**

#### **1.1 Welcome to His Excellency the Lieutenant Governor**

I am sure Members will join with me in welcoming His Excellency the Lieutenant Governor to the Assembly this morning. **[Approbation]**

#### **1.2 Appointment of Mr. Robert James MacRae as Bailiff of Jersey**

Secondly, from the Chair, I make the following announcement. I am pleased to inform Members that His Majesty the King has approved the appointment of Mr. Robert James MacRae, the current Deputy Bailiff, as Bailiff of Jersey following my retirement on 19th October this year. Mr. MacRae has previously served as Attorney General, and it is expected that he will take the oath of Office of Bailiff on Friday, 24th October. We wish him well. **[Approbation]**

#### **1.3 Welcome to students from Lycée Jacques Cartier, Saint-Malo**

Lastly, Members may have noted that the Assembly is somewhat fuller than it normally is, and we are delighted to welcome students from the Lycée Jacques Cartier in Saint-Malo. They have come to observe for a short period this Assembly, so I know all Members will be on their best behaviour and join me in welcoming them. **[Approbation]**

## **QUESTIONS**

### **2. Written Questions**

#### **1 Deputy M.B. Andrews of St. Helier North of the Minister for Education and Lifelong Learning regarding the development of the primary school estate in St. Helier (WQ.153/2025):**

##### **Question**

Will the Minister advise what plans, if any, there are for the development of the primary school estate in St. Helier with specific reference to both St. Luke's School and Springfield School?

##### **Answer**

Currently, there are proposals to design and construct a new St Helier Town Primary School, and land at Gas Place has been identified as the preferred location.

The design will incorporate the construction of a new two form entry school in the heart of St Helier. This will be able to accommodate pupils from both St Luke's and Springfield Primary Schools, as well as providing a new facility for La Passerelle Primary School. Both St Luke's and Springfield are operating from aging buildings requiring essential maintenance or have compromised external play areas. The Springfield School site has previously been identified as a possible future park for St Helier.

The current Government Plan details £2.5m of budget for 2028, to commence works. Concept design and pre-feasibility are being undertaken with the aim to produce detailed designs to make a formal Planning Application in advance of 2028.

**2 Deputy H.M. Miles of St. Brelade of the Minister for Social Security regarding Sign Language Week (WQ.154/2025):**

**Question**

Will the Minister describe and explain the Government's decision-making in respect of support for, and the active promotion of, the recent Sign Language Week (17th to 23rd March 2025), which raises awareness and advocates for the rights and inclusion of the Deaf community?

**Answer**

The Government's decision making in respect of the recent Sign Language Week and other similar initiatives is driven by the Disability and Inclusion Strategy for Jersey. The Strategy focuses on key priorities such as:

- ensuring accessible communication and information,
- improving physical and social access across the Island, and
- promoting equal rights and experiences.

The ongoing implementation of this Strategy demonstrates the Government's long-term commitment to challenging inequalities and enhancing the wellbeing of Islanders with disabilities. The focus of the Strategy helps to prioritise the finite resources of the Disability and Inclusion team and the activities supported during the Sign language week were all well aligned to the overall aims of the Strategy.

During Sign Language Week 2025 (17<sup>th</sup> to 23<sup>rd</sup> March 2025), the following took place:

- Producing and distributing leaflets to key Deaf support organisations, including the Jersey Deaf Society and Earsay, and to all parents of Deaf children or children with Deaf parents;
- Awareness raising through social media channels;
- The Island's first British Sign Language (BSL) Bingo Night, which also achieved further visibility through media coverage of the event;
- The Disability and Inclusion team ran basic training sessions on British Sign Language during the week.

**3 Deputy K.M. Wilson of St. Clement of the Minister for Social Security regarding the Jersey Cannabis Agency (WQ.155/2025):**

**Question**

Will the Minister detail the current work of the Jersey Cannabis Agency and will he clarify whether this agency has considered any further development of psilocybin cultivation in the Island, and, if so, provide details of –

- (a) the number of individuals or companies that have registered an interest in the development of a market in this area;
- (b) any progress that has been made to develop the market conditions for this product in the Island;



- (c) the business areas under consideration (e.g. cultivation, export, retail);
  - (d) the potential economic value to the Island; and
- the number of licences applied for to develop these products?

**Answer**

The Jersey Cannabis Agency (JCA) was established as the designated licensing authority to enable the development of medicinal cannabis cultivation. The role is carried out by the Minister for Health and Social Services (MHSS). Current work programmes supported by the Chief Pharmacist focus on helping cultivators with the regulatory and operational frameworks they require to operate. This includes guidance, new license applications, licence reapplications, support with upholding licence T&Cs, and compliance with Convention.

The remit of the JCA is to consider applications for cannabis cultivation under the auspices of the MoU with UK Home Office Memorandum of Understanding 2020 to ensure compliance with the Single Convention on Narcotic Drugs 1961. JCA is not established to consider psilocybin. However MHSS is the competent authority for consideration of controlled drug licences (which is administered by the Chief Pharmacist).

In the case of psilocybin, exploring new opportunities for economic growth that support our ageing demographics naturally means we must be open minded to considering the advancements in biotechnology R&D, as set out in the Strategy for Sustainable Economic Development.

In answer to the specific questions on psilocybin:

- (a) there is no formal way for individuals or companies to register an interest in the development of a market in this area. While businesses may approach government to discuss potential opportunities, the nature of these conversations are commercially sensitive.
- (b) Government's role is to enable businesses through fit for purpose legislation and regulatory functions, rather than to set the market conditions.
- (c) Theoretically, if the economic opportunities to develop biotechnology R&D are to be realised, then logically this may necessitate the need for licenses to consider cultivation, manufacturing and export, alongside the health and patient safety considerations.
- (d) The potential economic value to Jersey for biotechnology R&D is at an early stage of being considered and is policy in development.
- (e) No formal license requests have been made to the Minister for Health & Social Services (MHSS) or the Chief Pharmacist at this time.

**4 Deputy K.M. Wilson of St. Clement of the Minister for Health and Social Services regarding patient services provided at the Enid Quenault Health and Wellbeing Centre (WQ.156/2025):**

**Question**

Will the Minister advise what patient services are currently provided at the Enid Quenault Health and Wellbeing Centre and, for each such service during the period since the Centre opened to the end of February 2025, state the number of –

- (a) scheduled clinics provided, broken down by month and speciality;

- (b) appointments available, broken down by month and specialty
- (c) appointments attended and missed (including the reason for non-attendance), broken down by month, specialty and Parish;
- (d) complaints received about the services provided and any themes emerging from these complaints;
- (e) compliments received about the services provided and the themes emerging from this feedback; and
- (f) bank and agency staff employed, broken down by month for each of the services operating in the centre, and categorised by –
  - (i) grade of staff; and
  - (ii) numbers of hours worked?

## Answer

The following information is provided in response to the question regarding patient services at the Enid Quenault Health and Wellbeing Centre. The data covers the period from 1<sup>st</sup> August 2023 to 28<sup>th</sup> February 2025. All figures are presented in the accompanying tables.

### **Definition of “Clinic”:**

A *clinic* refers to a scheduled session in which one or more healthcare professionals are available to see patients.

- A clinic can include multiple patient appointments.
- Clinics vary in length and format — they may be face-to-face, by telephone, or virtual.
- Clinics are not categorised as public or private; this classification applies at the individual appointment level, once a patient is booked.

### **Important Caveat:**

Clinics are not classified as public or private — this is only determined at the appointment level, once a patient is booked. Appointment data reflects public elective activity only.

Clinics can vary in length and the number of appointments they include, and some may be telephone or virtual sessions.

These factors should be considered when cross-referencing clinic and appointment data to avoid misinterpretation.

#### **a) Scheduled clinics provided, broken down by month and specialty**

Refer to *Table 1: Clinics Provided by Speciality and Month*.

This table shows the total number of clinics recorded as 'Booked' or 'Open' in the system, by month and speciality.

#### **b) Appointments available, broken down by month and specialty**

Refer to *Table 1: Clinics Provided by Speciality and Month*.

As clinic availability is recorded at the clinic level, this is the same as (a). The table shows the total number of clinics available, by month and speciality

#### **c) Appointments attended and missed (including reason for non-attendance), broken down by month, speciality, and Parish**

Refer to *Table 2: Appointments Attended by Speciality and Month* and *Table 3: Appointments Did Not Attend (DNA) by Speciality and Month*.

**Please note:**

- Reasons for non-attendance cannot be provided, as this information is not consistently recorded.
- Data by Parish cannot be provided, as this information is not held in our system.
- Appointment data reflects **public elective activity only**.

**d) Complaints received and themes identified**

Refer to *Table 4: Complaints by Department*.

This table summarises complaints received in the period, in relation to services at the Centre. Please note, I am unable to provide themes as this would require manual analysis.

**e) Compliments received and themes identified**

Refer to *Table 5: Compliments by Department*.

This table summarises compliments received in the period, in relation to services at the Centre. Please note, I am unable to provide themes as this would require manual analysis.

**f) Bank and Agency staff employed categorised by grade of staff and number of hours worked**

Refer to *Table 6: Agency hours by area/grade and month* and *Table 7: Bank hours by area/grade and month*.

**5 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding consultant costs (WQ.157/2025):**

**Question**

Will the Chief Minister state how much the Government has spent on consultants, excluding those permanently employed in Health and Care Jersey, during 2024 and 2025 to date; and will he advise what actions, if any, are being taken to minimise the expenditure on consultants?

**Answer**

The 2024 consultancy report is being finalised and will be published next month, once all year-end processes are completed and figures are confirmed. The report for 2025 will be published in early 2026.

There is a consultancy freeze running in parallel with the recruitment freeze, requiring all new consultancy contracts to be approved by the Chief Executive Officer, and indicative interim data is showing month-on-month reductions in costs in 2024 compared to 2023.

**6 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding staff employed across the Public Sector at Grade 11 and above (WQ.158/2025):**

**Question**

Will the Chair advise how many staff were employed during 2024 across the Public Sector at Grade 11 and above, broken down by Grade?

**Answer**

At the end of December 2024, the total number of staff across the Public Sector at Grade 11 and above by Headcount was 2,701. This includes all equivalent grades across the Public Sector.

‘Grade 11’ is a specific term for Civil Servant pay grades and structure. Grade 11, which equates to £68,437.82, has been used to benchmark salaries across various roles in the Public Sector as outlined below.

All Public Sector pay scales are published on gov.je: [Public sector pay scales](#)

The Departments are broken down into the following pay groups:

Department	Grade 11 and above or equivalent
Ambulance (Work Force Modernisation Group (WFMG))	<10
Civil Servants	1,246
Crown Appointments (Judiciary)	18
Doctors and Consultants	173
Fire & Rescue Service	30
Head and Deputy Head Teachers	87
Law Officers Department	64
Legal Drafters	<10
Manual Workers	<10
Nurses and Midwives	281
Police	165
Prison	19
Teachers	602
<b>Total</b>	<b>2,701</b>

A further breakdown can be found below:

Ambulance (WFMG)	Headcount
WFMG	<10
WFMH	<10
WFMI	<10
<b>Total</b>	<b>&lt;10</b>

Civil Servants	Headcount
CS11	395
CS12	371
CS13	216
CS14	105
CS15	86
TIER 0	<10
TIER 1	<10
TIER 2	30
TIER 3	33
<b>Total</b>	<b>1,246</b>

Crown States Legal Appointments	Headcount
CROWN	10
SALD	<10
SLD	<10
SPOTSALARY	<10
TIER 2	<10
<b>Total</b>	<b>18</b>

Doctors and Consultants	Headcount
CONN	102
SAS	<10
SGR	52
TIER 2	<10
<b>Total</b>	<b>173</b>

Fire and Rescue	Headcount
FRCC	11
FRSC	<10
FRWC	10
TIER 3	<10
<b>Total</b>	<b>30</b>

Heads and Deputies	Headcount
LEAD	87
<b>Total</b>	<b>87</b>

Legal Advisers	Headcount
ALA4	<10
ALA5	<10
ALD	<10
LADV1	<10
LADV2	23
LADV3	<10
PLADV1	<10
SALD	<10
SLADV1	<10
<b>Total</b>	<b>64</b>

Legislative Drafters	Headcount
ALD	<10
<b>Total</b>	<b>&lt;10</b>

Manual Workers	Headcount
EW09	<10
EW10	<10
EW11	<10
<b>Total</b>	<b>&lt;10</b>

Nurses and Midwives	Headcount
NM05	92
NM06	112
NM07	54
NM08	20
NMD8	<10
<b>Total</b>	<b>281</b>

Police	Headcount
CINS	<10
INSR	13
PLCO	109
SGNT	37
SUPT	<10

TIER 1	<10
TIER 2	<10
<b>Total</b>	<b>165</b>

<b>Prison</b>	<b>Headcount</b>
Deputy PG	<10
PSM1	<10
PSO	13
UNIM	<10
<b>Total</b>	<b>19</b>

<b>Teachers</b>	<b>Headcount</b>
TCH1	602
<b>Total</b>	<b>602</b>

**7 Deputy M.B. Andrews of St. Helier North of the Minister for Justice and Home Affairs regarding knives in schools (WQ.159/2025):**

**Question**

Will the Minister advise how many incidents, if any, have been reported over the last five years of young people carrying knives in school and state the number of incidents over the same period where knives have been used as offensive weapons, both in school and outside school?

**Answer**

Please find below the data relating to reported incidents of knives:

To note:

- The number of incidents is a measure of iLogs – not all incidents subject of an iLog will be a crime. Separate data is provided below on recorded crimes both within and outside schools. Not all recorded crimes will be subject to a prosecution. One iLog/incident may have more than one crime linked to it.
- In responding to this question, “young people” was taken to mean under 18, the average age for the offenders/suspects in the crimes was 15.
- There is no clear pattern in incidents in schools and they have not increased over the last couple of years. All but one involved an actual knife, one was a plastic knife.
- There are no recorded crimes in schools, but there are crimes committed by young people – 3 each year in the last 3 years, down from 7 in 2020.
- In total, 17 crimes have been recorded committed by young people between 2020 and 2024 – examples include 11 relating to grave and criminal assaults, 1 to an affray, 1 to an attempted murder.

Type	2020	2021	2022	2023	2024
Number of <i>incidents</i> of possession of a knife - <b>in a school</b>	4	1	1	4	2
Number of <i>crimes</i> where a knife has been used or threats made - <b>in a school</b>	0	0	0	0	0
Number of <i>crimes</i> where a knife has been used or threats made – <b>not in a school</b>	7	1	3	3	3

The very low numbers support that Jersey does not currently face a widespread knife problem and is a safe place to live. The new [Crime \(Public Order\) \(Jersey\) Law 2024](#) aims to address this issue proactively, promoting a safer environment and ensuring the island stays ahead of potential risks and trends.

States of Jersey Police work in partnership with the Jersey Youth Service, schools, and leveraging the support of the Building a Safer Community (BASC) framework, to engage with young people, raise awareness, and address the misconceptions around carrying weapons. The initiative encourages open dialogue in youth clubs, schools, and the community about the reasons behind carrying weapons and the risks involved.

#### **8 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Health and Social Services regarding palliative care (WQ.160/2025):**

##### **Question**

Will the Minister share a timeline for the introduction of legislation placing a statutory duty on the Minister to provide palliative care and end-of-life care, including when it will be brought to the Assembly, and will the Minister also outline –

- (a) the key provisions of this duty and explain how it will enhance the quality and accessibility of care; and
- (b) how he plans to ensure that sufficient funding and resources are allocated to implement this duty effectively, given that it is linked to the delivery of the Assisted Dying Law;

and if no such provision for palliative care is due to be included, will the Minister explain why not?

##### **Answer**

Government is actively enhancing the quality and accessibility of palliative and end-of-life care in Jersey through delivery of the initiatives set out in the Palliative and End of Life Care Strategy. Just over £3 million per year additional monies are being invested in these initiatives (as agreed in the 2023 Government Plan). I will be providing to the Assembly (no later than September 2025):

- evidence of the quality and availability of palliative and end of life care in Jersey



- a timeline for the continued improvement of palliative and end of life beyond 2026, which is the end date for the existing strategy.

This information will help inform the debate on the draft assisted dying law (planned for November 2025) and accords with a recommendation from the Assisted Dying Scrutiny Review Panel.

When debating the draft assisted dying law, the Assembly will be asked to agree, in principle, that the assisted dying law should not be brought into force until the Assembly is satisfied that the additional £3 million being invested in end of life and palliative care each year is, in fact, supporting improvements in quality and availability of services.

I anticipate that the legislation that places a statutory duty on the Health and Social Services Minister to provide end of life and palliative care services will form part of the Council of Ministers' 2026 legislative programme.

<sup>1</sup> [A Palliative and End of Life Care Strategy For Adults in Jersey](#)

## **9 Deputy S.M. Ahier of St. Helier North of the Minister for Treasury and Resources regarding the connection of homes to mains water by Jersey Water (WQ.161/2025):**

### **Question**

In relation to the connection of homes to mains water by Jersey Water, will the Minister, as shareholder representative, advise –

- (a) the number of properties that rely on boreholes for their water supply;
- (b) the number of properties, if any, that have been connected to mains water in each of the last five years;
- (c) the amount, in metres, that the mains network has been extended in each of the last five years;
- (d) the budget allocated each year by Jersey Water to connect properties to mains water;
- (e) the estimated timeframe to connect all Islanders to mains water; and
- (f) the cost, in total, of enabling all Islanders to have access to mains water?

### **Answer**

Jersey Water is committed to reaching more homes with mains water. Jersey Water reviews and prioritises its capital investment for extending the mains network on an annual basis, taking multiple factors into account including cost, water quality, and customer demand.

- (a) Jersey Water does not hold information about the number of private borehole and wells in use on the Island. The company estimates that approximately 2,800 properties Island-wide do not currently have a mains water connection, which is roughly 5% of the total number of domestic households.
- (b) & (c) Since 2020, Jersey Water has extended the mains network by nearly 3,000 metres/3km to connect to a further 105 properties to mains water, at a total cost of £777,000.
- (d) Jersey Water's policy is to undertake extensions when funding is available, without increasing risk in other operational areas, and also ensuring that the connections deliver the best economic outcomes for the company, its customers and the Island. The number of new water mains that Jersey Water installs varies from year to year depending on competing operational and financial factors. While the company has a detailed mains extension programme ready to

deliver when funds permit, there is a need to balance the required investment to upgrade the Island's existing water supply infrastructure (including renewing sections of the mains network), reduce leakage, install treatment solutions for PFAS, and address Jersey's future water resource challenges.

- (e) & (f) Jersey Water estimates that the total cost of bringing mains water to all remaining properties that are located more than 50m from an existing main would exceed £36 million, based on 2024's prices and involve laying more than 90km of mains. Connection of properties to the water main would be subject to an additional connection charge for customers and the cost of modifying internal pipework. The timeline to complete this work would be dependent on the funds available each year and other competing operational factors.

**10 Deputy H.M. Miles of St. Brelade of the Minister for Children and Families regarding the Short Breaks provision (WQ.162/2025):**

**Question**

Further to the Minister's response to [Written Question 351/2024](#), in relation to CYPES undertaking a needs analysis and review of Short Breaks provision (daytime and overnight) in Jersey, will the Minister advise when that review will be completed and published?

**Answer**

The Short Breaks provision continues to be reviewed and forms part of the work of the Children's Services improvement programme, whilst the current provision continues to be maintained. To date, an assessment of the needs and demand has been undertaken in both the Complex Needs Team for overnight respite packages, and the community daytime short breaks schemes.

The work in this area will continue and includes defining what could be offered that meets the need of young people within the service and ensures there is equity in the system, reviewing the eligibility criteria to ensure children with complex needs are prioritised for what is available on Island, and exploring our resource, sufficiency, and capacity, both from internal services and external providers.

It is my hope that this work will be completed and published during 2026.

**11 Deputy H.M. Miles of St. Brelade of the Minister for Children and Families regarding Oakwell Children's Short Breaks Home (WQ.163/2025):**

**Question**

In relation to Oakwell Children's Short Breaks Home, will the Minister state, for each of the last five years –

- (a) the total cost of running the home;
- (b) the staffing costs;
- (c) the number of individual children accommodated;
- (d) the occupancy rate; and
- (e) the number of nights per week the home was open?

## Answer

(a) the total cost of running the home;

2020	2021	2022	2023	2024
£719,288.78	£731,160.09	£795,449.67	£878,643.68	£931,636.44

(b) the staffing costs;

2020	2021	2022	2023	2024
£689,743.80	£673,277.28	£730,389.48	£849,729.81	£860,001.15

(c) the number of individual children accommodated;

2020	2021	2022	2023	2024
14	11	14	14	14

(d) the occupancy rate;

The maximum occupancy of Oakwell Short Breaks Home is 4 and typically accommodates 2-4 children per night depending on severity of need.

(e) the number of nights per week the home was open?

2020	2021	2022	2023	2024
7	7	7	6	6

**12 Deputy H.M. Miles of St. Brelade of the Chair of the Comité des Connétables regarding modernising Paris Assemblies (WQ.164/2025):**

## Question

Following the publication of ‘Parish Assemblies: A Better Legislative Framework’ ([R.187/2024](#)) by the Jersey Law Commission, will the Chair outline what action, if any, the Comité intends to take to update the [Loi \(1804\) au sujet des assemblées paroissiales](#) and the [Loi \(1905\) au sujet des assemblées paroissiales](#) in order to modernise the form and functions of the Parish Assembly, including membership, voting rights and public notices of holding an Assembly?

## Answer

The Comité des Connétables has discussed the ‘Parish Assemblies: A Better Legislative Framework’ ([R.187/2024](#)) by the Jersey Law Commission and provided its support back in December 2024.

The Jersey Law Commission reports to the Legislation Advisory Panel (the Panel). The Chair of the Comité des Connétables has met with the Panel in December 2024 to discuss the ‘Parish Assemblies: A Better Legislative Framework’. The Comité understands that the Panel was also supportive of draft legislation being prepared which would be shared with the Comité.

The Comité will therefore be liaising further with the Panel with regard to updates to the [Loi \(1804\) au sujet des assemblées paroissiales](#) and the [Loi \(1905\) au sujet des assemblées paroissiales](#).

### **13 Deputy J. Renouf of St. Brelade of the Chief Minister regarding the High Value Residency Scheme (WQ.165/2025):**

## Question

In relation to Jersey’s High Value Residency scheme, will the Chief Minister state the number of dependants who have arrived with the main applicant, broken down into separate categories (such as partner, children or staff), for each of the last 10 years?

## Answer

<b>Year of arrival</b>	<b>Spouse or partner</b>	<b>Dependent children</b>
2024	11	8
2023	16	17
2022	10	<5
2021	28	14
2020	15	10
2019	15	<5
2018	29	9
2017	19	<5
2016	13	0
2015	23	<5

*Note:* All staff who come to Jersey to live are required to register with Social Security in their own right within 90 days of arrival even if they are not in paid employment. Data is not held on whether people arrive with a 2(1)e resident.

**14 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding Health and Care Jersey overspend (WQ.166/2025):**

**Question**

Further to his answer during questions without notice on 1st April 2025, will the Minister state whether it is forecast that Health and Care Jersey will overspend in 2025 and, if so, will he detail –

- (a) the estimated total overspend for the year;
- (b) the factors that are driving the overspend; and,
- (c) whether the overspend will be added to the current departmental budget to set a new baseline for funding in future years?

**Answer**

The HCJ financial position for Month 3 (YTD Q1) and year-end forecast for 2025 are being finalised and will be reported to the Health Advisory Board on 29 May 2025 by the Finance and Performance Committee. As reported at the last Board meeting in February, HCJ has continued to experience strong budget pressures due to the fast rising costs of on and off-Island care and high inflationary pressures on drugs and technical supplies. The Financial Recovery Programme (FRP) has continued to deliver efficiency savings and budgetary control measures are being taken to further mitigate cost pressures whilst ensuring quality of care and safety remain paramount.

However, given that modern science continues to develop cures and treatments for more ailments than ever before and that the cost increases of existing treatments often outstrip the normal rates of inflation, the annual cost of Jersey's healthcare remains under review and various initiatives are likely to be undertaken in the coming months to define the quality of service and care that the island would like and establish the extent to which that might be limited by virtue of the amount that islanders are prepared to pay for it.

**15 Deputy A.F. Curtis of St. Clement of the Minister for External Relations regarding work to enable UK credit card agencies to provide cards and services to Jersey residents (WQ.167/2025):**

**Question**

Will the Minister provide an update on the work to enable UK credit card agencies to provide cards and services to Jersey residents and, furthermore, detail –

- (a) what work by his department, if any, remains outstanding;
- (b) what obstacles, if any, still exist that prevent the exchange of data for the issuing of credit cards; and
- (c) the expected timeline for any work to be undertaken by the Government of Jersey?

## Answer

(a)

The work on the provision of information to Credit Reference Agencies (the “CRAs”) is being undertaken by a project team operating primarily across two Government departments. The policy is led by the Financial and Professional Services Unit within the Department for the Economy, while implementation is being delivered by Employment, Social Security and Housing (“ESSH”) as the designated data controller. Given the nature of the work, operational delivery is supported by the Government’s Modernisation and Digital team.

As Minister for External Relations, I oversee the Financial and Professional Services Unit, which concluded its policy work in 2023 through the introduction of the Register of Names and Addresses (Amendment) (Jersey) Law 2023. This legislation permits the Chief Minister to share information with CRAs. My officials remain actively engaged with ESSH as part of the wider project team to ensure successful delivery.

I understand that the Data Protection Impact Assessment, led by ESSH in relation to the processing of data, has recently been completed. This marks a significant milestone and will help pave the way for delivery. The project team is now focused on building the automated delivery mechanism, which will need to be tested before going live, and finalising agreements with the CRAs.

(b)

With specific regard to the project to deliver information to the CRAs, it is understood that the CRAs are currently subject to resource constraints. These are primarily due to the United Kingdom’s planned establishment of a new governance structure and the Credit Reporting Governance Body, with ongoing interim working groups placing additional demands on the CRAs’ capacity. These competing priorities will inevitably affect their ability to engage with us as we work through the remaining tasks and challenges.

One outstanding issue is the need to finalise and confirm the legal basis under which the CRAs may provide UK law enforcement with information sourced from our register. We are working to conclude this matter with the CRAs as soon as possible.

In the broader context of credit cards, it should be clarified that there is currently no barrier preventing service providers getting the data they need for the purpose of issuing credit cards. However, the work outlined above will provide a more streamlined and accessible source of information for service providers when assessing applications for such services. Once this work is delivered, it will be important for banks and service providers to acknowledge the steps taken by Government and move forward to improve their offering of credit card services.

(c)

Subject to the CRAs having the capacity to continue their engagement, it is estimated that approximately six months will be required to finalise the data sharing agreements, develop the technical solution, and complete testing before the CRA project can go live.

**16 Deputy K.M. Wilson of St. Clement of the Minister for Health and Social Services regarding transport links to, and parking facilities at, the Enid Quenault Health and Wellbeing Centre (WQ.169/2025):**

**Question**

Will the Minister advise what evaluation, if any, has been undertaken of the transport links to, and parking facilities at, the Enid Quenault Health and Wellbeing Centre and, if no such evaluation has taken place, will the Minister explain why not; and will he provide details of the numbers of patients travelling to the Centre for appointments on foot, by car, by public transport, by taxi and by the patient transport system?

**Answer**

A full evaluation of the transport links and parking facilities at the Enid Quenault Health and Wellbeing Centre was carried out by the New Healthcare Facilities team prior to commissioning the site. This resulted in a 58-page Green Travel Plan being published which addressed all aspects of travel mentioned within the question. The Travel Plan was written within the context of The Government of Jersey's Sustainable Transport Policy (2020) which details that any new "development should support the provision of infrastructure and facilities to enable sustainable travel" and the "development should help to facilitate sustainable transport choices – including walking, cycling and travel by bus; and the provision of facilities associated with a development – such as cycle parking, storage, lockers and showers – should seek to do the same." The facility supports all of these recommendations fully.

The facilities team also continue to liaise with the Clinical Leads, the Patient Advice and Liaison Service (PALS), St Brelade's Parish officials, the Neighbourhood Forum, Liberty Bus, and other stakeholders to identify any challenges and ensure adherence to the Green Travel Plan.

Following staff feedback, a parking review was conducted in 2024 to assess the layout and access control of the available parking spaces for use by staff and patients. This resulted in further development of the parking areas and an additional 18 spaces being made available, bringing the total to approximately 10 less than the Overdale site when in operation. Further recommendations were made including the levelling and repainting of space lines to enhance the layout of the main carpark, and installation of barrier access for staff car parks. These recommendations were not progressed due to budget constraints (c.£250k). To assist in managing the appropriate use of the parking, the onsite facilities staff conduct regular audits and issue notices to vehicles misusing the facility. These audits also capture the availability of spaces throughout the day which is considered when building clinics to balance the daily footfall and reduce congestion. Options for virtual clinics and staff remote working are also continuously reviewed to assist with reducing pressure on parking.

Health and Care Jersey does not make travel arrangements for patients using the facility and therefore is unable to provide details on the numbers of patients using each type of transport. Where patient and staff feedback indicates the need, HCJ is able to conduct surveys to gather data and will consider this on a case-by-case basis. Data on bus and patient transfer service use was not available in time to include in this response.

**17 Deputy K.M. Wilson of St. Clement of the Minister for Social Security regarding the increases in fees and costs for nursing and residential care provided in the private sector (WQ.170/2025):**

**Question**

Will the Minister detail what plans, if any, exist to address the increases in fees and costs for nursing and residential care provided in the private sector and explain –

- (a) what steps, if any, are to be taken to support those currently in receipt of nursing and residential care affected by these fee increases and struggling to pay fees amidst the cost-of-living pressures in the Island;
- (b) what actions are being taken in response to the report entitled [‘Financial review of the domiciliary care market in Jersey to establish the costs of independent sector services and provide options for standard pricing tariffs’](#); and
- (c) when the above report’s recommendations will receive a response and be actioned, advising which officer role is responsible for leading this work stream?

**Answer**

- a) Care agencies in Jersey have the freedom to set their own rates for the cost of providing care. The Long-Term Care scheme can provide financial assistance with these care costs straight away if someone does not have the financial means to contribute to these costs themselves. The rates of benefit available from the scheme are currently as follows:

Level of standard care	Description of level of standard care	Maximum weekly benefit
1	Person requires long-term care on a daily basis but can be left alone for periods of at least 3 hours a day.	£523.53
2	Person requires long-term care on a daily basis but cannot be left alone for periods exceeding 3 hours a day and the description for level 3 or 4 does not apply.	£798.63
3	Person requires long-term care throughout the day or night but care is not required 24 hours a day.	£1,154.37
4	Person requires long-term care 24 hours a day or, if not 24 hours a day, with a greater degree of specialist care required than is required for level 3.	£1,451.31
Living costs	Additional means tested LTC benefit available to support living costs in a care home	£457.03

These benefit rates are reviewed annually by the Minister for Social Security. In January 2025, the rates were increased by 6.4% - a percentage linked to the increase in Average Earnings to June 2024. The Minister for Social Security will be considering the uprate for 2026 later this year.



- b) The actions being taken following the review undertaken by LaingBuisson are set out in the following report published by the Minister for Social Security and Minister for Health and Social Services - [Ministerial Response and Action Plan](#). The implementation of a standard rate for domiciliary care became effective from 1<sup>st</sup> January 2025.
- c) The Minister for Social Security and Minister for Health and Social Services responded to the review at the same time as its publication on 10<sup>th</sup> October 2024.

The work on the actions set out in that report are being led by officers from Strategic Policy, Planning and Performance (SPPP), the Pensions and Care Hub within Employment Social Security and Housing (ESSH) and the Adult Social Care Team within Health Care Jersey (HCJ).

**18 Deputy M. Tadier of St. Brelade of the Minister for Infrastructure regarding the toilets at the Nude Dunes development (WQ.171/2025):**

**Question**

Will the Minister explain what public access there is to the toilets at the Nude Dunes development and on what basis any such access exists?

**Answer**

There is a requirement for the owner of the property to facilitate public access to the public toilets at La Pulente. This duty is not currently being fulfilled. Discussions are ongoing to negotiate access to these public toilets and ensure they are operated in accordance with the planning obligation. It is our intention to take the action that is necessary to ensure the toilets are open for the summer.

Jersey Property Holdings will continue to keep the Parish Deputies and Connétable informed as matters progress.

**3. Oral Questions**

**3.1 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding proposals for potential approaches to the decriminalisation, legalisation and regulation of cannabis (OQ.102/2025):**

Will the Minister advise what progress has been made since the Assembly's adoption of P.31/2024, as amended, which included a request that the Council of Ministers bring forward proposals for potential approaches to the decriminalisation, legalisation and regulation of cannabis?

**Deputy T.J.A. Binet of St. Saviour (The Minister for Health and Social Services):**

I am able to inform the Deputy and Members that policy work is in progress to present proposals to the Assembly focusing on 2 principal areas. Firstly, adjusting cannabis possession laws to reduce the criminalisation of small-scale personal use and exploring models for the regulated supply of non-medical cannabis. This rather complex policy area involves significant considerations related to

health, community safety, the economy and various international obligations. In order to ensure properly informed decision-making, it is crucial for us to understand the benefits, the risks and mitigations for each option. To assist that process, I can also confirm that public consultation and engagement on these issues and options is planned to take place next month.

**3.1.1 Deputy T.A. Coles:**

Does the Minister believe that he has sufficient resources to bring these proposals to the Assembly within the allotted timeframe?

**Deputy T.J.A. Binet:**

Sadly, I am unable to guarantee that. I am hopeful, but I have to confess that we are not as well-resourced as I would like us to be.

**3.1.2 Deputy A.F. Curtis of St. Clement:**

Part (b) that was approved included an amendment that included “total acceptable cultivation allowance”. I wonder if the Minister could update whether the workstream he has mentioned so far includes that of the growing of recreational cannabis and what progress has been made on that part of the workstream?

**Deputy T.J.A. Binet:**

To be honest, I only got a general update as to the state of affairs at the moment and it would be difficult for me to look at specifics. I can make that specific inquiry and let the Deputy know.

**3.1.3 Deputy T.A. Coles:**

What areas of policy is the Minister most impressed with and is he keen to have the Assembly support?

**Deputy T.J.A. Binet:**

I think my support would go for a generalised and sensible approach to the entire situation. It is a complicated one and it affects our relationship with the U.K. (United Kingdom), so it has to be very carefully handled. As far as I am concerned, I will just be looking at the overall effect. I do not have any specific area that I feel strongly about.

**3.2 Deputy M.B. Andrews of St Helier North of the Chief Minister regarding net inward migration (OQ.96/2025):**

Will the Chief Minister advise whether the Council of Ministers has a target for net inward migration, and if not, why not?

**Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):**

I understand Deputy Alves will be taking the question.

**Deputy C.S. Alves of St. Helier Central (Assistant Chief Minister -rapporteur):**

The Council of Ministers does not have a numeric target for net inward migration. It is a priority for this Council of Ministers to address the needs of our population now and in the future, and the 2024 annual Report on the Common Population Policy set out competing demands of the need for economic growth, the need to maintain affordable living standards, and the need to prepare for our growing aging population. Population policies have an important role to play in all of these areas, however Ministers consider that these population policies need to be flexible so that they can quickly respond to short-term pressures while also supporting long-term aims. A numeric target is not helpful in this situation.

### **3.2.1 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter:**

What figure is being used to model demand for future services and resources, for example, when building new hospitals, schools, looking at water supplies and drains?

**Deputy C.S. Alves:**

It is difficult to measure at the moment because our population over the last 6 years has changed. From 2019 onwards, the Island's total population has remained relatively static, as has the size of the working population. However, we do have some better data coming from Statistics Jersey, so we are able to be much more responsive than we ever have in the past.

### **3.2.2 Deputy L.K.F. Stephenson:**

When looking at long-term projections and building in those plans previously, the figure of 325 had been used and continued to be used even after it was no longer seen as a target or an appropriate figure for what was happening on the ground. It was still being used to put into plans for the future. Is that still the case?

**Deputy C.S. Alves:**

We do still have the 325 figure. We also have some other figures as well to ensure that we can plan for whatever is needed. We look at a variety of different figures depending on what may or may not happen and what the needs that we may have to respond to would be based on those figures.

### **3.2.3 Deputy J. Renouf of St. Brelade:**

I am a little confused by that answer. Perhaps the Minister could explain, when long-term planning decisions are being made around things like service provision and so on, how is it possible to have a variety of different figures for net migration or total population anticipated in the future? How can that be the basis for decision-making?

[9:45]

**Deputy C.S. Alves:**

We have to be quite mindful that obviously population is always changing on a year-to-year basis and, given what has happened in the last 5 to 6 years, it is fairly unpredictable. We are sticking to the 325 figure as the base figure, however we have to be mindful that things could change and they can increase, and so we have to be as responsive as possible to those numbers.

### **3.2.4 Deputy J. Renouf:**

The list of reasons that the Minister gave for flexibility were all connected in one way or another to the economy and to meeting needs of society. Does the Minister accept that there is a limit that applies in the other direction as well, which is to do with the environment and to do with the social need to maintain cohesion and so on, that would mean that we would not simply meet every need that would come from economic pressure?

**Deputy C.S. Alves:**

Yes, we are mindful of that and that is why we have done things like ensure that our new Control of Housing and Work Law can be as responsive as possible, and obviously monitoring I think is the key. I think we have never had such rich data as we do now. Previous Governments even before us always had to wait until the census. We are now able to access a lot better data, so that is something that we are mindful of.

### **3.2.5 Deputy M.B. Andrews:**

How is the Assistant Chief Minister planning for potential forecasts where we could be potentially seeing net-zero migration forecasts, and what are the implications for individuals who are part of

Jersey's labour market? Could they potentially see personal income tax and social security contributions increase?

**Deputy C.S. Alves:**

A lot of those things I cannot comment on because that would be a whole Council of Ministers approach, especially regarding income tax and things like that. However, I think we do all have to work in a holistic way across all departments and find ways to make Jersey as attractive as possible to ensure that people come here. We recognise that, obviously, post-Brexit, it is not as easy for people to come to the Island as it used to be. I think that is where we have got other projects within Government that are looking at ensuring that Jersey is much more attractive, whether that is to do with affordable housing or with our actual infrastructure. I know there is currently a consultation out for Fort Regent, for example. They are all things that we are mindful of, and I think it needs to be a whole cross-government approach.

**Deputy M.E. Millar of St. John, St. Lawrence and Trinity:**

Sir, I have discovered, having made inquiries about Deputy Gorst's absence, I have inadvertently misled the House. I believed that he was travelling on States business, but he is returning from a personal trip today, so he is not on States business and I believe he will be here tomorrow, so I apologise. That is my mistake, I thought he was.

**The Bailiff:**

He is returning from a personal trip?

**Deputy M.E. Millar:**

He is returning from a personal trip, yes, so he is not excusé. I apologise.

**The Bailiff:**

No, it will be en défaut.

**Deputy M.E. Millar:**

Yes.

**The Bailiff:**

Very well. We will amend the records to reflect that accordingly.

### **3.3 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding gender inequalities in Jersey's health system (OQ.98/2025):**

Will the Minister explain whether it is his assessment that there are systemic gender inequalities in Jersey's health system and what proposals, if any, there are to improve health outcomes for women?

**Deputy T.J.A. Binet of St. Saviour (The Minister for Health and Social Services):**

Could I just ask if the Deputy would be happy for the Assistant Minister with special responsibility for that to answer the questions?

**Deputy J. Renouf:**

No.

**The Bailiff:**

Very well, Minister, then it is for you to answer, I am afraid.

**Deputy T.J.A. Binet:**

That is very unhelpful because the response has been printed out in very small print and my eyesight is not up to it. I will just go through the question again, sorry. Do I think there are gender inequalities? Yes, I think there are inequalities in the health system. There are other inequalities as well in the mental health sphere. Men tend to commit suicide twice as regularly as women. So there are all sorts of different areas in health that need attention. But I do accept that there are some issues about women's health that need specific attention. What are we doing? We have got 3 specific areas that we have been working on, and there has been a needs assessment that is carried out and that is going to be looked at and further work will take place. Like I say, it is work that I delegated to my Assistant Minister and I have to say she is closer to it than I am.

### **3.3.1 Deputy J. Renouf:**

Yes, just to explain that normally when I have been confronted with the situation the Minister approaches me beforehand to ask whether I would accept the question being taken by somebody else, that did not occur on this occasion. I guess that the Minister has pointed out that there are other inequalities and I wonder whether he would indicate, as Minister, where he places the systemic gender inequalities in his list of priorities to address?

### **Deputy T.J.A. Binet:**

This might prove controversial but I do not think I have a list of priorities. What we are trying to do in health is make sure that everybody's health is looked after. I have mentioned suicide. You can look at child cancer. Why would that not be a priority? I am very keen to make sure that, from a political point of view, we do everything we can to make the health service as good as we can for everybody.

### **3.3.2 Deputy L.M.C. Doublet of St. Saviour:**

Is the Minister aware from the Public Health Strategic Needs Assessment on Women's Health that it was highlighted within that report that the overwhelming burden of care needs falling, the majority on women, that was actually pulled out as a factor in poorer health outcomes and that is something that the Minister could potentially be working on across Ministerial portfolios? Has he noted that comment in the report and what does he intend to do about it?

### **Deputy T.J.A. Binet:**

Yes, I accept all of that but, as I have said, we have got a number of difficulties in the Health Department, not least of which is funding. I will remind the Assembly that without money you can do very little. The budget for this year is already under acute pressure. If we want to do something more for women, which I would very much like to do, we are going to need more money. We will be addressing that problem as we go through the year. There will be a public consultation to ask the public what sort of health service they want and how much they are prepared to pay for it. We will be asking the sort of questions that will give us an indication as to where that money needs to come from. It is a complicated question. Very keen to get women's health right, but we will need more money.

### **3.3.3 Deputy L.M.C. Doublet:**

Does the Minister agree to ensure that the money that is available is targeted towards those who have the greatest need and, in some respects, single parent households and single pensioner households again were highlighted in this report? Could the Minister ensure that his funds are targeted to the greatest need?

### **Deputy T.J.A. Binet:**

As a general statement, I think that is fair. They will always go to the greatest need and I have to say that is not an easy task because there are ... my inbox is full of very, very compelling stories and it is not easy. But as a general statement, I am very happy to support that.

### **3.3.4 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:**

As the political leader of his organisation, how does the Deputy demonstrate the behaviours that show a good example and encourage others to break down gender inequality?

**Deputy T.J.A. Binet:**

Could I just ask to qualify what that question means?

**The Bailiff:**

What I think is: do you lead by example and how do you show people that they should break down gender inequality? Is that fair, Deputy Moore?

**Deputy T.J.A. Binet:**

I do not think I make any particular effort to do that because I like to consider that my conduct is reasonable in all respects. I do not think I have a particular problem in that area, and like I say, I could list you half a dozen areas where I want to put a particular emphasis on conduct. Sorry if that is not the right answer, but no.

**The Bailiff:**

There is no right answer, there is only your answer, Minister.

**Deputy T.J.A. Binet:**

Let us hope that is right, Sir.

### **3.3.5 Deputy K.L. Moore:**

Perhaps the next question should be then: has the Deputy taken any time to consider a gender-sensitive approach to his policy-making, or does he perhaps consider that he may need some training in this area?

**Deputy T.J.A. Binet:**

I do not know what to make of that at all. Do I need training? I am afraid I do not think I do. I think I take a civilised approach to things and I find that question actually quite tasteless. That is just a personal opinion.

**Deputy K.L. Moore:**

Sir, I do think it would be good if the Deputy would take back that statement. I think he is suggesting a Deputy should not ask a reasonable question.

**The Bailiff:**

I think the position simply is I think the comment on the quality of a question. If I have allowed it I have allowed it, and that is the end of it, Deputy. Any adverse comment should be withdrawn I think. If you would like to withdraw your observation that it was tasteless that would be welcome.

**Deputy T.J.A. Binet:**

People are busy, I will withdraw it. I do have to say I do not really feel that I should, but we want to keep things moving.

**The Bailiff:**

Well you have withdrawn it, so let us leave it at that.

**Deputy T.J.A. Binet:**

I shall withdraw it.

**The Bailiff:**

Thank you very much indeed.

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

Does the Minister accept that Jersey, like many other western systems, has a health system built by men for men, and that the service he leads continues to take a male-as-default approach?

**Deputy T.J.A. Binet:**

I think that perhaps may have been the case historically. I do not think that is where we are now. We are working well with the Executive Leadership Team, they are all very, very balanced people, and I think they are all very keen to take a balanced approach to delivering a health service. I do not think that is a problem that we suffer with currently. I mean there might be issues still to address in terms of gender equality but I think that the people that are leading the organisation now do not have a problem with that at all. They recognise it and they are very keen to deal with it.

**3.3.7 Deputy L.K.F. Stephenson:**

What practical kind of on-the-ground examples can the Minister give to back up that position that we do not have a system built by men for men that continues to take a male as the default approach?

**Deputy T.J.A. Binet:**

I have a number of females in key roles. I cannot think of any particular example and I do not know why I would. As I say there is a balanced team of people taking a balanced view of things, recognising that there are gender inequalities and doing their best to resolve them.

**3.3.8 Deputy H.M. Miles of St. Brelade:**

Could the Minister please tell us specifically what he is doing to improve the confidence of women in Jersey's maternity services?

**Deputy T.J.A. Binet:**

On a personal level absolutely nothing, but there is a team of people. We have got somebody new running the maternity service who I have a great deal of confidence in, and she is busy doing her job. I cannot go around prioritising every single area of health. There are lots of areas of health that require particular attention, and I am trying to deal with them in an even-handed and balanced way across the piece. No, I do not do anything specific, it has to be said.

**3.3.9 Deputy H.M. Miles:**

The Minister is on record as saying that to reinstitute the home birth service, women would have to pay for that service. Is that still the case?

**Deputy T.J.A. Binet:**

I have no recollection of making that as an absolute statement. I have suggested that we are under financial pressure and that we are going to be looking at that as we are going to be looking at an awful lot of things. Like I have said, we are under huge budgetary pressure. There is only so much we can do with that money. I intend to have a consultation with the public to point these things out, to let them know where we are, to ask them what sort of health service they would like and ask them how they are going to pay for it. I can think of a number of very, very pressing areas that require money so I have not made a statement to that effect - an absolute statement - but I have made it plain that we would be looking at all areas of healthcare and deciding which areas are priority and which are not.

**Deputy K.M. Wilson of St. Clement:**

Could I first of all raise the défaut on Deputy Ozouf?

**The Bailiff:**

Yes that was your question though. **[Laughter]** Yes, the défaut is raised on Deputy Ozouf.

**Deputy K.M. Wilson:**

Shall I ask it in a different way, Sir?

**The Bailiff:**

Please ask your question.

**3.3.10 Deputy K.M. Wilson:**

Could I ask the Minister for Health and Social Services what particular health outcomes he would like to see for women in contact with our health service?

**Deputy T.J.A. Binet:**

Good ones.

**3.3.11 Deputy K.M. Wilson:**

As part of the health strategy work, could Minister explain what has been done to assure himself that there is a focus on meeting women's health needs?

**Deputy T.J.A. Binet:**

I think everybody is aware that there is a particular focus on women's health needs and we have got a very public meeting coming up only next week with Scrutiny. I think it is very, very clear that there is a focus on women's health needs at the moment. I do not think there is much more that I can say.

**3.3.12 Deputy J. Renouf:**

The Minister referred earlier to needing more money to be able to make effective change, but some of the issues identified in the Strategic Needs Assessment were to do with "dismissive and misogynistic attitudes leading to stigmatisation of women's health issues." What is he doing to address these cultural issues within his department?

[10:00]

**Deputy T.J.A. Binet:**

I think that the leadership team are aware of a number of issues that need to be addressed, and they are addressing them through the management system from the top down. I think racism has been another one that is in need of address, and that is being addressed too. As I say, I do not have an executive job in the health service. To an extent, I have to have trust in the people that are leading the organisation and I am comfortable they are doing all the right things.

**Deputy J. Renouf:**

Could I ask just a clarification on what is he doing to address these problems, which is what the question was?

**The Bailiff:**

I think the Minister has answered that question by saying personally he has to have faith in those who are conducting things on an executive level and the main management team is fully aware of these issues and being addressed through them. That is as I interpreted the Minister's answer. Is that fair, Minister?

**Deputy T.J.A. Binet:**

Absolutely correct, Sir.



### **3.4 Deputy A.F. Curtis of St. Clement of the Minister for the Environment regarding the proposed South Hill development (OQ.104/2025):**

Will the Minister advise whether a Building Control application has been received for the proposed South Hill development and, if it has, will he update Members on the status of the application, including whether the floor plans provided match those approved under planning application P/2022/1619?

#### **Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment):**

I thank the Deputy for his question. I can tell him that, as of last Thursday, the 17th, there has not been an application to Building Control in relation to any development at South Hill. As such, I am not able to respond to the specific question he asks.

#### **3.4.1 Deputy A.F. Curtis:**

The plans within P/2022/1619 had bathrooms in the one-bedroom units, circa 1.24 metres wide, which is 62 per cent of the minimum width in the standards. Will the Minister confirm that he expects when Building Control applications come forward for sites such as South Hill, they at least meet that minimum standard? I think he clarified this last sitting, I just would hope for a reclarification.

#### **Deputy S.G. Luce:**

As the Deputy will know, plans are submitted to development control and approved by officers, and all supplementary guidance is exactly what it is. It is guidance, it is not binary, it is not black and white, and officers have the ability to decide on the balance of policies using subjectivity as to how they decide whether an approval or a refusal is given. But when it comes to accessing bathrooms, I will certainly go back to the Building Control Department ... this sounds very much like something which is a binary issue, which do need to be maintained for wheelchair access, things like that. It is really, really important that people can access these bathrooms. Building Control, as the Deputy also will know, is much more binary. It deals with health and safety issues and it should be very clear that those are levels and regulations that need to be followed.

#### **3.4.2 Deputy T.A. Coles of St. Helier South:**

Sorry, Sir, I think I might have been just quick on the gun because I think the Minister did ask at the end. But just for clarification, because it was a long answer, that the building control regulations are regulations and not guidance and they are actually legally required?

#### **Deputy S.G. Luce:**

I am not going to say 100 per cent, but certainly Building Control deal with very much more black-and-white issues with fire, with health and safety, with access and exit from property and issues like that. Yes, they do have defined definitions that need to be met.

#### **3.4.3 Deputy A.F. Curtis:**

Given no Building Control application has been submitted will the Minister ensure that should a scheme be submitted that deviates from the approved plans, his department and his officers do not allow what could be significant amendments to a planning application without a revised plan application, i.e. through a minor amendment. Will he ensure that when submitted, if the plans are not what are approved, that the developer in this instance or any developer seeks approval for the correct plans that they wish to have built?

#### **Deputy S.G. Luce:**

I can certainly guarantee to the Deputy that I will take a really good close look at this and see how much of a deviation from the original plans there might be. It may well be that in many applications there are small adjustments which occur because of Building Control. It might be light, it might be

fire exits, all sorts of things, but I do not want to give an absolute categorical guarantee here and now, but I will certainly tell the Deputy I will have a serious look at this and revert to him.

### **3.5 Deputy C.D. Curtis of St. Helier Central of the Chair of the States Employment Board regarding hospital staff rest breaks (OQ.103/2025):<sup>1</sup>**

Will the Chair advise what measures are in place to ensure that hospital staff have access to legally-required minimum rest breaks and uninterrupted rest periods, and will he state whether he is aware of any circumstances in which such access has been restricted?

#### **Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (Chair, States Employment Board):**

Hospital staff working for Health and Care Jersey have their working patterns managed and recorded by a roster system. This ensures staff take their legally-required breaks or rest periods. On a day-to-day operational basis, it is the duty of the management team to ensure that any changes to the published rosters do not cause a contravention of the rules in relation to breaks and rest periods. The Deputy asked if there are any circumstances that could impact on this, and I would say that there may be occasions where we have a single-handed medic covering a night shift and holding a bleep, and this makes ensuring that breaks within shift more difficult to manage. But the operational teams will agree on how the in-shift breaks are managed to ensure the relevant breaks are taken. Other than that, the States Employment Board is not aware of any situation where the legally-required breaks are not being managed properly. If the Deputy is aware, we would be pleased to hear about it.

#### **3.5.1 Deputy C.D. Curtis:**

With responsibility for the S.E.B. (States Employment Board), would the Deputy explain what steps he has taken to verify that no staff, apart from the medic situation he mentioned, are working without legally-defined breaks and uninterrupted rest periods?

#### **Deputy L.J. Farnham:**

As I said in my opening answer, the States Employment Board are not aware of any situations where the breaks are not being managed or taken. As we are not aware, we are not taking any further steps at this stage because we do not believe there is a problem there. As the Minister for Health and Social Services said earlier, we have confidence in our management teams and staff. But I would reiterate, the States Employment Board is always open to receiving comments or observations from Members of the public and States Members. If there is any evidence of that, we will certainly look into it as a matter of urgency.

#### **3.5.2 Deputy L.M.C. Doublet of St. Saviour:**

Is the chair of S.E.B. aware of whether employees are being allowed the right to request breastfeeding breaks equally across all States departments, especially in the hospital where it might be more difficult to provide these?

#### **Deputy L.J. Farnham:**

- 
- <sup>1</sup> In relation to the hospital there are suitable facilities that are in place for breastfeeding, which include a private room, a suitable chair, and fridge. There are some locations that we would need to make some further arrangements if a request was made. We would make the necessary arrangements prior to the employee returning to work to ensure everything the employee needed was in place.
  - Any breaks from work to breastfeed or express breastmilk, taken within 52 weeks of the baby's birth, would be paid. Any breaks thereafter for this purpose would be unpaid. We would, of course, also support flexible working requests.
  - We comply with local legislation and offer 2 x 20-minute breaks for shifts that go over 12 hours. I am not aware of any shift pattern that is scheduled for more than 12 hours. Any requests to work over 12 hours would incur further rest breaks.

Yes, I understand that is a policy that is accepted throughout the public sector.

**3.5.3 Deputy L.M.C. Doublet:**

Is the Minister 100 per cent certain of this and if not, could he commit to making some kind of communication to ensure that that is communicated to all departments that that is the case?

**Deputy L.J. Farnham:**

One can never be 100 per cent certain, but I am confident that that policy is being adhered to. But we will certainly ... we are happy to check, and I will discuss with my colleagues on the States Employment Board how we best do that.

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

Is the chair of the S.E.B. aware of the facilities available to hospital staff for them to take rest breaks, and is he content that those facilities are fit for purpose?

**Deputy L.J. Farnham:**

Being absolutely honest, I am not sure that too many facilities are fit for purpose in our existing hospital anymore, so I cannot be certain about that. But I do know that staff are doing whatever they can with the facilities that they have to ensure that appropriate breaks for all staff members and appropriate spaces are provided. It is not ideal in the current conditions, which is why we need to get on and build our new hospital, where there will be much better facilities.

**3.5.5 Deputy L.K.F. Stephenson:**

In which case, can the chair of the S.E.B. confirm that the new hospital will absolutely have fit-for-purpose facilities for staff to take rest breaks?

**Deputy L.J. Farnham:**

The previous plans have included that. I am looking at the Minister for Health and Social Services now and the Assistant Minister, who I am pleased to say are nodding.

**3.5.6 Deputy M. Tadier of St. Brelade:**

The European Working Time Directive requires that staff are given 11 hours rest a day between shifts. Can he ensure us or advise us whether this is the case in Jersey? If it is, in theory, does it happen in practice?

**Deputy L.J. Farnham:**

I would think so, generally speaking, but I would have to check on that and come back to the Deputy, if I may.

**3.5.7 Deputy M. Tadier:**

I understand that the W.T.D. (Working Time Directive) does not apply to Jersey and I would be grateful if the Minister could look at minimum rest periods between shifts. But also, I think these questions arise because we do hear stories regularly about shifts being moved and staff doing shifts back-to-back often without breaks, so full of 11 hours. Would the Minister look at the exceptions to that rule, even if it does exist?

**Deputy L.J. Farnham:**

I am trying to recall the Employment Law in relation to rest and break periods. I am sure that we might not adhere to that in those terms, but I think if you look at the legal requirements for rest breaks over a weekly period, I think our legislation is pretty up-to-date on that. But I will double-check and come back to the Deputy.

**3.5.8 Deputy C.D. Curtis:**

Could the chair ensure that rest breaks and rest periods are taken? Is he concerned that due to recruitment and retention issues and the recruitment freeze, there may be staff members now doing the work that was previously done by 2 or 3 people, and that this is an unsafe and unsustainable situation?

**Deputy L.J. Farnham:**

First of all, I will start by saying the recruitment freeze does not apply to front line staff in the hospital, so I do not think that should have an impact. We know that finding suitably qualified and experienced staff, especially in health, is extremely difficult currently. It is not just a problem we are having; it is a national and international problem. It is important that we work hard and management work hard to ensure the conditions are good, facilities are good, and that breaks and rest periods are properly provided. I will undertake to discuss with colleagues on the States Employment Board to make sure that is being adhered to. I reiterate, if any Member or member of the public know of otherwise, we would be very pleased to hear about it.

**3.6 Deputy S.M. Ahier of St. Helier North of the Minister for the Environment regarding connecting all island properties to mains water (OQ.101/2025):**

Will the Minister advise what actions, if any, are being undertaken to ensure all Island properties are connected to mains water; and will he further advise whether any funding requests for such work have been made to the Council of Ministers?"

**Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment):**

Jersey Water is the private company that are charged with providing mains water to households and they are committed to reaching as many households as possible. They undertake annually a review and prioritise their capital investment to do that work, taking into account also of course things like water quality and customer demand. I can tell the Deputy that I, personally, and I am not aware of other Ministers either, who have taken any funding requests to the Council of Ministers in the last 18 months but I remain committed to working and continuing to have conversations with Jersey Water to enable more Island properties to become connected to the mains network.

**3.6.1 Deputy S.M. Ahier:**

I believe the Jersey Water Law 1972 falls within the Minister's remit. Article 7 of the law states: "The owner or occupier of any premises may require the company to provide a supply of water sufficient for the domestic purposes of those premises and the company shall, within a reasonable time, comply with that requirement." Some properties in St Helier have been waiting 20 years to be connected to the water supply. Does the Minister believe that that is a reasonable length of time?

**Deputy S.G. Luce:**

St. Helier is, as we know, our central Parish, the most populated Parish, and is well-served with mains water supply. It does sound like 20 years is a very long time for any property in St. Helier to have mains water, but I would need to have more specifics to answer that question. I do know that there is a large number of properties in Jersey that are within 50 metres of a mains service, and they are still to be connected. That is going to be £36 million worth of work according to Jersey Water. But I appreciate in this case, in St. Helier, it does sound like this property should have reasonable access to mains water and I would need to know more specifics as to where that was.

[10:15]

**3.6.2 Deputy J. Renouf of St. Brelade:**

Does the Minister accept that the issue here could be that Jersey Water require the customer to pay for the connection of water and that some customers cannot afford that connection? Is he prepared to look into this requirement with Jersey Water and to see to what extent that is indeed the barrier?

**Deputy S.G. Luce:**

Yes, I am very happy to look into that.

**3.6.3 Deputy J. Renouf:**

Would the Minister consider that in some cases the requirement for the customer to pay places a prohibitive cost on the customer in that it may be tens or even hundreds of thousands of pounds in some cases? Would he be able to consider having discussions about whether that cost might be shared potentially between Jersey Water, a customer and maybe even Government in those cases where the situation would simply be uneconomic for those remote properties to gain mains water?

**Deputy S.G. Luce:**

I am always open to discussions with anybody who needs to access mains water or, for that matter, a new electricity supply. I think both of them are not dissimilar in this effect. If you need an upgrade or an addition, there is a cost involved and some people find that prohibitive. So yes, I will say to the Deputy, I am happy to talk to both Jersey Electricity, but specifically in this case Jersey Water, about how we might do that.

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

Is the Minister able to confirm that it is government policy to charge private individuals who may need to cross public land to connect to mains networks, a cost borne by the individual that is paid to Government? And if so, have any discussions taken place about whether the Government would reduce or waive altogether such fees.

**Deputy S.G. Luce:**

Can I ask the Deputy if she was referring to government-owned land being crossed or private land?

**Deputy L.K.F. Stephenson:**

Yes, public land, government-owned land.

**Deputy S.G. Luce:**

I am not aware of the answer to that question. I do not know the situation regarding water access across government-owned land, but I will find out the answer and get back to the Deputy.

**3.6.5 Deputy P.F.C. Ozouf of St. Saviour:**

Would the Minister not agree that there is a potentially strong case, listening to the questions, that some form of regulation, some form of checks on whether or not Jersey Water is being proportionate and fair to customers based upon their legal requirements is required without the full extent of regulation, as we have seen with the J.C.R.A. (Jersey Competition Regulatory Authority) and Jersey Telecom, that something needs to happen? There is nobody to go to apart from the Minister for Jersey Water, and that is probably not fair for individual drainage contracts, although Members are right to do it. But something needs to be done to challenge Jersey Water, which they are not being, on the questions such as being asked by my colleague Deputies, rather than doing nothing, and he is not responsible.

**Deputy S.G. Luce:**

In the extensive discussions I have with Jersey Water on a whole number of issues, I am not aware that they are not doing anything. It certainly is not the case, as far as I am aware. I could say to the Deputy, since 2020 they have connected over 105 units, laying 3 kilometres of new mains water pipes at a cost of £750,000. Adding to the mains network has a cost - not inconsiderable cost - and as I am sure we will appreciate, every time we get to the next one it is slightly more expensive than the previous, low-hanging fruit and all that sort of thing. But yes, I am happy to talk about that with Jersey Water, but it is not as straightforward as it might sound.

### **3.6.6 Deputy P.F.C. Ozouf:**

I am grateful for the Minister's response, because he is quite right ... does he agree that individual customers, whether that be in Vallée Des Vaux or wherever, that seem obvious to be connected, simply ought not to be taking this Assembly's time up, and that somebody somewhere needs to be able ... the customer needs to be able to go somewhere to see whether the response from Jersey Water is proportionate because it does not clear ... we are not criticising Jersey Water. I am not trying to. But just saying 105 properties are being connected, what does that mean? It does not mean anything. Does he agree that we could work on a hybrid, a light form of regulation, in helpful discussions with Scrutiny?

### **Deputy S.G. Luce:**

I would be happy to discuss with Scrutiny how we might make the situation better. We are always trying to make things better. I am aware of individual instances where it can be quite challenging, especially with private land-owning surrounding properties that need to access mains. Sometimes neighbours need to work closer together where they can. It is regrettable that sometimes they are not able to do that. But the Deputy can be assured that I work with Jersey Water to do my best and their best to see what we can do in every circumstance.

### **3.6.7 Deputy M. Tadier of St. Brelade:**

Would the Minister confirm as a general policy position that where people can afford to pay to connect themselves to a water supply, where they are not already, that they should pay for it and it would not be right for either the taxpayer or indeed existing water subscribers to see a hike in their bills simply to pay for others who may actually have the means and may seek an increase in their property value go up by connection to mains water?

### **Deputy S.G. Luce:**

The Deputy is absolutely right. If we are going to increase the number of houses on the Island which have access to mains water somebody has to bear that cost. It is not inconsiderable and it most likely will be done through water bills. Every individual who is connected to the mains would have to contribute to that extension of the mains network. But the Deputy asks about should people who can afford pay, and the obvious answer, of course, is yes. At the moment, that is what happens. What I have committed to this morning is having some discussions with Jersey Water and others about how we might help those who are financially less well able to pay, but the current situation is exactly as the Deputy described.

### **3.6.8 Deputy S.M. Ahier:**

Jersey Water charges have increased by 6 per cent in 2023, 10.9 per cent in 2024, 5.7 per cent in 2025, which leads to a turnover figure now of £21 million per year, yet only £150,000 of that has been allocated to connecting properties to mains water. What actions can the Minister take under the Water Law to try to increase that percentage of Jersey Water's turnover?

### **Deputy S.G. Luce:**

As I have said a number of times already this morning, I do have discussions with Jersey Water on a regular basis. Some of these issues may well be shareholder issues, in which case the Minister for Treasury and Resources would be better advised. But I am aware that Jersey Water on a regular basis deal with leakage. They have fantastic leakage results but they still want to make sure that the system does not leak water. They want to continue to provide the best treatment they can using their current treatment works when we know there is a lot of money, tens of millions of pounds, to be spent on treatment works in the next 5 or 6 years. We know P.F.A.S. (per- and polyfluoroalkyl) is going to be an issue along with other chemicals. We have got to do that. Finally, Jersey Water are committed to identifying the new water strategy and water resources for the coming 15, 20, 30 years. They have

a number of financial commitments which they have to look at on an annual basis. I believe they put what money they have available into extending the mains network and maybe there is a discussion with them to do more, and they will have to reprioritise and do less of something else.

**The Bailiff:**

We come now to Question 7 that Deputy Miles will ask of the Minister for Sustainable and Economic Development. The Minister is absent. Deputy Scott, are you briefed to answer that question?

**Deputy M.R. Scott of St. Brelade:**

No Sir, sorry. I do not have the delegated authority nor the information to answer the question.

**The Bailiff:**

Connétable of St. John, are you briefed to answer that question? I am afraid the question will inevitably be deferred in that case, given the absence from the Minister on compassionate grounds. Thank you very much.

**3.7 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Infrastructure regarding the scope, priorities, and key objectives of the energy policy (OQ.94/2025):**

Will the Minister provide details of the scope, priorities, and key objectives of the energy policy areas he is responsible for, as outlined in the 2025 Cabinet Office Business Plan?

**Connétable A.N. Jehan of St. John (The Minister for Infrastructure):**

My responsibilities in relation to energy policy are focused on operational implementation, and the areas within my remit include the energy recovery facility, the fuel farm as landowner, roads and highways, insofar as this relates to oversight of the work by utility companies, and the use of energy in government buildings. I also have some legislative powers relating to energy, for example operational powers under the Gas Law. The development work on an energy strategy is in its early stages. I would expect this work to identify specific priorities and objectives for areas within my portfolio as it progresses during this year and into 2026.

**3.7.1 Deputy H.L. Jeune:**

In answer to Written Question 76/2024 around Island Energy's 12 per cent price rise, the Minister stated that he is undertaking a review of the Jersey Gas company law around the powers to introduce price regulation. Could the Minister advise if this review has taken place? If so, what are the conclusions, or if not, is it part of his work for 2025 and could he explain what this would entail?

**The Connétable of St. John:**

We have been working as a Ministerial Oversight Group, which I am a part of and we have been focusing on other areas of the law, which we felt were more important to change in a speedy manner. The Minister for Home Affairs will bring those proposals to the Assembly.

**3.8 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding actions taken following the publication in 2018 of the Scrutiny Report on Residential Property Transactions (OQ.97/2025):**

Following the publication in 2018 of the Scrutiny Report on Residential Property Transactions, will the Chief Minister advise what actions have been taken to date to implement the review panel's recommendations and advise what further actions, if any, he intends to take?

**Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):**

Yes, I remember that report. But it is nearly 7 years old and we have had 2 changes of Government since then, and a pandemic and global and local circumstances have changed dramatically, as you

would expect. Priorities have changed somewhat, and I did support back in the day some of the recommendations it made then. The then Chief Minister agreed to accept 3 of the 8 recommendations in the Scrutiny report. These were largely matters for the sector itself to progress along with the Law Society and they included things like improved trading and conveyancing, consideration and reconsideration of local qualifications - that is something that is being looked at at the moment - and introductions of pre-sale agreements. In terms of residential property the current Government's priority, which was set out in the Common Strategic Policy, is to focus on more affordable homes, more affordable family homes for Islanders, and help-to-buy schemes to get people into good housing. There are no immediate plans for us to revisit the recommendations, although I would hope it will happen at some time in the future.

### **3.8.1 Deputy M.B. Andrews:**

Does the Minister support the introduction of pre-sale agreements and, if not, why not?

### **Deputy L.J. Farnham:**

I think I would, depending on the detail. It is something I called for some years ago when we were seeing a lot of what was known as "gazumping" in the markets and buyers and sellers pulling out at the last minute, causing a great deal of inconvenience and cost. I think that is something that we do need to look at. Unfortunately, with the quietening down of the housing market, it is not such a priority but is something I think the Government, or the next Government, needs to look at.

### **3.8.2 Deputy P.F.C. Ozouf of St. Saviour:**

The Chief Minister just said "with the quietening down of the housing market" and so he clearly recognises the dramatic fall in a continuing amount of transactions going through the Royal Court. Therefore, would he agree that now would be a good time, with conveyancers, officers, and all the people involved in the property transaction sector, to perhaps use some of that downtime which they are not selling properties because there are very few transactions, to maybe talk with the Law Society and the team of excellent conveyancers that we have in Jersey to make some of these changes that the Deputy was asking? It is very sad to hear that there is no progress. I appreciate agreement and all these things are in force in the United Kingdom and other places, so it is almost a ready-made solution that can be Jersey-tailored; would he not agree that we need to get on with it straightaway?

### **Deputy L.J. Farnham:**

I do agree with that, notwithstanding our current priorities as outlined in the C.S.P. (Common Strategic Policy). I think the question has served as a timely reminder for us to have another look at that, so I agree with both Deputies. I think we want to do everything we can to rejuvenate the property market outside of those circumstances beyond our control, namely, the very high interest rates, or in the context of what we have been used to.

### **3.8.3 Deputy P.F.C. Ozouf:**

Would he agree to a meeting within the next 2 weeks from his office to myself and Deputy Andrews, who both raised questions, in order to progress what he has just said? In other words, would he agree to ask his secretary to arrange an appointment so that Deputy Andrews and I can come and talk to him about progressing this?

[10:30]

### **Deputy L.J. Farnham:**

Yes, we would be happy to organise that.

## **3.9 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Justice and Home Affairs regarding the Youth Justice Strategy (OQ.95/2025):**



Further to the response to Oral Question 246/2024, will the Minister explain why the Youth Justice Strategy was not published in January 2025 as anticipated and provide an update on when the strategy will be published?

**Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs):**

Can I ask that the Assistant Minister, who has taken on this role, be the rapporteur, please?

**The Bailiff:**

Are you content with that, Deputy Jeune?

**Deputy H.L. Jeune:**

I do not think the Assistant Minister is in the room but also I would like the Minister to answer because it was her answer to the Oral Question that has prompted this question again.

**The Bailiff:**

Very well, Minister, I am afraid it is a matter for you.

**Deputy M.R. Le Hegarat:**

No, that is fine. I am pleased to say that the Youth Justice roadmap is now ready for publication, pending a final meeting with the Children's Commissioner later this week. We have also prepared a child-friendly version. At the end of January, partners across the system came together to review the final draft ahead of publication. Following valuable feedback, we made some minor amendments and ensured final alignment with other key areas of work. Importantly, a comprehensive C.R.I.A. (Children's Rights Impact Assessment) has also been completed since January. The Youth Justice roadmap has potential to impact on children's rights; therefore, it is essential to assess and evidence how these rights have been considered, both directly and indirectly. The C.R.I.A. confirms the Youth Justice roadmap supports a Children First rights-respecting approach. It has been decided to minimise any negative impact on children while placing their voices and experiences at the heart of decision-making. Despite the final roadmap not yet being published, a Youth Justice Partnership has already been formed, terms of reference agreed and work has begun on the actions of the roadmap. Accountability and governance for this board will be through the B.A.S.C. (Building a Safer Community) and the Ministerial Safeguarding Board.

**3.9.1 Deputy H.L. Jeune:**

I thank the Minister for that update and positive that there is movement in this space. Could I just ask what the specific factors were to cause the delay in publishing the Youth Justice Strategy? When the Oral Question was asked back at the end of 2024 the Minister was very clear that it would be published in January 2025. Why was this delay decided at the last minute?

**Deputy M.R. Le Hegarat:**

As I stated in my previous response to this question, the reason there was a delay was that we went back and had further feedback and concerns were raised about a number of matters. Following that feedback, we decided that we wanted to make some minor changes, and we decided to do that prior to publication. It is important that when we do this roadmap that we are able to facilitate and deal with all matters which we are saying that we are going to do. That is why we thought it was more prudent to delay rather than pushing forward.

**3.9.2 Deputy H.M. Miles of St. Brelade:**

Given the previous answer, has the Minister caved to pressure from departments who put the original Youth Justice Strategy in the too-difficult tray?

**Deputy M.R. Le Hegarat:**

I never cave to pressure from anybody so, no, I have not caved to pressure in relation to the strategy or roadmap. I think it is very important that when you decide to implement a roadmap that you are able to achieve what you are saying that you are going to achieve because otherwise it is not worth implementing.

### **3.9.3 Deputy H.M. Miles:**

Will the Minister tell us which of the Children First principles she has decided not to follow in the roadmap?

### **Deputy M.R. Le Hegarat:**

Just bear with me for one second. The principles that we have decided to move forward with in relation to the roadmap is number 1: “The Youth Justice system will enable a partnership approach to support a wider systematic approach to engage children in law-abiding and positive behaviours. Children are diverted away from the formal criminal justice system at an earliest point with appropriate support. Children who are engaged in serious or persistent conflict with the law will go on to achieve positive outcomes and children, families, witnesses and community victims recover and move on beyond the impact of harm they have experienced.”

### **Deputy H.M. Miles:**

I asked the Minister the principles which she was not going to follow, and I was specifically thinking about the imprisonment of children.

### **The Bailiff:**

Well, Minister, the question was: are there principles you are not following? The Deputy has now further clarified. Slightly unorthodox but, yes, now you know which is the principle that she is focused on.

### **Deputy M.R. Le Hegarat:**

I think the principle has to be that we will, in all possible outcomes, try and prevent young people ending up in the criminal justice system. However, what we do need to ensure is that we have full alignment to possibilities of how to defer the young people from becoming criminalised. It is important, while we move forward with this roadmap, that we have all possibilities of engaging with young people to keep them out of the criminal justice system. However, there will be occasions where we will have to deal with young people in a positive manner. That is what this roadmap clearly is defined to do, and we all need to work together across Justice and Home Affairs and the Children’s Services in order to achieve this.

### **3.9.4 Deputy H.L. Jeune:**

As this is new news for the Assembly that this is a roadmap and not a strategy, though I have continuously asked questions about the Youth Justice Strategy since the beginning of 2024, could the Minister give an explanation as to why it has turned into a roadmap and not a strategy at the last minute?

### **Deputy M.R. Le Hegarat:**

I think it was just that we decided a roadmap was more appropriate, that we could set out all our principles and the journey in which we wished to take, as opposed to a strategy.

### **3.10 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding the construction of the Acute Hospital at Overdale (OQ.99/2025):**

Will the Minister provide an update on the progress of the construction of the Acute Hospital at Overdale, with particular reference to the procurement process that commenced in autumn 2024?

### **Deputy T.J.A. Binet of St. Saviour (The Minister for Health and Social Services):**

As I believe the Deputy is aware, the process to secure a main works delivery partner started in the autumn of 2024 with the issuing of what in the construction industry is generally referred to as a “prior information notice”, and it is basically advertising the fact that the construction contract is available. This was followed by a second stage where a pre-qualification questionnaire was issued to interested parties and this part of the process was concluded in January 2025. For those that qualified, the invitation to tender stage 1 process commenced in March 2025. It is anticipated that the full procurement process will conclude sometime in the autumn with the signing of the main works contract for the Acute Hospital. I am afraid that is probably about as much as I am able to say on the subject at this point in time because this is an active procurement process that involves investment of resource by potential partners and commercially-sensitive discussions, the release of which would undoubtedly prejudice the process. I hope that answers the Deputy’s questions appropriately.

**3.10.1 Deputy J. Renouf:**

I thank the Minister for that answer. Can the Minister state, is the plan to have one large contractor or does it look from the bids coming in as if the work is going to be spread between several different contractors?

**Deputy T.J.A. Binet:**

I just think I would like to refer the Deputy to my last paragraph. I genuinely do not think it is in our interest to be discussing who may be in the frame at this point in time, what size business they are and what the combination of contractors may or may not be in the final analysis. If the Deputy does not mind I think I will leave it there, if that is okay.

**3.10.2 Deputy R.S. Kovacs of St. Saviour:**

Given the scale of the investment, how is the Minister planning to manage cost overruns or delays to protect public funds and ensure the project stays within budget?

**Deputy T.J.A. Binet:**

That is something that is taken care of by the team that is dealing with the issue, that is not something I have got a hand in. I have said this before, I think we have got a very, very efficient team running the project and I have every confidence in them.

**3.10.3 Deputy R.S. Kovacs:**

What specific measures are being taken to ensure transparency and value for money throughout the procurement and construction phases of the Acute Hospital at Overdale?

**Deputy T.J.A. Binet:**

Well I think to date we have adopted a policy of being as transparent as we can be at every stage, and that is the overall approach that we are going to take right the way through. There are certain things that are commercially sensitive, and we have to be careful about those, so we will not be revealing anything that we consider would not be in the public interest, but certainly everything else we are prepared to make public.

**3.10.4 Deputy A.F. Curtis of St. Clement:**

I thank the Minister for his first answer. I just wondered if he could clarify if the timetable he gave just now is different to what was forecast at the beginning of procurement in August and, if so, what has changed?

**Deputy T.J.A. Binet:**

I have not made the direct comparison. I think it is broadly in line, it may be running a little bit behind, but not to any great extent, I do not think.

**3.10.5 Deputy K.M. Wilson of St. Clement:**

Could the Minister confirm whether or not once the main contractor has been appointed that they will have freedom to appoint subcontractors?

**Deputy T.J.A. Binet:**

These are all discussions that are currently taking place with the contractors that have got through to the current stage. As I say, I cannot predict what the outcomes of those discussions will be, but that is the type of discussion that is taking place at the moment.

**3.10.6 Deputy K.M. Wilson:**

I would also like to ask the Minister if he could confirm whether the range of subcontractors will be a composition of both on-Island and off-Island providers?

**Deputy T.J.A. Binet:**

What I can say is that there are a number of areas of work where we can put the work directly to local contractors anyway. The combination of ongoing works, once we have got a principal delivery partner, will be very dependent on the nature of the contract that we eventually put together.

**Deputy K.M. Wilson:**

Could I just ask for a point of clarification on that?

**The Bailiff:**

No, the Minister's answer is a matter for him. Provided he has answered and addressed the question, then there is no chance for a further supplementary, I am afraid.

**Deputy K.M. Wilson:**

It was just that he said "we" rather than "they" and I asked particularly about the contractors' responsibilities, not the Minister's responsibilities.

**The Bailiff:**

Then I think if you can clarify that, that is a reasonable clarification of the question.

**Deputy T.J.A. Binet:**

Forgive me for being a little bit slow but I have missed the point of that question. If the Deputy could run through that again in simple terms for me, that would be helpful.

**The Bailiff:**

Well as we have wriggle time, would you like to just clarify exactly what point you are getting to?

**Deputy K.M. Wilson:**

I was asking the Minister whether or not the subcontractors would be a combination of on-Island and off-Island providers and whether he could clarify that position.

**Deputy T.J.A. Binet:**

I had hoped I had made that plain. It could well be that it is a combination of on-Island and off-Island but that will depend whether it is under the main contract or whether it is directly contracted areas where we are intending to get some of the work done on direct contracts with local contractors in any event. Some of that work is already happening, so it could be a combination of both of those situations.

**The Bailiff:**

It could be a combination, that is the answer.

### **3.10.7 Deputy J. Renouf:**

Perhaps I could try my luck with a couple of points. Can the Minister state how many companies have made it through to the final stage, when will the tender process be complete involving them, and will construction work commence in Q3, 2025 as originally envisaged?

### **Deputy T.J.A. Binet:**

There were 3 questions there, were there not? Sorry, if you could just go through them again; I just want to make sure I do not get them wrong.

### **Deputy J. Renouf:**

Certainly. How many companies have made it through to the final stage, when will that final stage of the tender process be complete and will it lead to construction work commencing in Q3, 2025 as originally envisaged?

### **Deputy T.J.A. Binet:**

I am afraid I cannot answer that first question; I think it would be unwise to do that. We are hoping to have the contract signed in the autumn, as I said in my initial response.

[10:45]

Depending on the timing of that, that will define whether work starts with the principal contractor in Q3. It is very unlikely to be quarter 3, more likely to be quarter 4.

### **The Bailiff:**

Very well, that concludes questions with notice. We now come on to periods of questions to Ministers without notice. The first question is for the Minister for Infrastructure.

**The STATES noted that in accordance with Standing Order 63 (9), a written response would be provided to the following oral question that had not been asked during the time allowed at the meeting.**

### **3.11 Deputy H.M. Miles of St. Brelade of the Minister for Sustainable Economic Development regarding a grant to the new exhibitors' committee for the Battle of Flowers (OQ.100/2025):**

#### **Question**

Further to his response to [Urgent Oral Question 2/2025](#), in which the Minister stated that he stood ready with a grant of up to £220,000 for the Battle of Flowers to go ahead in 2025, will he state the size of the grant that has been offered to the new exhibitors' committee and advise what conditions, if any, are attached to that grant?

#### **Answer**

A grant of £150,000 has been provisionally offered and officers will continue to work with the group to refine their business plan for a smaller, right sized, event in 2025.

An additional £70,000 has been held in reserve to support this, or other, events such as the Christmas Parade.

Standard performance related outcomes will be attached to the grant and a set of KPIs will be agreed with the organisers to ensure that public money is spent effectively.

#### **4. Questions to Ministers without notice - The Minister for Infrastructure**

##### **4.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

Can the Minister outline the impact of delaying key liquid waste projects due to the lack of confirmed funding both in terms of value and source beyond 2026?

##### **Connétable A.N. Jehan of St. John (The Minister for Infrastructure):**

We are currently working hard on our liquid waste with planning applications in for 2 attenuation tanks. We hope in the next Government Plan that we can get sufficient funding to catch up but in terms of the impact we hope to make sure that we are on track for the new homes in St. Peter and at Maufant.

##### **4.1.1 Deputy H.L. Jeune:**

A surprise to hear that response because it is a little different from a letter that we received from the Minister recently to the Scrutiny Panel being concerned about the impact. Could the Minister clarify what steps he is taking to secure funding for the Liquid Waste Strategy beyond 2026 and whether he plans to bring forward a proposal on user charges during this term as previously stated?

##### **The Connétable of St. John:**

I am happy to confirm that I am working with colleagues in the Council of Ministers to secure funding, and I am also working with officers how that may be achieved. Unfortunately, it is too early to say what that looks like but rest assured there is lots of work taking place in this area.

##### **The Bailiff:**

Just so Members are aware, I have noted Deputy Miles, Deputy Ahier, the Connétable of St. Brelade, Deputy Renouf, Deputy Moore and Deputy Howell and now Deputy Kovacs. If anyone else thought they had been looked at ... right. Yes, I now have in addition, Deputy Ozouf, Deputy Stephenson, Deputy Wilson and Deputy Warr. Very well, next to Deputy Miles.

##### **4.2 Deputy H.M. Miles of St. Brelade:**

Can the Minister update us please on the progress of the expressions of interest for Le Pavillon at Les Creux?

##### **The Connétable of St. John:**

Yes, I am delighted to say we have had more than 16 expressions of interest in what is a great facility for the Island that focuses on the community and/or sport. Currently the team are evaluating those 16 which will be shortlisted with a view to interviewing a shortlist of prospective occupiers. I visited the site last week with one of those interested parties.

##### **4.2.1 Deputy H.M. Miles:**

Can the Minister give us an indication when there will be a likely occupation of the site?

##### **The Connétable of St. John:**

Yes, I have tried to keep the Deputies and the Constable updated on Les Creux. We are delayed because of the work that has to happen at the tunnels at St. Aubin and I am pleased to say that progress is being made there. It is our intention that we would interview shortlisted parties by the end of May/early June and hopefully we will have someone in there for the summer.

##### **4.3 Deputy S.M. Ahier of St. Helier North:**

The Minister mentioned just before the proposed attenuation tank at St. Peter's Village. How long will it be before work starts now that the site has been purchased and how long will it take in development?

**The Connétable of St. John:**

I thank the Deputy for his question. We are waiting on the planning application to be determined, which we hope will be in early July. We hope it may go to the Planning Committee on 19th June or 3rd July. The plan then is for tenders to take place. There has been a 10-week tender process and this week the tenders should be evaluated and we would hope that we would see that up and running by February 2027, subject to securing planning approval.

**4.3.1 Deputy S.M. Ahier:**

What additional work will need to be done on the sewerage system in the St. Peter's Valley to connect everybody up to the attenuation tank and will it serve all the new developments that are proposed to be built?

**The Connétable of St. John:**

It is the village rather than the valley that requires work. There is a separate project around the St. Peter's Village network upgrades which sees the size of the pipes increase by 150 millimetres. That work is happening, the trial holes have been dug and the upsize works completed by February. The tender work for the next piece of the work is also due to conclude this week and we expect to commence work in quarter 2, 2025 on the network upgrades and complete that work by March 2026.

**4.4 Connétable M.K. Jackson of St. Brelade:**

The La Route De La Baie in St. Brelade is in the middle of one of the prime Island tourist locations and is in a parlous state. Would the Minister confirm that his department are in discussions with utility companies with a view to eventual resurfacing of that road?

**The Connétable of St. John:**

I am delighted to remind Members that you can see online our plans for resurfacing for the next 5 years. Those are available for any Member of the Assembly, any member of the public to see what is planned and when it is planned for. Unfortunately, I cannot remember all of the roads and all of the dates but I am happy to get back to the Constable later this morning.

**4.4.1 The Connétable of St. Brelade:**

Would the Minister agree that much of the trenching work that has gone on in that road and others has been let go to an advanced state where the surfaces are unacceptable? Would he agree that his Road Surface Inspection Scheme needs review?

**The Connétable of St. John:**

There is a limited period of time when somebody reinstates the trench if it fails that they have to redo it. I am not aware of the details in that area but I am pleased to say that we use technology when we inspect the roads. The roads are inspected frequently, and again I am happy to come back to the Constable.

**4.5 Deputy J. Renouf of St. Brelade:**

Moving to Fort Regent. The funding proposals that accompanied the plans appeared a little vague and, in particular, they included revenues from a proposed hotel. I would ask the Minister how dependent are the plans for Fort Regent on the hotel proposal and does he have any idea of what size of hotel would be required to meet that funding requirement?

**The Connétable of St. John:**

I thank the Deputy for his question. The plans are not dependent on a hotel being at Fort Regent. It is desirable to have a hotel to increase the revenue that we can achieve from that site but it is not essential. We have got a nursery that will derive revenue, we plan to have cinemas that will derive revenue and a number of other initiatives which will derive revenue. I have been very firm with the team that we have to ensure that whatever we put at Fort Regent is sustainable in the long term. Therefore, I am taking a very close interest into what revenue is generated from that site.

#### **4.5.1 Deputy J. Renouf:**

Is the Minister able to publish a more detailed breakdown of the funding proposals for Fort Regent because it seems just from a layman's point of view that the revenue from nurseries and cinemas may not be enough to cover the costs of the development. It would be interesting to know where the other sources are and how it breaks down.

#### **The Connétable of St. John:**

Certainly, we are not going to start any work at Fort Regent until we are in a place that we can fund the development and we can fund the maintenance of the Fort. We are currently out to public consultation. I am delighted with the level of response we have had from Islanders from right across the Island, right across the demographics. We will look at that feedback and that will finally decide what we put into Fort Regent. It is a bit early to say how the funding will come in terms of revenue costs but please rest assured we will have to make sure that there are sufficient revenue costs. Currently, we achieve around £15.50 an hour for the rotunda. Clearly that is not sustainable; we need to make things work for us.

#### **4.6 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:**

With regard to Fort Regent, what consideration has been given to the types of business that will be put in there and whether they will complement those businesses already in town, and perhaps struggling at the moment, or whether they will in fact complement those businesses and draw more people into our town?

#### **The Connétable of St. John:**

I thank the Deputy for the question. I think in terms of what type of businesses we envisage there being, a potential for 6 cinemas. They would replace the existing cinemas that are currently on the Waterfront. Other businesses, we do need some hospitality there. If we are going to attract people to attend events, we want people to arrive early and perhaps leave later so that we do not have a big surge of people going to and from the Fort at one time. In terms of the detail, that detail will have to be worked out following the consultation and expressions of interest.

#### **4.6.1 Deputy A. Howell of St. John, St. Lawrence and Trinity:**

I have been contacted by parishioners, members of the Honorary Police, the Roads Committee and parents of the Trinity School in relation to the temporary road changes in relation to that school. It is thought by those who have contacted me that we do not currently have the optimum solution. Please can the Minister explain what process will be followed to enable an optimum solution to be arrived at?

#### **The Connétable of St. John:**

I thank the Deputy for her question. The Trinity road safety improvements were done on a 12-month trial. We are currently reviewing feedback from people involved. It is very interesting, wherever we do road safety improvements, the people that are most affected, the people that use the road to cross, are the ones who want to see the traffic slowed down, and the people that go from A to B through an area do not want to see any changes at all. I think we can make some slight improvements to what we have got at Trinity and I look forward to working with representatives, stakeholders and the department to achieve what is best.



#### **4.7 Deputy P.F.C. Ozouf of St. Saviour:**

I wonder if the Minister would confirm whether or not he intends to tender or sell any biogas from the liquid waste facility. The reason for asking is a statement by the chief executive of Island Energy that they were going to be turning Jersey Gas into a natural gas company, and I just wanted to put the record straight from the Minister. I did not think he was selling, that the biogas they get from their plants is for sale; could he confirm for the avoidance of doubt that it is not, or is it?

#### **The Connétable of St. John:**

I am delighted to inform Members that we utilise around £1,000 worth of biogas each and every day to generate power to run the sewage treatment works. We have no intention of selling that, we want to do it for ourselves, and be more efficient if we can.

#### **4.7.1 Deputy P.F.C. Ozouf:**

I am grateful to learn his answer as expected, which was not planted. I wonder, would he share my surprise that in a briefing to Members - which I was not able to attend but I have had the slides and the explanation to - that the chief executive apparently said that they were going to become a biogas company. Was he surprised about that and would he not be a little concerned?

#### **The Connétable of St. John:**

No, I am not surprised because clearly fuel firms have got to evolve and biofuels is one way of evolving. That will not include the energy that we currently generate at Bellozanne because, as I have stated, we already use that energy.

#### **4.8 Deputy R.S. Kovacs of St. Saviour:**

How does the proposed amendment in the Draft Highways Law (Jersey) Amendment Regulations aim to improve the efficiency and flexibility of civil administration in Jersey?

#### **The Connétable of St. John:**

Sorry, could you repeat the last part of your question?

#### **Deputy R.S. Kovacs:**

How does the amendment to the regulations of the Draft Highways Law aim to improve the efficiency and flexibility of civil administration in Jersey?

#### **The Bailiff:**

I am sorry, I could not hear you. The draft which law, Deputy?

#### **Deputy R.S. Kovacs:**

Draft Highways Law that the Minister proposed.

#### **The Bailiff:**

Highways Law?

#### **Deputy R.S. Kovacs:**

The P.31.

#### **The Connétable of St. John:**

Sorry, I still have not got the end of your question, I beg your pardon.

#### **The Bailiff:**

Is it going to improve civil administration in Jersey, is what you are ...

#### **Deputy R.S. Kovacs:**

The efficiency and flexibility of the civil administration.

**The Bailiff:**

Civil administration in Jersey. Is that going to be improved by the Highways Law, how is it going to do it?

**The Connétable of St. John:**

The review on the Highways Law is very extensive and is probably a 5-year project. We would like to see many efficiencies within that law but I am sorry that I am not able to answer the Deputy's question, other than to say that whenever we make changes we hope to improve efficiencies.

[11:00]

**4.8.1 Deputy R.S. Kovacs:**

Can the Minister provide any example of specific administrative functions or laws related to the highways that might be amended under these proposed regulations?

**The Connétable of St. John:**

I cannot this morning but I am happy to liaise with the Deputy about more of the detail.

**The Bailiff:**

Well, can you get an extremely quick question in, Deputy Stephenson? No. In which case I think we have reached the end of questions for this Minister. We come to questions for the Minister for Housing.

**5. Questions to Ministers without notice - The Minister for Housing**

**5.1 Deputy S.M. Ahier of St. Helier North:**

In regard to the proposed housing tribunal, I noted it said that it would require members to have legal qualifications in housing expertise. From where does the Minister expect to find those people? Does he expect to go outside of the Island to fulfil those positions?

**Deputy S.Y. Mézec of St. Helier South (The Minister for Housing):**

No, that would be inside the Island. There was an exercise by my predecessor who had intended to use an older law to establish a rent tribunal and had put a process forward for receiving applications. Applications were not forthcoming in that so I do not anticipate that being an issue when I attempt to do the same for the new rent tribunal, if that is approved by the Assembly.

**5.1.1 Deputy S.M. Ahier:**

Will the Minister be asking members of the Jersey Landlords Association whether they would like to sit on the tribunal, obviously because they will have the relevant housing expertise?

**Deputy S.Y. Mézec:**

I do not necessarily see a problem with members serving on it but I would not accept those with executive roles within that association serving on it because I would regard that as a conflict of interest.

**5.2 Deputy M.B. Andrews of St. Helier North:**

Does the Minister support the Jersey Competition Regulatory Authority investigating mortgage products in Jersey and, if not, why not?

**Deputy S.Y. Mézec:**

If they would want to do that kind of exercise I would be paying very close attention to it. If there is talk of them doing such a thing, I would be interested to see what they would come up with. I would not, as Minister, instruct them one way or the other on it.

**5.2.1 Deputy M.B. Andrews:**

Does the Minister have any information about mortgage products in Jersey and, if not, why not?

**Deputy S.Y. Mézec:**

That is an extremely open question. Yes, I possibly have some but I do not know if that would go as far as what the Deputy would want. If he wanted to be more specific on it, I would be happy to talk to him outside the Assembly.

**The Bailiff:**

Protean question, protean answer, I think, if I can use that word again.

**5.3 Deputy J. Renouf of St. Brelade:**

Has the Minister considered what impact the 5 per cent limit proposed in his Residential Tenancy Law in terms of rental increases - that is, inflation or 5 per cent, whichever is the lower - might have on investment in the private rental sector given that it pretty well guarantees that rental income over the long term will trend below inflation?

**Deputy S.Y. Mézec:**

I am not sure I agree with his assessment at the end of that. We did look at what this would have meant historically based on previous R.P.I. (retail price index) measures and we found - I double-checked exactly - but it was something like in the last 20 years there would only have been 2 occasions where that would have been the cap as opposed to the R.P.I. cap in it. It is very rare and it is there very much as a safeguard. The reasons I went for that mechanism is because there is evidence that it is already used as a mechanism in the rental market by some letting agents who support their clients in applying that kind of limit anyway because they recognise the hardship it would cause for tenants in moments of high inflation. But I would also iterate that it is a cap in ordinary circumstances which, if there are extraordinary circumstances where a landlord feels they need to go above that, they will have the ability to propose doing so. It is only if the tenant feels that it really is unjustifiable then it would be their prerogative to appeal that, so I think it is very, very light touch.

**Deputy J. Renouf:**

Before I ask the supplementary, could I just point out that the question asked what impact the 5 per cent limit would have on investment in the private rental sector and I do not believe that was addressed.

**The Bailiff:**

I think it was part of the question, so if you would like to address that, Deputy.

**Deputy S.Y. Mézec:**

We considered everything in the round on it and I believe I did answer it by saying it is my view that because it is so light touch, I do not think it would have that kind of assessment, but it is always difficult to predict the future. Those kind of impacts are very difficult to foresee.

**5.3.1 Deputy J. Renouf:**

I thank the Minister for that. Has he considered other measures that might improve confidence in the private rental sector, such as increasing allowances for house renovations and so on which could be offset against tax and so on as a sort of a measure to boost confidence in the private rental sector?

**Deputy S.Y. Mézec:**

No, I have not because that would not be a Residential Tenancy Law matter itself, that would fall I think under some tax thing. I am not really sure what issue there is if people are investing in their properties. They are able to claim some of that against tax because it is a legitimate business expense.

#### **5.4 Deputy D.J. Warr of St. Helier South:**

The guidance for pets in rented dwellings appears to have gained praise from tenants and landlords. Does the Minister accept an approved code of practice for landlords and tenants will be a quick light-touch way to improve a tenant's experience to the benefit of all stakeholders in the private rented dwelling sector and, if not, why not?

#### **Deputy S.Y. Mézec:**

No, and we can give accolades to that pets guidance if we like but it has only existed for a very short period of time. As yet, there is precisely no evidence of it having helped anyone and I am sceptical that it will do so. I do not believe that going through a long and drawn-out bureaucratic exercise to put another voluntary document together is a good use of my time that will lead us to helping anyone.

##### **5.4.1 Deputy D.J. Warr:**

Does the Minister consider a well-established existing guidance and approved codes of practice for many industries, including the elected representatives here today, is ineffective and not worth the paper it is written on and, if not, why not?

#### **Deputy S.Y. Mézec:**

That question is both ridiculous and clearly cannot be aimed at me.

#### **The Bailiff:**

Well, I do not think it is a question that can possibly be directed to this Minister within his Ministerial portfolio, so I will not allow it.

#### **5.5 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter:**

The Minister has cited revenge evictions as one of the drivers for the changes he is proposing in the new rental properties law. Can the Minister share how many revenge evictions he believes there has been in the last 5 years which inform his views? If he does not have the data to hand now, could he circulate that?

#### **Deputy S.Y. Mézec:**

No. As I have explained previously, it is axiomatic, that you cannot get data on revenge evictions because they are not collected because there is no need for them to be collected. They are delivered by a simple issuing of notice under Article 6 of the Residential Tenancy Law in retaliation for something that does not have to be marked or noted anywhere. I get people coming to me as a constituency representative, and I know that other bodies do, like the Citizens Advice, et cetera, for tenants coming to them to say they think that they are being asked to leave their home because they have caused too much of a fuss about something they had the right to cause a fuss about. But the fact is there is nothing that can be done in that situation and so it goes no further apart from the tenant simply having to lump it. On top of that, knowing that there is nothing that can be done about it will, I think, probably influence tenants' behaviour before it gets to that point and prevent them from complaining. It is both an issue in reality for it happening but also in theory that it could happen, affecting tenants' behaviour as a result.

##### **5.5.1 Deputy L.K.F. Stephenson:**

If the proposals are approved and enacted, how then will the success of the new law be measured, particularly in relation to reducing revenge evictions, in the Minister's view?

#### **Deputy S.Y. Mézec:**

Again, it will be axiomatic that it will have been effective because the law prevents it from happening. Just because you have not got data on something that is impossible to collect data on would not mean that it would not be a success when you put something in place that objectively would stop it from happening.

## **5.6 Deputy J. Renouf:**

The Minister has defined a housing crisis since he began his time in office - correctly, in my view - but what criteria does the Minister for Housing use to define the housing crisis?

## **Deputy S.Y. Mézec:**

Very simply I define it in something that is immeasurable and that is whether our community has hope that their future will get better because of the housing situation that they face. I speak to countless amounts of young people who feel that it is the cost of housing and the accessibility of housing that is the number one issue that leads them to not have confidence that they can have the kind of future in Jersey that they would like. I appreciate that that is not an easy thing to measure but it is something I am deeply hurt by when I speak to people facing that. It is my ambition to one day be in a position where, in particular, young people do not feel that way and have confidence that they will have decent housing available to them that they can afford that will give them a decent standard of life in Jersey.

### **5.6.1 Deputy J. Renouf:**

That answer made it sound suspiciously like the definition of a housing crisis is whatever the Minister decides. How will he know when the housing crisis is over? What data will he use to inform the housing crisis being over?

## **Deputy S.Y. Mézec:**

I make no apologies for using a definition that is based on rhetoric because I think that that is appropriate in this circumstance. I am not interested in a crude scientific exercise to work out what we already know, which is that Jersey has a housing crisis and it is hurting people. I do not think it is a good use of my time to run round in circles doing scientific exercises on that, distracting me from enacting the things that will help overcome that crisis.

## **5.7 Deputy A.F. Curtis of St. Clement:**

Does the Minister believe the proliferation of flats and apartments within the housing stock will also cause part of the intangible housing crisis he sees with regards to desire and long-term sustainability in Jersey?

## **Deputy S.Y. Mézec:**

I see where the Deputy is coming from with that question and I appreciate the point that he is making. It is absolutely right that we would want our young people to believe that they will have the kinds of homes that they will be happy in and be able to raise families. For many of them that will not mean small one-bedroom apartments. I agree with I think the point that underpins his question, and that is why it is important that we support our housing providers in building those kinds of family homes on the rezoned sites and providing the kind of products that make it easier for people who aspire to have families to get in those homes. But I do not think that the proliferation of one-bed flats itself is a harmful thing; in fact, it can be a very positive thing because it is quite possibly one of the things that has led to falling house prices in that particular area, which does make it at least easier for you to get your first step on the ladder. Once you have made your first step, it is then easier to do your second and third to upsize. I think as a route into home ownership, a one-bed flat can be a helpful thing for somebody eventually going on to get a 3-bed home with a garden and space for their children to play, et cetera. I appreciate the point he is making but I do not think it is a cause of the crisis, although I can understand why it may make people feel that the options are not available to them.

### **5.7.1 Deputy A.F. Curtis:**

I think the Minister highlighted it is important to have the right balance in that answer, but is the Minister aware that he has a level of power within the Bridging Island Plan to help direct what housing needs should be? Page 200 of the preamble to Policy H4, Meeting Housing Needs, allows a Minister for Housing to provide guidance to determine housing needs. Is he aware of that power and does he intend to issue guidance for the future under this Island Plan alongside the Minister for the Environment, as his powers allow?

### **Deputy S.Y. Mézec:**

Absolutely. Members of my team are frequently in conversation with developers, when they are in the early stages of planning, what they may wish to seek approval to build. They will help work with them to evidence the needs that there are out there for particular home sizes. That is something that we are already proactively doing and I support my team in doing that.

### **5.8 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

The Minister in his last quarterly hearing with the Scrutiny Panel touched upon a new assisted home ownership product that he is in discussions with Andium. Could he give more details to the Assembly, please, on this product?

### **Deputy S.Y. Mézec:**

No, I cannot, because we are not in a position to do that other than to say to Members that I hope in the coming months we will be in a position to do that, to add another string to our bow in terms of products that we offer people to get into home ownership. At this point I do not feel I am able to give more detail on that, sorry.

### **5.8.1 Deputy H.L. Jeune:**

The Minister, in his last answers to Deputy Alex Curtis, said that the proliferation of one-bedroom flats and homes in Jersey help more Islanders into home ownership. Does this analysis mean that this kind of product home ownership will go beyond first-time buyers but to the wider home ownership beyond first-time buyers or the first step in home ownership?

[11:15]

### **Deputy S.Y. Mézec:**

I am not sure if that question relates to the potential new assisted purchase products that she referred to in her first question.

### **The Bailiff:**

That was my understanding was that it did.

### **Deputy S.Y. Mézec:**

I am just not quite sure I understand it.

### **The Bailiff:**

My understanding was that this was a follow-on. You have said that you cannot go into detail but the Deputy has asked for some further detail about it relating to ...

### **Deputy S.Y. Mézec:**

Yes, I am sorry, I just do not understand the question. Could she rephrase it?

### **The Bailiff:**

All right, then. Would you repeat the supplemental question, please, Deputy?

**Deputy H.L. Jeune:**

Yes, it was the fact that the Minister, in his response to Deputy Alex Curtis, talked about the fact that the proliferation of one-bedroom flats in Jersey means that it is easier for first-time buyers to be able to get on to the housing market. In that analysis that he has just made, does that mean that a new product that he will be making on home ownership would be wider than a first step?

**Deputy S.Y. Mézec:**

No.

**The Bailiff:**

I am sorry, you are out of time. We did not get there but there we are. We come now to the third period of questions that the Chief Minister will answer.

**6. Questions to Ministers without notice - The Chief Minister**

**6.1 Deputy J. Renouf of St. Brelade:**

In January the Chief Minister told the BBC that funding for Project Breakwater, or the Island Regeneration Programme, as I think it is now known, would be published in March. It is still not published now. Can he say when it will be published and what the broad outlines of that funding would include?

**Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):**

I do not think my comments related to the funding but back in January we were hoping that Project Breakwater would have been evolved enough to publish in March. We are not quite at that stage and we are anticipating a timeframe that leads to full publication by the middle of May. But between now and the middle of May the route of it is to go to the Regeneration Steering Group, Council of Ministers, Scrutiny, States Members and then a public announcement.

**6.1.1 Deputy J. Renouf:**

Is one of the reasons for the delay related to potential shortfalls in funding maybe as a result of Pillar Two receipts not being as hopeful as had been originally planned?

**Deputy L.J. Farnham:**

No.

**6.2 Deputy P.F.C. Ozouf of St. Saviour:**

Standing in my name is an amendment to a debate on an energy policy later of which I have asked the Chief Minister on the record on a number of occasions concerning the fuel farm. Could he explain to the Assembly whether or not there is a period of time until 30th April that the States can exercise these trigger clauses?

**Deputy L.J. Farnham:**

I think the answer is that the States can exercise any clause it likes between now and 30th April. In relation to the Deputy's amendment to Deputy Jeune's proposition, which we have spoken about outside of the Assembly, I would, after careful consideration and discussion at Council of Ministers, refer him to the comments published by the Minister for Infrastructure.

**Deputy P.F.C. Ozouf:**

The question is quite simple.

**Deputy L.J. Farnham:**

I will give way.

**Deputy P.F.C. Ozouf:**

I am aware that we do not want to take up valuable time. I just wanted to clarify, for the avoidance of doubt, does he have a written agreement from Rubis that extends the trigger clauses that were not previously done until 30th April or not?

**Deputy L.J. Farnham:**

Yes.

**The Bailiff:**

A supplemental question? That was your first question.

**6.2.1 Deputy P.F.C. Ozouf:**

That is my supplementary. Will he publish it? Or will he show it to me?

**The Bailiff:**

No. That has been answered then.

**Deputy P.F.C. Ozouf:**

My supplementary was: will he publish it or will he show it to Members, including myself?

**Deputy L.J. Farnham:**

I would have to check around the confidentiality arrangements, commercial and confidentiality arrangements. If it is possible, I do not see a problem with it, but I need to check and liaise with the Minister for Infrastructure.

**6.3 Connétable M. O'D. Troy of St. Clement:**

Chief Minister, are you aware that the hospitality industry in all its forms has made the worst start to the season in living memory, which has serious ramifications to all concerned, including the States Exchequer?

**Deputy L.J. Farnham:**

Well, I would not say it has been the worst start in living memory, taking into account pandemics and other shocks to the economy since the Second World War, but I am aware it has been a difficult and challenging start. We are seeing a big change to booking patterns, although visitor numbers and numbers of people travelling through the ports is quite encouraging. I am aware that there is a broader issue to address and I have been discussing the matter with the Minister for Sustainable Economic Development, and meetings with the industry's bodies I hope can be arranged to discuss in further detail. But, yes, the Government is very aware of the challenges.

**6.3.1 The Connétable of St. Clement:**

I think the Chief Minister has answered but I would be pleased to ask the Chief Minister whether he would be prepared to meet urgently with the business leaders and VisitBritain to forge a way forward in order to avert total disaster?

**Deputy L.J. Farnham:**

I very much hope and believe we are not facing a total disaster. But, yes, the answer is we will arrange some urgent meetings and I am inclined to do that as soon as this Assembly business is finished.

**6.4 Deputy J. Renouf:**

The Budget made clear that the hospital funding was dependent on £277 million, which it was anticipated would come from Pillar Two with the backstop being borrowing from the Strategic



Reserve if Pillar Two receipts did not reach the required level. Does the Chief Minister think that the likelihood of having to borrow from the Strategic Reserve has increased as a result of recent events?

**Deputy L.J. Farnham:**

It is hard to say at this stage because, while we expect Pillar Two receipts relating to 2025, our views on that is that it is quite probable that there are receipts. We just simply do not know what is happening after that but what I can say is - and the Minister for Treasury and Resources can provide more detail and I am sure she will at the appropriate time - there are a number of strategies being worked on to fund the hospital outside of reliance on Pillar Two tax receipts.

**6.4.1 Deputy J. Renouf:**

Will the Chief Minister be able to update the Assembly, or ask relevant Ministers to update the Assembly, on Pillar Two receipts which were a key part of the revenue planning in the Budget in terms of the Government's thinking about the likelihood of these revenues being forthcoming or not?

**Deputy L.J. Farnham:**

Again, it is too early to say. Deputy Gorst is leading the work on that with Deputy Millar. Deputy Gorst has met and had discussions in the United States and we are in a bit of a holding pattern at the moment. I would like to reassure Members that the Government is completely aware of the potential that there could be for there to be no Pillar Two receipts into the future. We just do not know but we are keeping a very close watching brief, and I am sure Deputy Gorst and Deputy Millar will keep States Members informed.

**6.5 Deputy A.F. Curtis of St. Clement:**

Will the Chief Minister provide a brief update to the Assembly on the progress of the Digital Government Platform project which is ongoing in 2025?

**Deputy L.J. Farnham:**

I am not sure I can add anything to my previous answers and to the briefings that the Deputy has had with the team. The position is, at his last briefing, which I think was approximately 2 to 3 weeks ago, if I am correct, I have no further updates although I am expecting a further update at the end of this week.

**6.5.1 Deputy A.F. Curtis:**

I think I heard that, but does the Chief Minister think there will be an opportunity to update the Assembly? I had a briefing over a month ago now, I think, but the Assembly may wish to have updates on this. Will he endeavour to consider how he broadcasts some of the improvements that the Island can expect with some of the platforms being built beyond just that single platform?

**Deputy L.J. Farnham:**

Yes, there are plans, although they are not finalised as yet, to do a presentation and update to States Members in the not-too-distant future, so I will ensure that happens.

**6.6 Deputy K.M. Wilson of St. Clement:**

Could I ask the Chief Minister's reaction to the findings presented in the recent Scrutiny report into the outline business case for the new Healthcare Facilities Programme? While doing so, can he also state whether or not he agrees with the Minister for Health and Social Services' comments that the comprehensive Scrutiny process has caused unnecessary concern?

**Deputy L.J. Farnham:**

I think public confidence in the hospital project in this Assembly in delivering the hospital project over the last decade or so is relatively low. The last thing the public want to hear right now is further disagreements within this Assembly. So, yes, I think it has caused unnecessary concern among Islanders who just want us to get on with it, get it built, stop politicising among ourselves, stop arguing, stop changing our position. I was surprised at the report myself because, while I do not disagree with some of the assumptions, we know from past work that putting everything in one site would perhaps be less from a financial cost, but we are not at that stage. This Assembly, through a democratic process, has pointed the Minister for Health and Social Services in the direction he and his team are travelling, and I fully support that. While there are some aspects of that report that I can concur, what I am fully confident of is that we are going to have a first-class hospital, a first-class health estate, and the sooner we got on to deliver it the better.

#### **6.6.1 Deputy K.M. Wilson:**

Yes, I would agree with the Chief Minister that we all want that as an outcome but does he agree that the Scrutiny process also was there to act as a critical friend? In light of the findings, has any discussion taken place with Council of Ministers about the need to conduct an affordability or process review in light of the findings in the current situation regarding tariffs and Pillar Two proceedings?

#### **Deputy L.J. Farnham:**

Treasury are looking at a number of funding strategies and the Island Regeneration Programme, formerly Project Breakwater, founded by Deputy Binet, will address longer-term capital funding issues, which is something that has been overlooked for some time. As the Minister for Treasury and Resources has stated publicly, Treasury are working on different funding options and funding strategies. Those are all based on circumstances we are facing now on forecasts, on probabilities, on possibilities, on different outcomes. It is hard to see; the international landscape is changing all the time. But I would just reiterate her comments recently in public, Jersey is in a strong financial position, we have strong reserves and we are in a good position. But we are also mindful of the challenges coming our way and we will aim to deal with them appropriately in an inclusive way with this Assembly.

#### **6.7 Deputy J. Renouf:**

One of the points raised in the Scrutiny Panel's report concerns the proposed mental health village at St. Saviour. The Scrutiny report said that it was not persuaded of that case. Could the Minister explain why he believes the health village at St. Saviour has his full support?

#### **Deputy L.J. Farnham:**

It has my full support because it has been the will of the Assembly and the previous Government, of which the Deputy was a Member of; that was the direction in which we go. There could be 5, 10, 20 different ways of delivering the health estate. One is a single-site solution. This Assembly has decided to go for a multi-site solution, which means our health estate will be spread across 3 or 4 sites. While our health estate now is probably spread across 20 or 30 locations, it is still going to deliver a vast improvement on what we have now. I think my position was clear back in the day, when I was responsible for the project I supported a single-site solution. I am not sure of the Deputy's position then, not that it is relevant now. I support the States position and the Ministerial team position of a multi-site hospital, which includes the potential for a mental health facility at St. Saviour.

#### **6.7.1 Deputy J. Renouf:**

The Minister for Health and Social Services has been very clear that the Health budget is under extreme pressure. Does the Chief Minister regard it as a sensible use of Government's funding to support multiple sites which must inevitably cost more than single sites at a time when health budgets are under so much pressure?

**Deputy L.J. Farnham:**

I do because the new facilities, I think, despite them being over a number of sites, will make us far more productive.

[11:30]

The introduction of new equipment, new modern facilities, which are logistically far better designed than what we have, will not only provide opportunities for that but also provide, most importantly, a far better service to members of the public. Health funding is an ongoing concern, as the Minister alludes to time and time again. That is a different focus and a different piece of work which we are working on together. But what I will say, what I will remind Members of, while the increase in funding for our health service is going up for a number of reasons, which I have not got time to explain in this, the cost of doing nothing, the cost of prevarication, the cost of delay will be a lot more than the cost of the plans we have in place.

**The Bailiff:**

We are left only with 25 seconds left and, therefore, I am not going to propose to call or invite further questions and there is no notice of any further questions in any event. That brings questions without notice to an end. There was to have been a statement on a matter of official responsibility but in the absence of the Minister for Sustainable Economic Development that is deferred until the next sitting, as I understand it.

**PUBLIC BUSINESS**

**7. Draft Employment and Discrimination (Jersey) Amendment Law 202- (P.78/2024)<sup>2</sup>**

**The Bailiff:**

We now move on to Public Business and the first item of Public Business is the Draft Employment and Discrimination (Jersey) Amendment Law lodged by the Minister for Social Security. The main respondent is the chair of the Health and Social Security Scrutiny Panel. I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Employment and Discrimination (Jersey) Amendment Law 202-. A law to amend the Employment (Jersey) Law 2003 and the Discrimination (Jersey) Law 2013. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

**7.1 Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):**

The amendments to the Employment and Discrimination Law, which I am bringing to the Assembly today, arise out of the report and recommendations by the independent Employment Forum published in the summer of 2024. The Forum recommended changes to the awards regime in Jersey which deals with compensation to employees for breaches of their employment rights. I have accepted each of the recommendations and seek the Assembly's approval of them. Members will be aware that P.78 also includes a proposal unconnected to the Forum's recommendations, to introduce a requirement for written reasons for an employee's dismissal. I will turn to that element later in my speech. I hope Members will not object if I take the Assembly through each of the proposals in some detail. In some cases, the amendments are straightforward but others are more substantial. I will deal first with the amendments to the Employment Law. These relate to breaches of an employee's statutory rights, such as, for example, the rights to payslips, the minimum wage and to written terms and conditions of employment. The level of award for a breach of statutory rights has remained the

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<sup>2</sup> Please find additional guidance pertaining to the Draft Employment and Discrimination (Jersey) Amendment Law 202- (P.78/2024) in Appendix One

same for more than 20 years. Currently the maximum award the Employment Tribunal can make for a breach of an employee's statutory right is 4 weeks' pay. The Employment Forum recommends that to be increased to a maximum of 8 weeks' pay. The range of compensation would, therefore, be between zero and 8 weeks' pay. I agree with the Forum's conclusions that the increase is merited. Despite the current maximum award having been in place for 20 years now, the Tribunal still receives significant numbers of claims from employees whose most basic statutory rights have been breached; that is not acceptable. The increase in the maximum award will enable the Tribunal to exercise its discretion more flexibly in future. I turn to the proposals by the Forum in relation to compensation for financial loss and hurt and distress in discrimination claims. These are the most substantial of the Forum's recommendations. The Forum's consultation exercise demonstrated a strong and consistent view that the current maximum award of £10,000 is, in the words of one correspondent, woefully inadequate. The current maximum has been in place for more than 10 years and it needs to increase if Jersey is to maintain and enhance its position as a jurisdiction that treats its employees fairly. It will send a strong message that discrimination of whatever kind is wholly unacceptable in our community. As the Forum points out in its report: "Acts of discrimination have the potential, more than breaches of the Employment Law, to affect an employee's future earnings, their future prospects and their ability to work and their mental health and physical well-being." Taken in that context I consider that the Forum's recommendations in relation to the proposed increases for financial loss and hurt and distress are proportionate, fair and necessary. Not being able to mark acts of discrimination in a robust way also has the potential to do harm to Jersey's reputation, both locally and internationally, making the Island a less attractive place in which to live and work. It is vital that the dignity and well-being of all are recognised and valued, particularly if we want to retain the next generation in employment on the Island. The Forum's proposal to increase the maximum amount of compensation for financial loss to £50,000 is designed to do 2 things. First, to stand as a mark of the seriousness with which our Island views breaches of the Discrimination Law and, second, to provide a real deterrent to bad employment practices wherever they exist. I move to my own proposal to introduce the right of an employee to receive written reasons for their dismissal. This is a right that exists in many jurisdictions around the world and Jersey should be no different. I have been persuaded that the introduction of such a right will help employees who are dismissed. This is especially important when it comes to potential Tribunal claims for unfair dismissal and also to claims by an employee for Social Security benefits, when the lack of clear reasons can be a barrier to establishing an entitlement to benefits without a sanction. The failure of an employer to provide written reasons within the time limit without reasonable excuse will enable an employee to seek a remedy from the Tribunal. The Assembly will be aware from the Forum's report and my response that there are additional recommendations that are not included within these primary law changes. They include several recommendations in relation to the procedures of the Employment Tribunal. I had indicated that those recommendations would be progressed in 2025 and I am pleased to confirm that work has now begun and is progressing well. I am also pleased to report that in respect of one aspect of the Tribunal's procedural rules, work is further advanced. I will shortly sign a Ministerial Order which will give the Tribunal the power to award costs against a person whose behaviour in respect of a claim is unreasonable or vexatious. The Ministerial Order will also enable the Tribunal to deal with cases where the conduct of a respondent employer falls short of that to be expected when defending a claim. Taken together, I believe that these proposed amendments represent a fair balance between the rights of employees and the responsibilities of employers to ensure that they comply with the law. My report draws attention to the advice and assistance available to both employers and employees, to help them navigate the Employment and Discrimination Law landscape. I have committed to considering and helping to improve the way in which businesses and employees can access the necessary information and advice. But ensuring employers and employees understand their rights and responsibilities cannot just be the job of Government. It requires a community effort on the part of business, employee and employer organisations as centres of advice and assistance themselves if we are to maintain and enhance good employment relations. I maintain the principles.

**The Bailiff:**

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

**7.1.1 Deputy L.M.C. Doublet of St. Saviour:**

I wanted to thank the Minister for bringing this proposition today. The Minister reflected on a report that the Employment Forum published, I think it was summer last year and this came before the panel at the time. We read it with great interest because we had been, I think, questioning the Minister and wondering, as a panel, whether this was an area that would be looked at. The panel consensus was that the recommendations of the Employment Forum, we agreed with what was being recommended; that was the panel consensus at that time. Members will note that we published a comments paper in relation to that. Members may also have noted that we have published a second comments paper which has focused on any further work from the Minister. In terms of the Employment Forum, really I wanted to remind Members of, I think, the confidence that we should display in the Employment Forum. I have not seen any reason personally to not have confidence in the work of that Forum. Indeed, as an Assembly, we have relied on their expertise and on the processes to inform the work of the Assembly for many years. I am not sure exactly when that Employment Forum was established but it is definitely more than a decade old, I think. I can see Deputy Southern nodding. I know he has great knowledge of that Forum. In terms of the principles, the one point that I did want to make was that I wanted to reflect back on the Employment Forum and the fact that as a whole these principles have come from that body which, as an Assembly, we task with pieces of work. I believe, as an Assembly, we should be demonstrating that we have confidence in that body and we should be supporting the principles today.

**7.1.2 Deputy J. Renouf of St. Brelade:**

Just to say a few words; I support the Minister's proposals. But I do think one aspect that we could think about and reflect on in terms of these principles is the impact they have on people's attitude to work. We have a society where we know that people are finding work harder, that we have higher rates of inactivity in the labour market and so on because people feel stressed and difficulties in work. I think adopting these principles shows society where we stand as a society on these matters. It shows us that we take seriously the concerns of employees. We balance them against employers needing to have the ability to operate businesses. But I think what strikes me looking at these through the work on the Scrutiny Panel was that the Employment Forum did consider these proposals very carefully, certainly as Scrutiny we did. It is good to see that Jersey is attempting to update its standards in such a way that people entering work, people employing people in work, will understand what the standards are that are expected and that there are sanctions - appropriate sanctions - in place when those standards are breached. The level of those sanctions suggests to people the seriousness with which society takes those issues. I support the principles and I commend the Minister for bringing them to the Assembly.

**7.1.3 Deputy P.M. Bailhache of St. Clement:**

I may have misheard or misunderstood the Minister in her remarks about a proposal to make a Ministerial Order, and if I have I hope she will forgive me. But I have considerable reservations about the Employment and Discrimination Tribunal being given any power to award costs. It can be a tremendous disincentive to an employee to bring an action before the Tribunal if the employee considers that he or she may be at risk of an order for costs. If the Minister is proposing to do this, I would request that she shares a copy of the draft order with me, if that is possible, before the order is made. I would be grateful for that.

[11:45]

**7.1.4 Deputy M. Tadier of St. Brelade:**

I think it is important that we speak on the principles here because we will be debating an amendment shortly which talks about a technical issue, which I think is of great importance and one which will be, I suspect, also quite contentious. But if we do not have the principles that we are debating first correct then we lose sight of what the overall goal is here, what we are trying to protect and what we are trying to stop from happening as a general practice. Of course, though the Minister did refer to it, I think it is really important that we go back to the point that Jersey does have a Discrimination Law, the Discrimination (Jersey) Law 2013, which was some time after the Equalities Act that was brought in in the U.K., and other countries obviously have their own similar legislation. It is fundamentally to make sure that people are treated fairly in the workplace. It is important to remind ourselves that unfair treatment in the workplace of course does have real world consequences, both psychologically and sometimes physical and it can impact on, of course, people's earnings. There can be loss of earnings and there can be other costs that need to be recuperated as a result of that. It could be that any of the discrimination could take place because of race discrimination, sex, gender discrimination. That last point I think is particularly important in the current climate where we are seeing a commitment from this Government which is building on a previous Government's commitment to violence against women and girls. But also more generally to making sure that women in our society are treated equally, something which is still an aspiration which has not happened yet. Of course something which I think that increasingly, or rather maybe not increasingly but which I think is not getting the coverage that it should be, the great forgotten discrimination that often takes place in terms of age in our community. I think age discrimination is very real. I think it is subtle. I think it is something that we accept perhaps unwittingly, that we would not necessarily accept in other areas. I would be very interested to know in fact about how that might manifest itself in the workplace particularly. Of course the last but not least is about disability in the workplace. This is all about what kind of society we want to be, what kind of community we want to be in Jersey. Do we want to be inclusive? Do we just want to have things on the statute book that make us look good or do we want to make sure that there is a whole package of laws, policies and protections that are in place, that are constantly being monitored and updated? So that when we have a forum that is in place to make recommendations to the Minister, who of course also has her own views, she has a department who are also considering this all the time; do we listen to them or do we substitute what we think is what should be put in place? I do not want to stray too much into the amendment because we will be debating that. I will not talk to the amendment now, I will reserve perhaps the ability to do that. But I want us to have that in the forefront of our minds; that this is about people being treated equally. It is also about the fact that if you do not do anything wrong as an employer you should not have anything to fear. This is about making sure that there are rights and responsibilities on both parties and about sending out a strong message from this Assembly today that if there are things that not simply go wrong but if you are treated unfairly as an employee because you are disabled, because you are a woman, because you are of a certain sexuality, because you are of a certain age or because you are of a certain ethnicity, we will not tolerate that. We will make sure that there is at least a proportionate amount of compensation that you can get for that suffering, for that loss, if you are treated in such a way. I say in closing that there will also be lots of people who do not take cases in the first place because they simply never find their way to it; it becomes traumatic to get there. We have got to be mindful that this is never going to be a silver bullet but this is about setting out the right principles from the very beginning. I hope that we do not just simply vote for the principles in the First Reading but the whole ethos of what this law is about in the first place, runs through any of the debates that we end up having today.

**Deputy H.M. Miles of St. Brelade:**

It is just a question of procedure please. The usher has distributed a sheet of paper to us all. I would be grateful if somebody could explain what it is.

**The Bailiff:**

I do not know where it comes from. I probably should know where it comes from but I do not. One moment. The Greffier advises me - and I am afraid I did not see it myself - that the Minister circulated an email to all Members enclosing it saying a hard copy of this would be provided. It is from the Minister and, therefore, I am sure the Minister can speak to it when the Minister sums up at the end of the principles debate.

**Deputy H.M. Miles:**

Thank you, Sir. I am grateful for that clarification.

**The Bailiff:**

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

**7.1.5 Deputy L.V. Feltham:**

I agree wholeheartedly with the words of Deputy Tadier when he said that this is around the type of community that we want to be. I thank the members of the Scrutiny Panel who spoke. I know that they work and have worked very diligently looking at the proposals, and I work very well with them. I also will of course be taking on board any recommendations that they make and advice that they have. Of course, Deputy Bailhache, I am more than happy to share the words of the Ministerial Order with you before I sign that. Just for Members' information, that Ministerial Order is something that it was both a recommendation of the Employment Forum but something that employer organisations, such as the Chamber of Commerce, have been asking me to act on as well. I was responding to employer concerns in that respect. In relation to the paper that has just been circulated that Deputy Miles just mentioned, I had emailed all Members and wanted this paper circulated, just to reassure some Members because I think some Members were concerned that maximum awards would always be applied. The paper contains a copy of the relevant order by which the Tribunal needs to make its judgments in consideration of. It also contains a copy of the Tribunal guidelines that the Tribunal considers when it is making awards against a claim. I thought that that would be helpful to Members who were concerned about the potential effect of raising the awards and just give some further clarification that I think may well be useful when we debate the amendment. I do maintain the principles and I call for the appel.

**The Bailiff:**

The appel is called for. I invite any Members not in the Assembly to return to their seats and I ask the Greffier to open the voting and Members to vote on the principles. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted:

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				

Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Very well. Does the Scrutiny Panel wish to call the matter in, Deputy Doublet?

**Deputy L.M.C. Doublet (Chair, Health and Social Security Scrutiny Panel):**

No, thank you, Sir.

**The Bailiff:**



We now come then to the Second Reading. There are 2 amendments, one had been lodged by Deputy Ferey to Article 8, one by Deputy Bailhache, also to Article 8. Minister, are you accepting either or both of those amendments?

**Deputy L.V. Feltham:**

I am not accepting Deputy Ferey's amendment.

**The Bailiff:**

Right.

**Deputy L.V. Feltham:**

I am accepting Deputy Bailhache's amendment.

**The Bailiff:**

Very well. Then we will deal with Deputy Ferey's amendment when we come to Article 8, to which that amendment is addressed. Do Members agree, however, that we can take the Articles as amended by Deputy Bailhache's amendment? Very well. Then in which case we simply will deal with Deputy Ferey's amendment when we come to Article 8. Do you wish to propose Articles, therefore, 1 to 7 as amended, Minister?

**7.2 Deputy L.V. Feltham:**

Yes, Sir.

**The Bailiff:**

Are 1 to 7 seconded? **[Seconded]** Does any Member wish to speak on Articles 1 to 7?

**Deputy M. Tadier:**

Sorry, I should have this to hand but I do not. Could I just ask the Minister to clarify, at what point does the amendment that Deputy Bailhache referred to earlier which would impose costs on ...

**The Bailiff:**

Sorry, both of the amendments were both to Article 8. The Minister has accepted Deputy Bailhache's amendment but not accepted Deputy Ferey's. Articles 1 to 7 are seconded. Does any Member wish to speak on any of Articles 1 to 7?

**Deputy S.G. Luce of Grouville and St. Martin:**

Sir, does the Minister not have to speak to the Articles before we ask questions?

**The Bailiff:**

No, the Minister is entitled to simply propose it. It has become the custom in the Assembly over quite some time now. If they wish to stand up and say: "I propose them *en bloc*", they can speak to them but sometimes they propose them *en bloc* and simply take questions on them.

**Deputy S.G. Luce:**

I am grateful, Sir.

**The Bailiff:**

Very well. Does any Member wish to speak on any of Articles 1 to 7? If no Member wishes to speak, then I close any debate. Do you call for the appel, Minister? No. Those in favour of adopting the Articles 1 to 7 kindly show. The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on 1 to 7. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. Articles 1 to 7 have been adopted.

<b>Pour: 38</b>		<b>Contre: 0</b>		<b>Abstained: 0</b>
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
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Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

**The Bailiff:**

Do you propose Article 8, Minister?

**7.3 Deputy L.V. Feltham:**

Yes, Sir.

**The Bailiff:**

Is it seconded? **[Seconded]**

## **7.4 Draft Employment and Discrimination (Jersey) Law 202- (P.78/2024): second amendment (P.78/2024 Amd.(2))**

### **The Bailiff:**

There is an amendment lodged by Deputy Ferey and I ask the Greffier to read the amendment.

### **The Greffier of the States:**

In paragraph (2), in inserted paragraphs (1A)(a) and (1B) for “the greater of £50,000” substitute “the lesser of £30,000”.

#### **7.4.1 Deputy M.R. Ferey of St. Saviour:**

Before I start, is this an opportune moment to ask for declarations of interest? I make my own declaration, I am on the board of a charity. Do you think - I do not believe, Sir, but it is your ruling - whether or not this would affect any Member’s ability to vote? But I regard this for the sake of good order and transparency that it might be a good moment to allow people to declare whether they are an employer or they are on the board of a charity.

### **The Bailiff:**

At the moment this is Article 8.

### **Deputy M. Tadier:**

Can I ask why it is relevant? We pass laws all the time that any of us can break. I am not sure why it is relevant to have a declaration if you might be an employer.

### **The Bailiff:**

My own view is that it is clearly to the extent anyone who are employers within the Assembly, then that is a role that they share with a large number of other individuals. I do not think that that of itself is a matter that needs to be declared. The only possible difficulty is of course whether there is an interest in the amount of compensation that can or cannot be awarded. It seems to me that cannot be, in any analysis, a direct financial consequence. It is far too contingent upon various other things. In my view it is not necessary to make a declaration.

### **Deputy M. Tadier:**

Sir, could I also ask because this is about bad employers, it is not about employers per se, in the same way that we would not declare an interest as citizens about a general law that we might break? Is that relevant?

### **The Bailiff:**

I am not sure it is about bad employers, it is about employers who are subject to claims. They may or may not be bad employers but that is not necessarily a presumption, I do not think, as a result of that. I do not think there is anything that needs to be declared in connection with this, Deputy.

### **Deputy M.R. Ferey:**

Thank you for that clarity, Sir. Firstly, to clarify, this amendment is in no way connected to my role as vice-chair of the States Employment Board. I have taken advice and there are no conflicts of interest in my bringing this amendment. But as an additional safeguard, I contacted all the members of the States Employment Board to ask if there were any objections in me bringing this amendment and there were none.

[12:00]

I want to explain the reasons for bringing this amendment. I have a decade of real world experience to draw upon when I served as deputy chair of the Employment Forum. In my role as C.E.O. (chief

executive officer) of Citizens Advice Jersey, I spent a similar amount of time in the delivery of advice on the Discrimination Law and assisting both employers and employees with preparation for deployment to tribunals. I do have experience of both sides. This amendment is not an attempt to diminish the progress of enhancing employee rights and protection. I hope that no Member seeks to characterise it as such. I am a strong advocate for employee rights and communicating how employers can make reasonable adjustments in the workplace has been a large part of my work. I have also worked within a charity that supports people with disabilities and I still maintain involvement as a board member on a charity that supports people with mental health problems. This amendment is in no way designed to undermine the great work of the Employment Forum. But that does not mean that we should not consider refining what they have recommended. The first argument for making the increase in compensation awards - £30,000 and not £50,000 - is that it is important to remember that the maximum sums in claims relate to per alleged breach of the law; 3 breaches an employer could end up facing a sum of £150,000 claim against them. Then when you add on potential legal costs this could easily top £200,000. Under the original proposition, if an individual's yearly income is above £50,000 then the claim could be awarded in line with yearly earnings. My amendment also seeks to cap that sum to £30,000. The Discrimination Law was designed to ensure that employers treat their employees fairly and do not discriminate them on any of the protected characteristics. It was not designed to put undue financial pressure on businesses and charities. This amendment seeks to find the appropriate balance between those 2 competing demands. In addition, unfair dismissal claims for discrimination are a day one right. There is no one-year qualifying period before a claim can be brought. This means that, as drafted, an employee could make a compensation claim of £50,000 or 52 weeks' pay, whichever is the higher, no matter their length of service. I seek to limit that sum to £30,000 or 52 weeks' pay, whichever is the lesser. Parts of our Discrimination Law are built on a social model and not a medical model, as in the case in the U.K. Therefore, claims of discrimination are far more nuanced in Jersey than would be the case in the United Kingdom, making it more difficult for Jersey employers to always get it right. Direct comparisons to the U.K. having no upper limit on discrimination claims cannot be correctly drawn. An inflation-linked rise over the period 2013, when the law was drafted, to 2024 would see an increase in the maximum sum taken from £10,000 to approximately £15,000; that would represent a 50.6 per cent increase. £50,000 is, in my view, excessive. It is a 400 per cent increase. £30,000 is a far more realistic figure which aligns with the jurisdiction of the Petty Debts Court. I, therefore, cannot see any justification for a 400 per cent increase in the maximum claim from £10,000 to £50,000 at a time when businesses and charities are facing many other rising costs which could, ultimately, affect their economic well-being. A £50,000 maximum award could be a barrier to employment, as employers who are considering taking on staff from across our community or wanting to employ people with disabilities may be deferred from doing so, as the cost of getting it wrong could be financially catastrophic to the business or charity. Far better then to have an increase which is aligned to the jurisdiction of the Petty Debts Court as a solid benchmark. The Employment Forum's own extracts from the consultation bear this out and I quote one such example now: "A respondent pointed out that the current limit before the Tribunal was put in place to reflect the jurisdiction of the Petty Debts Court and that the precise exercise could be used as an opportunity to increase the maximum award in line with the jurisdiction of the Petty Debts Court which stands at £30,000." I also quote the comments paper from the Health and Social Security Panel when referring to the maximum award for hurt and distress, who noted: "The panel also welcomed the alignment of this award to reflect the jurisdiction of the Petty Debts Court." The increase in claims for hurt and distress is due to rise from £5,000 to £50,000 and I have not sought to limit that increase because I believe that is the right answer. I, therefore, cannot see sufficient evidence for a 400 per cent increase in the maximum claim from £10,000 to £50,000 at a time when businesses and particular charities are struggling financially. We have come such a long way since the Discrimination Law was introduced in 2013. Rather than just using a bigger stick we need to create more opportunities and continue to educate employers. I make the amendment.

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

Sir, can I seek a point of clarification from the speaker?

**The Bailiff:**

Let us see if the amendment is seconded first, otherwise there is nowhere to go and then I will allow a point of clarification after. It is seconded, yes. **[Seconded]** You say a point of clarification, of course you can raise a point in the speech and the Member will respond to it when he sums up at the end. That would normally be the way of dealing with that, unless it is a matter of urgent clarification you need before you can speak.

**Deputy T.A. Coles:**

Sir, it is more because the speaker uses a term which I do not think is correct.

**The Bailiff:**

In which case I think that is probably not clarification as such, that is simply that you may have to correct that when you make your interjection later on, Deputy. I think we must proceed on that basis. Does any Member wish to speak on the amendment?

**7.4.2 Deputy T.A. Coles:**

I will start with addressing what I believe is a slight error on the proposer's behalf. He mentions in his report and he had mentioned it in his speech that this is a sum per alleged breach of the law. Of course it is not an alleged breach of the law, it is at the point once the law has been found to have been breached. Therefore, it is not per alleged breach but found in breach of the law. It is an interesting dilemma. Obviously we are seeing the maximum penalty being raised by the Minister, which is nothing but a good thing. Because it reminds me of a time in my youth, even as an 18 year-old and when I first became aware that there is discrimination within the workplace. I remember a family friend of my mother's, she was let go for having some health issues and health complaints. I remember asking her at the time and said: "Surely this is discrimination, surely this is not allowed, surely she should be able to take this to tribunal?" I was quite staggered at the time with the response that I was given, she said: "She could take it to tribunal but then she would get a reputation as someone who complains." How many women did not go to tribunal? How many employees who were discriminated against did not go to tribunal because the rate was so low that the risk of being labelled as an employee that complains was not worth doing? With a higher amount rather than a restricted amount, the risk can balance out. People can then start to understand there might be bad employers, there might be employers that make mistakes but fundamentally people should have the right to voice that complaint without having to worry that they will be worse off because of it and maybe facing a risk that they will not be employable because they become labelled as someone who complains. The Deputy is concerned about raising the maximum rate to 52 weeks' pay or £50,000, whichever is the higher. But we have to remember that the Tribunal does not always issue the maximum fine available. In fact I had a friend recently who went through the tribunal system, it was not discrimination, it was just bad employment practices. Her employer was found guilty of all 3 offences that they brought to tribunal. In theory, under the current scheme that would have given them the right to a potential maximum compensation of £30,000. However, the Tribunal awarded, based on the salary, the income of the business, a total award of only £2,500. Because the Tribunal reflects the company's ability to pay against what the loss of earnings are. That brings me on to a point that we are a jurisdiction that is known to have a very high cost of living but also very high professional standards within our financial service industry. If we want to attract top-level high-quality skilled staff to the Island we have to make sure that these people are going to know that they are protected should they face any form of discrimination within their workplace. We see training and skills from people across the world improving all the time. We have some great people. In fact I did an A.I. (artificial intelligence) training skill with the C.P.A. (Commonwealth Parliamentary

Association) in London and I was surprised with the high level of skill that is coming out of some places in this field. Personally I did not realise that the education systems in these areas had gotten so good that they are producing some really brilliant people. If we want to attract brilliant people to our Island we have to make sure that these people will not be discriminated against. By increasing this level to £50,000 or 52 weeks' pay, whichever is the higher, offers them that protection. It offers them a reason when they look at other jurisdictions and say: "Why should I work there? What am I offered? Where are my protections?" This is one of them. By reducing that figure I believe we are reducing the attractiveness of our Island to attract the best people to come and work here. Personally, if this was my proposition, and I am sure the Minister would agree that if this was in her own personal political capacity, that this figure would be a lot higher. However, we are fully aware that the Minister is compromising with this £50,000 figure but a £30,000 figure; that is not a compromise, it is capitulation, in my opinion. That is as far as I will leave my comments.

#### **7.4.3 Deputy B. Ward of St. Clement:**

It is always helpful that as time passes we look at our laws and regulations to ensure that they are fit for purpose, meet our needs and our imbalance in today's world. As a past experienced member of the Employment Forum, I am aware of the hard work that is involved and, therefore, on a personal note can I extend my thanks to them for their report and recommendations? In the main, I will support the generality uplift of awards but, sadly, cannot support the proposed awards up to a maximum of £50,000 for each breach of discrimination. I feel after reading the report I feel there is more evidence to support an uplift of up to £30,000, rather than the proposed £50,000. I feel the size of the award is just far too high. It would create an imbalance and potential impact, especially on the smaller businesses and charities on our Island, if this amendment is rejected and the main proposition set out by the Minister is agreed. In my view, the Petty Debts Court, as it has been alluded to, sets the bar of up to £30,000, which we need to be cognisant of. Adoption of the petty debts approach brings about more balance and a more in keeping equitable position at this time. I will not repeat Deputy Ferey's words as set out, other than to state that I fully support Deputy Ferey's amendment to this proposition and would urge other Members to do so. Thank you for listening.

#### **7.4.4 Deputy C.D. Curtis of St. Helier Central:**

About this amendment, I was genuinely surprised to see that a deputy and vice-chair of the S.E.B. (States Employment Board) would bring an amendment to this proposition that goes against the recommendations of the Employment Forum. We are fortunate to have the Employment Forum; this group of employers, employees and independent members who act as a consultative body for the Government.

[12:15]

Their recommendations are clearly set out in the Employment Forum report and are backed by evidence. I quote from the report: "The report represents the unanimous view of the Forum, following prolonged consideration and discussion." Employing people comes with responsibility. I have employed numerous people in my previous life and I cannot see why any employer could not develop and maintain good policies to enable a good workplace culture. Employers will only face the maximum penalties, as set out in the Draft Employment and Discrimination (Jersey) Amendment Law, if they are found by the Tribunal to be guilty of discrimination. I ask Deputies to bear in mind there have only been a very small number of cases successfully brought during the last few years. Disabled people may face barriers in employment. The Jersey Discrimination Law includes disability as a protected characteristic and it is essential that disabled people have the opportunity to carry out their work without being discriminated against. The Draft Employment and Discrimination (Jersey) Amendment Law also covers other areas of discrimination, apart from discrimination against disabled people, for instance, discrimination against sex, race and age. I note that one of the priorities in the Common Strategic Policy is to implement the recommendations from the Violence Against

Women and Girls Taskforce report. Therefore, I am sure that the entire Council of Ministers will support the recommendations of the Employment Forum and this draft law in order to provide further protection for women from sexual harassment in the workplace. The increase in potential penalties are in line with the V.A.W.G. (Violence Against Women and Girls) report recommendations. We have also received confirmation from the Jersey Community Relations Trust, Liberate and Enable that they support the Draft Employment and Discrimination (Jersey) Amendment Law. I ask States Members to consider what message the amendment to this law to lower the recommended penalties regarding discrimination would send to the Jersey public and to the outside world. Jersey already lags behind many other jurisdictions in regard to the compensation available to people discriminated against in the workplace. I, therefore, will vote against the amendment, while supporting the Draft Employment and Discrimination (Jersey) Amendment Law.

#### **7.4.5 Deputy S.G. Luce:**

I am certainly not going to repeat what the proposer of this amendment has said. But I just want to inform the Assembly that I absolutely agree with him and it is my intention to vote in favour of this amendment.

#### **7.4.6 Deputy L.M.C. Doublet:**

In my previous speech I mentioned 2 sets of comments, the first which was published by the panel when the Minister first lodged her amendment. The panel considered the facts that there had been some amendments lodged. We were advised that it was not common for Scrutiny Panels to directly scrutinise Back-Bencher propositions or amendments. What we did in this case because we felt that Members did want some further scrutiny work, we analysed further the Minister's reasons for not accepting one of the amendments, the one which is in question at the moment. I will just summarise some of the things that are outlined in those comments. I wanted to note for clarity that Deputy Bailhache dissented from those comments, and I understand his reasons for doing so. The amendment that the Minister generally is bringing aims to strengthen the compensation awards regime. I think it is important to reflect on some of the key drivers for reform. One of those drivers being that very few claims reach a full hearing. The assumption underlying that being that that compensation cap is too low, that it has not reflected inflation, wage growth and also that it does not reflect the real impact of discrimination. The conclusion, ultimately, that the majority of the panel came to was that we support the amendment generally, as proposed by the Minister. We feel that it represents a good balance. I think previous speakers have reflected, once again, on the Jersey Employment Forum and how they have conducted a thorough consultation. That consultation, also they made comparative analyses with different jurisdictions, including the U.K., Guernsey, Isle of Man and Ireland. Again, previous speakers have reflected on the strong support from key stakeholders. I think it is really important that Members have a look at that letter, which I think we received this morning. If Members have not seen that letter please look at it because those organisations who work with individuals that maybe being affected by discrimination, it is important that their voices are considered as part of this debate. The panel confirms that the Employment Forum process was a comprehensive and transparent one. I would like to reflect on Jersey's high cost of living and certainly Members will be aware that the cost of living in Jersey exceeds the U.K. by up to 38 per cent. The proposed framework proposed by the Minister would ensure that the compensation cap is proportionate to local economic realities and would provide some meaningful redress for those affected by discrimination. If this were to be amended by the current amendment under discussion, the panel feels it would not meet those aims. We have made some recommendations, which is slightly unusual in Scrutiny comments but I think is being done more so in recent years, and the Minister reflected on these earlier. The key thing that we found was that there needs to be greater clarity around what support services are available for employers. I know Members have been particularly concerned around perhaps smaller charities and charities being employers. We have found that there needs to be some greater clarity and visibility of support

services available, particularly to some of those smaller organisations. We recommend that Government formalises its partnerships with advisory services and that is mainly J.A.C.S. (Jersey Advisory & Conciliation Service) and Citizens Advice. I wanted to take a moment to mention both of those organisations who do a fantastic job, sometimes under really difficult circumstances. Because the cases that people will often bring to them whereby people are being discriminated against, alleged discrimination may be taking place, can be deeply affecting, I think, to the people who are hearing those stories. Much of this work is largely unseen, much of it is advisory and largely unseen. Certainly those organisations advise businesses and employers, charities and they also advise employees and they do a great job there. But we would like to see improved accessibility of legal guidance and tribunal information. We found that some of the information was not easy to understand and was not easy to find. These are things that we would like the Minister to address with those organisations and to enhance the training and the educational resources, whether it is through those organisations or through other means, perhaps it would be directly from Government. I think that is for the Minister to decide. But we will be following up on those recommendations in the usual way and I hope the Minister is looking favourably on those. We will look at the 2025 review of the Tribunal rules as well. We are also going to follow up on any concerns around vexatious claims and risks to employers. But to sum up in terms of the panel view, we endorse the Minister's rationale for not accepting this amendment and we support her main amendment in full. We think that the proposals as a whole are a positive step towards fairness and workplace inclusivity. That is my panel hat off now because I would like to talk more generally about discrimination. Much of the conversation, I think, previous speakers have mentioned has been for some reason around disability. But my personal experience as a States Member, and we all get these phone calls, do we not, where we get somebody calling us in a moment of crisis where they are having a horrible time for one reason or another and they want to know what to do. I have lost count of the number of times I have had calls from women mostly, often pregnant or with a newborn, also fathers of a newborn - it was at least 2 or 3 cases that I have supported - who have been subjected to some horrendous treatment in the workplace. I think there is a whole other piece of education to be done around why that happens in terms of what happens in the human brain, in terms of stereotypes and unconscious bias, which, by the way, we all have. We all have a duty to analyse our own unconscious bias. It is a universal human function of our brains. There are situations whereby sometimes it is unknowingly and it is because of unconscious bias. But sometimes the discrimination is overt and clearly harmful, and that is still taking place. It is taking place in workplaces across the Island. I can see lots of nodding. I can see nodding from women Members of the Assembly, who I am assuming possibly receive these phone calls, as I do. Some of the stories, I cannot share all of because, first of all, I would be here all day and I may share some quotes in a minute, but what I wanted to reflect on is the number of cases that get to a tribunal. It has to get really, really, really bad for anybody to consider taking any of those steps and I am telling Members today that, in the vast majority of cases, nothing is done and it takes a huge amount of harm to be caused to even get to a tribunal. In questions, we were talking about the cap, were we not, on the compensation that can be offered? I think we really need to come at this debate with that understanding of if a tribunal is going to be awarding compensation, it is going to be in only those very extreme cases. I tried looking into this. I do not know if anybody else knows - perhaps the Attorney General might know - how many cases have made it to the Tribunal, and the Minister might know. When I looked, I think it was in 2018, and bearing in mind this law has been in place since 2013, the first pregnancy or maternity discrimination case to ever win at a tribunal was in 2018. I am not sure I have seen many more since then. That is one case that I am aware of out of the definitely tens and possibly hundreds of cases that I personally am aware of, and other Members will be aware of cases I am not aware of. There will of course be the women who do not know that they can call a States Member who have just suffered awful comments and suffered through being made redundant while pregnant or being made redundant. I think many of us had an email recently. These are not just old cases. We have new cases coming to us at the moment. I will read out a quote, and this is from a woman and her experience is in finance: "I would say I



experienced years of direct sexual harassment in the workplace. I did not know what to do other than just laugh along because I was not confident enough to challenge it and nobody said anything when they heard it because it came from a senior leader. It was workplace banter.” I think this is something that is, as the V.A.W.G. report stated - and I cannot remember the exact words - the fabric of our society. The reason why we have this law in the first place that the Tribunal sits within is because there are Islanders who are experiencing this discrimination. It is happening.

[12:30]

I wanted to reflect on the list of protected characteristics that is in the law, so we started with race and then we went on to sex, sexual orientation, gender reassignment, pregnancy and maternity and aid and disability. Now some of us will have varying levels of empathy with these experiences of people who have these characteristics because we might have some of these characteristics ourselves. Everyone has a gender, do they not? All of us are going to get old, hopefully, eventually. Some of us have several of these characteristics and will know in a very deep way what it is like to be discriminated against because of one or more of these characteristics. The reason why these characteristics are protected in the law is that word “protected” that I would like Members to reflect on, because there is so much potential harm that can be done to people with these characteristics. We made a whole law to protect them and if that process of going to a tribunal is not sufficient based on, again, the scrutiny side of things and the cost of living, if you look at the strength and the exposure that it takes people to go through a tribunal process, that law is essentially useless if the Tribunal does not have a robust mechanism for compensating people who have been harmed to such an extreme point that they feel they want to go through that stress of going through a tribunal. It is hugely stressful. So I hope that, first of all, from a Scrutiny point of view, the Minister will take on board some of those recommendations which would help people to access that information when somebody has been discriminated against and they are trying to decide whether to go through those processes. They do need that information available to them. On the other hand, employers, whether it is a large business or a small charity, need to also have access to that information and support so that they can make sure that they are not discriminating because I do not think anybody ever hopefully intends to discriminate, do they? I do not think any of these employers are intending to do this so the support, the education and the information needs to be there. I will finish there but, personally, I really implore Members to think very, very deeply about the difference between a £30,000 compensatory award and a £50,000 compensatory award which will result I think in ...

**The Bailiff:**

Thank you very much, Deputy.

**7.4.7 Deputy L.V. Feltham:**

I am really pleased to be following my Scrutiny chair. I hope she knows how much I value the Scrutiny process, and of course I will be looking at the recommendations that the panel have made, and look forward to working with the Scrutiny Panel to make things better with the Tribunal processes. Just to answer the questions that she had in her speech. Between 2014 and 2023, there were 335 claims of discrimination across all protected characteristics, but only 48 of those claims went on to be heard by the Jersey Employment and Discrimination Tribunal. Of those claims, 12 were in relation to racial discrimination, 18 were in relation to sex discrimination, one was in relation to age discrimination and 17 were in relation to disability discrimination. I do think it is important to remind Members that there are several protected characteristics, and also just to Deputy Catherine Curtis’s point that sexual harassment within the workplace is also covered within the Discrimination Law, sexual harassment cases will indeed be heard by the Tribunal, and of course can cause lots of hurt and upset as well as financial loss. But I will go ahead now with what I had prepared which is, as the Assembly will be aware from a comments paper in relation to Deputy Ferey’s second amendments, I cannot accept it and I do ask the Assembly to reject it. I will not repeat my comments

and I really do hope that Members have read the paperwork associated with this proposition and the amendments because the detail is incredibly important here. I do think it is important that the Assembly does have a clearer understanding of why the Deputy's amendment undermines the rationale behind my proposition. First, my proposition rests squarely on the recommendations of the independent Employment Forum. The Forum brings a varied perspective from its employer, employee and independent members. There is an equal balance between them. The Forum's recommendations relating to compensation were unanimous and that is a crucial point. They were made after a consultation process and careful analysis of its findings. We should not ignore the importance and the significance of the Forum's conclusions, and it is extremely rare for this Assembly not to accept the Forum's recommendations. I do encourage the Assembly to think what message it sends out, in particular in relation to this recommendation if we do not accept it. Second, the Deputy bringing the amendment said he can see no justification for such an increase in the maximum award level. The Forum, in my view, presents a compelling justification in its thorough report, particularly in relation to comparisons of compensation awards in other jurisdictions. By no means would Jersey be an outlier in comparison to others, and I think Deputy Doublet also provided some further context around that, and also the personal consequence to people around that. I think it is important that we remember that it is important that we maintain our status as a jurisdiction that takes discrimination very seriously. Third, the amendment seeks to equate the maximum award for financial loss in discrimination cases with the jurisdiction of the Petty Debt Court in breach of contract cases which is currently £30,000. So the message that will be sent out is that this Assembly views the failure of an employer to compensate an employee for holiday or notice pay as being on a par with a serious act of discrimination, the consequences of which can be devastating for an employee. The proposal to limit an award to £30,000 or 52 week's pay, whichever is the lower, would preclude employees on less than the current average annual median salary calculated by Statistics Jersey in the summer of 2024 at nearly £45,000 from potentially being able to be properly compensated for their loss. That cannot be the right approach for this Assembly to take. It is important that the Assembly understands the way in which compensation for financial loss works in Jersey. A claimant must prove to the Tribunal's satisfaction the amount of their financial loss. The Tribunal requires actual evidence. It will not pluck an arbitrary figure out of thin air. In many cases, a claimant's financial loss will be limited to a few hundred pounds. Only in a few cases will the figure run beyond that. That much is clear from the figures published in Tribunal judgments. Finally, most discrimination claims fail at the Tribunal, and of those that do succeed, very few indeed represent multiple claims of discrimination. The idea that, in agreeing to this proposition unamended, this Assembly would somehow be opening the floodgates to excessive and overwhelming numbers of claims is, in my view, unfounded. The fundamental premise to my proposition is to deter bad employer behaviour, encourage the best employment relations to make sure that employers and employees know what their rights and responsibilities are with good access to sources of advice and assistance and value the dignity and welfare of all of our community. This proposition is not bad for business, as the Deputy's amendment and others have suggested, but it is anti-discrimination. I urge Members to reject the amendment.

**The Bailiff:**

Thank you very much. I have one Member who is listed to speak before calling upon Deputy Ferey to respond. As to whether we push forward before the lunch adjournment, I am in Members' hands.

**LUNCHEON ADJOURNMENT PROPOSED**

**Deputy M. Tadier:**

Could I propose the adjournment? It would not be right, I do not think, for anyone to shoehorn their speeches in, Sir, and there probably are other speakers.

**The Bailiff:**

Very well. The adjournment is proposed. The Assembly seems favourably disposed. We stand adjourned until 2.15 p.m.

[12:40]

## **LUNCHEON ADJOURNMENT**

[14:15]

### **The Bailiff:**

Let us count the numbers. I think we are just about at quorum. Good. The next listed to speak is Deputy Le Hegarat.

#### **7.4.8 Deputy M.R. Le Hegarat of St. Helier North:**

Just over 12 months ago, the current Council of Ministers fully accepted 77 recommendations in relation to Violence Against Women and Girls. This Assembly then accepted it as a C.S.P. The Discrimination Law provides specific protection for victims of sexual harassment and the Employment and Discrimination Tribunal's function is to decide the appropriate remedy where a breach of a victim's rights has been proved. Members may be aware that the taskforce report highlighted that sexual harassment in the workplace remains a concern for local women. The taskforce report noted as follows: "Women who had attempted to make a report about sexual harassment at work also described how lack of action from those in power, the lack of record-keeping and the lack of transparent and open processes worked to create a culture of 'Why bother?' and 'I do not know what to do about this'." These women raised concerns around a lack of infrastructure and resource to tackle sexual harassment that women experienced at work. Additionally, the taskforce report specifically highlighted the existing compensation cap on tribunal claims allows employers to settle claims before they reach a tribunal highlighting that this means that those that do report abuse often have their claims settled without engaging in a formal resolution process so that the cases are not formally recorded. Acts of sexual harassment at work can have a profound effect on victims and must never be seen as tolerated. We need to have a robust compensation regime in place so that the Tribunal can mark such acts in the most appropriate and just way and we need to send a message that such behaviour is wholly unacceptable and will be met with serious consequences. Increasing the maximum amount of compensation sends a powerful message that Jersey will not tolerate the abuse of Islanders either at work or in daily life. I support the increase in the compensation limits as recommended by the Employment Forum who are neutral to this matter. It provides a powerful deterrent against abuse in the workplace as well as a way of demonstrating we are committed to challenging the culture in which abusers feel able to act in impunity. I would urge Members to consider the message that we can send to all victims in the workplace, in particular of sexual harassment, to vote against this amendment and stay with what is recommended by the Employment Forum's recommendations. Thank you.

#### **7.4.9 Deputy J. Renouf of St. Brelade:**

There is one point I wanted to pick up on. Sorry, Sir, you are looking at me quizzically.

### **The Bailiff:**

I thought you were going to pick up on your point directly with me because you were looking at me. It is one of those unconscious miscommunications so, Deputy Renouf, please speak.

### **Deputy J. Renouf:**

I am glad I picked up on the body language at least. So I do want to pick up on one point that Deputy Ferey made because I think it shows a kind of inadvertent category error in the approach that this amendment brings to the Minister's proposition. He says in his report and in his speech that allowing

the original £50,000 limit to go through would add to the rising cost of business. Presumably a £10,000 penalty, he accepts, is a low cost to business. £30,000 is a medium cost and £50,000 is too high, but this is not about a rising cost for business. In fact, it is not a cost for business at all. It is a penalty for unlawful behaviour. No extra costs will arise at all for businesses as a result in the increase in the maximum award for breaking the law because compliance with the law is already compulsory. If there are costs to ensuring that an employer does not discriminate, then those costs must already be baked into their mode of operating. Another point that I think I would just like to make in passing, amplifying one or 2 other points that Members have already made, is that the maximum figure that the Minister has proposed is already both a relatively low figure in comparison with other jurisdictions and also a compromise. The Employment Forum has come to a considered view where they all agreed that this figure was the right amount. We can assume that there were different views around the table and that this is a compromise figure. Some people would have wanted more, some people perhaps less, but this was the compromise on which they all felt they could agree. I am very pleased to follow the Minister for Justice and Home Affairs because she made an important point about the value of the penalty and the message that it sends to society and, in particular, the point that these cases are often settled before they get to the Tribunal. The incentive to settle out of court is of course related to the penalty that you might face, and so a penalty of £50,000 is a message to both sides in any case coming before the Tribunal that there might be a good point in trying to find a way of getting this sorted without going all the way to the Tribunal, and I think the bigger penalty is relevant there. It was also said that the Minister's proposal means that the size of potential awards is too high, but £50,000 is not the size of the award. It is a maximum. We are talking, remember, about an Island which has very large employers, some of whom are extremely large and international. It is absolutely clear from the guidance that the Minister circulated in the Tribunal reply that the penalties will be applied flexibly and, indeed, that is the experience of the way the Tribunal has operated so far, and Deputy Coles gave us an example of his own experience of that. So it is not the case that £50,000 is the award. It is the award that is the absolute maximum in circumstances where you might be dealing with a very large multi-national company with multiple breaches of a law that are particularly flagrant. That would be the point at which you might reach for the maximum penalty. You would not reach for it if it was a small charity that had inadvertently broken the law and in fact, in all likelihood, these cases would not even come to the Tribunal. This is about ensuring that in all the cases where there are the most obvious and flagrant breaches the penalty begins to get closer than the current figure to matching the crime, if you like. It is also said that it will put undue pressure on employers who are looking to take on new workers and they may be intimidated by the potential size of an award, but the upper limit is clearly not designed for dealing with inadvertent breaches of the law by small organisations and charities. As I think I have just said, even if, for whatever reason, a case reached the Tribunal involving one of those organisations, the Tribunal has made clear that it deals flexibly with cases before it having regard to all the relevant factors, including the size and the level of intentionality and so on. I think the risk, if we do not go for the higher figure here, is that bad actors - and there will only be a very small number but these are the ones we have to have in mind - are able to get away with a relatively small fine relative to their means for blatant discriminatory behaviour in cases where that has been proven. I think this then does risk undermining the resolve of others to speak to the law. If a large employer can get away with a penalty that is, in terms of its turnover, tiny, it undermines the social pressure, if you like. That feeling of: "Well, we have all got to play by these rules." It lessens the sense of significance attached to that offence. So, in summary, I would say this is not about a rising cost for business. It is a penalty for unlawful behaviour. There are no penalties for alleged breaches of the law but only for actual breaches. We are trying to make our Island an attractive place to work. No large employer will blink at £50,000 as being the upper limit were they to break the law. They would completely understand as they operate in multiple jurisdictions where figures are much higher, and I think that £50,000 represents a Jersey compromise to this situation, and I hope that we can reject the amendment and support the Minister in her proposals as supported by the Employment Forum.

#### **7.4.10 Deputy P.M. Bailhache of St. Clement:**

I just want to say a few words I think, in particular in relation to the position of the Petty Debts Court. In the judiciary there is a hierarchy from the Privy Council and the Court of Appeal at the top through the Royal Court and Magistrate's Court down to the tribunals at the bottom. Of course, there are traditional officers at every level who are extremely competent, but the Tribunal chairs are part-time judges and obviously have less experience than those higher up the scale who are full-time judicial officers. It is important, I think, that the authority of the court or tribunal in terms of its jurisdiction should reflect the level at which the court or tribunal sits. It is wrong that a tribunal should be given an authority to award compensation which is higher than a court which is senior to it. More specifically, it is wrong that the Employment and Discrimination Tribunal should be given a jurisdiction to award compensation of £50,000, or 2 or 3 times that amount in the case of multiple infringements, compared with the Petty Debts Court which has a maximum jurisdiction of £30,000. It is simply not appropriate. It is like giving a police constable powers which a police inspector does not have. The Minister's approach to the question of alignment with the Petty Debts Court jurisdiction is expressed at page 5 of her comments paper where she says that alignment was rejected on the basis that equating the breach of a contractual right - claims for which the Petty Debts Court is the appropriate forum with the actual effects and consequences of an act of discrimination - would be a retrograde step. She quotes the Employment Forum which says: "The Forum considered whether to recommend a maximum cap in line with the Petty Debts Court jurisdiction. However, the Forum unanimously agreed that to do so would undermine the core message that workplace discrimination is considered more serious than a breach of contract and is not acceptable in a civilised society." I do not think that that is right. Workplace discrimination can be very serious but there is a spectrum of gravity.

[14:30]

Sometimes an act of discrimination, such as a joke in poor taste, can be not serious at all. It all depends on the circumstances of the case. Conversely, a contractual breach, for example a wrongful dismissal, can be extremely serious. I do not think it is correct to state that all acts of discrimination are inherently more serious than any contractual breach. I dissented from the conclusions of the Scrutiny Panel, and I do not really want to speak about that except to say that I do not think that the panel really addressed the amendment of Deputy Ferey. I will not repeat what Deputy Ferey has said but it seems to me, in a nutshell, that the Minister's proposals are over the top. Deputy Renouf says that the maximum could relate to the actions of a multi-national company and should be viewed in that light. I am not sure that is correct. The maximum penalty that can be awarded by a tribunal is an indication of the gravity with which the legislature views the breach. I think that inevitably, if the maximum is set at £50,000, we will find that penalties for discrimination go up very substantially. I think that the maximum penalty which is proposed by Deputy Ferey at £30,000 sets the bar at the right level, and I would urge Members to support the amendment.

#### **7.4.11 Deputy M.R. Scott of St. Brelade:**

Why do people make complaints? We have heard of the stress and work involved in making a claim of reliving unpleasant experiences, of confronting the perpetrator of poor employment practice. We also have heard the Tribunal rarely awards amounts of the current limit and that employers often settle, so why would anyone pursue a claim? I can suggest a reason. It is to publicise poor employment practice and sometimes to force employers to settle. We have heard about fears that brilliant people may not come here if claims are limited to £30,000. There already are brilliant people here in this Island. Who only comes to a jurisdiction after looking at the amount of compensation they can receive under its discrimination laws? We have heard much about bad employers but nothing about the people who offer jobs in order to help others. Sometimes people get it wrong. Sometimes people overestimate the abilities of other. So to what extent should those types of employers be punished? My job as a States Member is to balance competing interests. I understand

why those who condone discrimination would want it capable of being punished and exposed. It already is but one size does not fit all. Deputy Ferey's amendment offers balance and proportionality in a market where there are more jobs than people already, so I therefore will be supporting his amendment.

#### **7.4.12 Deputy S.Y. Mézec of St. Helier South:**

I sincerely hope that Members will reject this amendment for numerous reasons. I think that some arguments have been made in support of it, which I do not really think stand up to scrutiny. Deputy Bailhache frequently referred to this as "the Minister's proposal" but let us not forget that this arises from the Employment Forum who were tasked to look at this area. That is a balanced panel of people representing various different interests on there who did the work on this and arrived at a conclusion - which itself is the compromise - which does not go as far as other jurisdictions have gone and still provides for lower limits than them. Yet we are asked to go for a compromise even further and a compromise for what? A compromise to limit the liabilities of the only ones who would be subjected to the highest compensation orders here, which are those who are guilty of the most egregious breaches of the Discrimination Law. Is that whose side we are on? It is certainly not the side that I am on because I know that the only incidences that awards of that level would be offered to people who have successful claims at the Discrimination Tribunal are those who have suffered a serious financial loss because of it after they have faced discrimination which is appalling, and for that level of award would have to be set at such a point to mean an award of that level was necessary. Deputy Bailhache also spoke about the spectrum of gravity and, of course, he is right but for this limit we are talking about people at the very far end of a spectrum, the most egregious of cases, not for the most minor ones, not for the ones where people barely suffer any loss, because we are talking about maximum awards not mandatory awards. Of course, the Tribunal would be free and the guidance that the Minister had printed out and handed to us before is helpful in allowing us to understand what process they would go through to determine those amounts. It will all be commensurate based on the facts of the circumstance. What we are saying with this amendment is that if you are the victim of discrimination - an act which is against the law - at work and, for example, you suffer £40,000 worth of loss because of it, you will be told you have to lump £10,000 of that because the limit is set below what it is you have suffered. It is to say to a victim: "You have to pay your share for being a victim" rather than the perpetrator of the unlawful act paying for it. That is ultimately what this amendment would see do and would see done at such a level that will probably leave some of the worst cases completely caught out by this because if you are somebody who is working for, perhaps, a large financial firm, a firm that is most able to pay the compensation awards, you are probably going to be on a reasonably significantly higher salary than this. It is to say to those people: "Sorry, but you have to stump up your share of that loss despite the fact that you are completely innocent in this." I think that is wrong. I think that it is right that every aspect of our society, be they businesses, charities, civil society, all of us, should be aiming to uphold the best principles we can in antidiscrimination and making this a society in all walks of life where people can get on, irrespective of what their background is, irrespective of what characteristics they have, to get on in life and live with the same aspirations and potential as anyone else. If, through no fault of their own, they are set back in their lives because they have been discriminated against or subject to something unlawful because of those characteristics then the law ought to be on their side to make up for the loss that they have suffered so that they are not set back even further in their life. This amendment, which picks a figure which was not tested by the Employment Forum, which was not the conclusion that they arrived at having consulted and having on that panel representatives from employers, said was the appropriate figure for Jersey. We have had representations from other organisations who have been interested in this, and I think it was noteworthy those that contacted us earlier today to express their support for the Minister and this proposition. I have not detected much of a mood from organisations that are genuinely scared about what prospects they may face if the limit is set as the Minister for Social Security has proposed. Maybe others have heard it, but I have not. I have not

heard of a groundswell of opposition to what she is proposing in this to say: “This really will be the final straw for us.” What I have seen is lots of business leaders, who I admire very much because of the work that they are doing alongside their business commitments, try to make our economy and business environment as friendly and welcoming as possible for people from all sorts of backgrounds and with different characteristics to say that this sends out the right message and if they are saying that that sends out the right message, this amendment sends out the wrong message. This will be my final word on the matter; the message that it sends out is that if through no fault of your own you are subject to unlawful practice and you are the victim, even if the loss you have suffered goes above this amount, you will have to pay for it and that I consider to be completely unjust, which is why I oppose the amendment.

**7.4.13 Deputy B.B. de S.V.M. Porée of St. Helier South:**

If you have ever been discriminated against in your workplace, the detrimental impact that affects that person can be at times unmeasurable. It is not just that moment in time of the person is being discriminated. It can affect their lives, their future, their family, their confidence, their work prospects and so on and so forth. As many Members know, I have been working very hard with migrant workers and with some of those cases I have been supporting them in employment tribunals. It is a very hard and difficult situation to go through for anyone, never mind for those who do not have the same life experience or understanding or the support network of the Island, like some of us have. It is not an easy thing to do and, like Deputy Doublet has mentioned, she does not believe, and I know for a fact, that it is not easy for somebody on a low income to put themselves through an employment tribunal to highlight the facts of their discrimination, and that is a fact. It is the hardest thing anybody can do and a lot of the time the Employment Tribunal does not go in favour of that person, but the repercussions will affect that person for the rest of their life and also the families. What I want to say right now is not about what I have just mentioned that you all know I work with, but I also want to talk about different businesses. I think Deputy Malcolm, businesses he has focused on and the £30,000 fee deduction or compensation deduction is probably more to do with small businesses. I have a small business, and I can see how that would affect but we must not forget that there are other businesses in this Island and there are businesses who are operated by very large corporate companies and those who work in those businesses, they have different salaries to those who work in, maybe, less skilled businesses. I do believe that workplace discrimination happens in all settings, and we must not forget that corporate companies employ people who also suffer from racial, disability, sex, ageism and all sorts of other discriminations. Those professionals’ salaries are much higher than the run-of-the-mill people like ourselves, much higher. They can have salaries of another £1,000 but they do also suffer discrimination in workplace.

[14:45]

What I am trying to highlight is that the £30,000 compensation is not enough to make a difference for those people and are we there to say that it is okay to take a £30,000 salary when you have a mortgage of £500,000, £600,000 or £700,000? It is not okay, and I think we have to think about those employees as well. I believe that the Minister for Social Security proposes the uplift of compensation amounts to £50,000 which will send a very strong deterrent not just so much to the smaller business but to the larger companies as well, and we wanted to send a message that discrimination in terms of employment in Jersey is not acceptable. I believe that the Employment Forum is in line with the same thinking process as the Minister and supports the Minister with that. I think if we are to change that law, we have to change to make sure that every employee if they win against a discrimination claim they will feel that they have been vindicated by such, and the compensation will go a long way to give them some sort of security of moving forward in life.

**7.4.14 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:**

I just wanted to say a few words in support of the proposition proposed by the Minister for Social Security, and this has led to some good in-depth discussion around the Council of Minister's table. But just referring to the paper she put out earlier, I would just like to remind Members of the important overriding objective that this is trying to deliver. I am pleased that all Members present in the Assembly supported the principle of what we are trying to do, and I also respect Deputy Ferey's position in legitimately asking for what he feels is a rebalance in the payment, which I will not be supporting the amendment, but I think the Deputy is aware of that and I am quoting from the piece of paper: "The overriding objective of this is to enable the Tribunal to deal with cases fairly and justly and ensuring the parties are on an equal footing." Now, there are some moves to ensure that as well, including some deterrents in relation to avoiding vexatious and repetitive claims. I think Deputy Bailhache referred to this in relation to cost, but I think that is an important part of what we are doing. I think the principles are sound. The debate over whether at £30,000 or £50,000 on an annual salary is important to have but I would remind Members to go back and think about especially the Violence Against Women and Girls recommendations and what we are trying to do to eliminate as far as possible discrimination across our community and our society. Regrettably, I cannot support Deputy Ferey's amendment on this occasion. I will be supporting the Minister.

#### **7.4.15 Deputy K.M. Wilson of St. Clement:**

There is a quiet enduring horror in being treated unfairly, a kind of injustice that seeps into daily life eroding not only opportunity but dignity. To be discriminated against is not merely to face exclusion. It is to be told implicitly or explicitly that your worth is negotiable, that your identity is inconvenient and that your presence must be justified. This kind of harm is not always loud. Often it arrives subtly: a job application that goes unanswered, a promotion withheld, a seat at the table never offered. These moments, though individually small, accumulate with devastating weight. They send a message that some are less welcome, less competent, less deserving solely because of characteristics they did not choose and cannot change. The horror lies in the internalisation of the treatment. It creates self-doubt where confidence once stood, silence where a voice should be heard, resignation where ambition once lived. People begin to shrink from spaces that were never meant to exclude them, internalising the false narrative that they are somehow less. In a just society, fairness is not a privilege; it is a right. Discrimination, whether overt or systemic, is a betrayal of that right. It fractures communities, diminishes talent and perpetuates cycles of harm. Most damaging of all, it erodes trust in institutions, in leaders and in the very idea that justice is possible. To confront this horror is to confront the uncomfortable truth about how power is distributed, how bias is normalised and how systems, if left unchecked, can perpetuate exclusion. It demands that we not only change laws but challenge attitudes, that we listen, we believe, and we act. Justice delayed or justice obscured by complexity is justice denied and for those who live daily under the weight of unfairness, the urgency is not theoretical; it is personal, immediate and profound. In the context of rising workplace discrimination claims, confusion over legal time limits and debate over fair compensation, as seen in Jersey's recent Employment and Discrimination Tribunal report and the proposal put forward by Deputy Feltham, the right thing to do involves a multilayered, principled response grounded in fairness, accessibility and systemic change. It is unjust for legitimate claims to be dismissed due to confusion over legal deadlines, especially when the system is already difficult to navigate for many. A maximum award for discrimination claims to reflect the seriousness of the harm caused should ideally be accompanied by a graduated scale. A higher cap of £50,000 affirms that discrimination is a grave matter, not just a technical violation but a violation of human dignity. The right thing to do is not only to correct what has gone wrong but to prevent future harm through a legislative clarity, meaningful compensation, education, and cultural change, as we have heard many speak on this issue previously. Fairness and inclusivity must not be abstract ideals, but active commitments reflected in our policy and our law and our practice. When someone experiences discrimination in the workplace, it is not just about being passed over or treated unfairly. It is about being made to feel that who you are makes you less worthy. That kind of harm runs deep. It affects



mental health, livelihoods and long-term trust, and right now Jersey is failing too many of those people. The recent report from the Employment and Discrimination Tribunal paints a troubling picture. Discrimination claims are rising. Thirty-four were thrown out last year simply because they missed a deadline that even the Tribunal admits is widely misunderstood and that is not justice. That is just bureaucracy at its worst. Deputy Feltham's proposal proposes raising the compensation cap to £50,000 and what is clear is that the current limit does not reflect the real damage caused by discrimination. £10,000 is not just inadequate; it is insulting. It suggests their experience is only worth a fraction of the harm endured and of course we must be mindful of employers, especially small businesses, but fairness cannot be compromised because we fear discomfort or cost. A just society does not just measure the price of discrimination by what employers are willing to pay. It measures it by what victims deserve to recover. What is needed is a thoughtful, balanced response to raise the compensation cap to a meaningful level, to clarify the law so that people do not lose claims on a technicality and also to educate the public and equip employers with the tools they need to do better and, most importantly, to centre the voices of those who have lived through discrimination not just in shaping policy but in holding power accountable. Fairness and inclusivity are not lofty goals. They are a bare minimum. Jersey can and must do better. On the one hand lies the need for stronger protections and a more accessible path to justice for victims of discrimination and, on the other, legitimate concerns about unintended consequences, particularly for employees and workplace dynamics. Current limits, such as Jersey's £10,000 ceiling, are often symbolic at best and insulting at worst. Discrimination can have a lasting financial, emotional and psychological effect, none of which are adequately addressed by minimal awards, and it is for this reason that I am supportive of the Minister's proposal to increase the cap.

#### **7.4.16 Deputy M. Tadier of St. Brelade:**

The demand for any kind of rights - but let us talk about human rights antidiscrimination - often come from periods of great turbulence, division where there is widespread discrimination, or certainly pockets of discrimination against certain groups but the application of antidiscrimination laws when they do and have finally come in is hopefully applied in peacetimes, so to speak. Just because laws change on one given day, it does not mean that attitudes automatically change there and then. There are movements demanding more rights for more people usually by excluded groups and for excluded groups. When I think back to the Jersey context and my time in this Assembly, when I came into the Assembly in late 2008, we already had in place the Jersey Human Rights legislation which mirrored European legislation in that regard. Of course, we know that - although it is not legislation necessarily - the U.N. (United Nations) Convention came after that big period of turbulence, the Second World War, where there was a great reflection internationally about what human rights meant and who might have those human rights. Universal human rights is a key indicator as to who that should apply to, i.e. everybody. First of all, I remember one of the first questions I asked of the then Chief Minister at the time - and it was Senator Le Sueur - and we did not have any discrimination legislation and, as Members might imagine, a lot of the question time was focused, especially from the newer Members, on when the Government were going to bring in any antidiscrimination legislation. No doubt I was one of those Members who would be probably unparliamentary - I am not sure, let us test the mood of the Chair today - who would have been considered to be banging on about a particular niche issue. My issues might have been discrimination, human rights and no doubt there are Members currently who could be accused of banging on about their own particular hobbyhorses. I will not push the limits too far.

#### **The Bailiff:**

Three times might be too much.

#### **Deputy M. Tadier:**

Members know where I am coming from, and I do not think anyone should make an apology for that because these issues need to be raised. The answer that I was given, and I have not been able to find it yet to date on Hansard so I would look very gratefully to the Greffe staff at some point to see if they can help me locate it. The kind of answer I was given was basically: "Well, I am not sure if we really need any antidiscrimination law at the moment in 2008. Would it not be better if everybody could just be nice to each other?" That was roughly the gist of what was said by the then Chief Minister. Fast forward on about 4 years, of course, in 2013 we do see the first elements of the Discrimination Law coming through and it starts off with race, not because that was necessarily the most pressing. It was an important part of the characteristics that were being protected but it was probably seen to be maybe one of the more straightforward ones, I do not know, and that was introduced and it gradually got rolled out. The debate that we are having today really is a microcosm of that same old debate that we always have in this Assembly between progress and staying the same. I sometimes remark, looking back over 16 or so years now, that we have made remarkable progress not just in this Assembly but as a community. The attitudes that we saw even in 2008, which does not sound like a long time ago, if we think about attitudes to same sex couples, for example, same sex couples could not even have a partnership then, let alone have full marriage, something which I think we take for granted today, quite rightly. It does not mean that discrimination against same sex couples or homosexuality has changed overnight because invariably what happens is that Government is not the leader in these things. You have a progressive element in society that lobbies for greater rights, greater inclusion, greater acceptance for different groups that are being discriminated against, and we should remind ourselves that this is not just theoretical discrimination; this is discrimination that has an actual tangible impact both on the individuals and those around them. There are, of course, other types of discrimination that take place. The Minister for Justice and Home Affairs has, in a timely way, reminded us of the importance quite rightly that is being given to our societal attitudes towards women and young girls, and never has that debate been more needed, I think, if we see what is happening in an increasingly polarised and toxic social media setting. It is really important that we do fight for those rights and that we do not get complacent. We could go through all of those characteristics which I touched on earlier during the in-principle part of the debate.

[15:00]

I hope we all stand against all forms of discrimination. Let us turn to this particular amendment and ask why it is being brought and what would the consequences be if it were passed as opposed to what the Minister is putting forward? I do want to look at the politics of this. I must admit I know where I fall on this, but I find the politics needs to be looked at because as somebody, who is both a Back-Bencher with a party that is partly in Government but who also likes to think about the issues especially when they relate to human rights, I do look to the Government for some kind of leadership on this. The speakers that I primarily want to hear from, and I think who have already spoken and who I would look to take my steer from, are those whose portfolios it effects the most. We know that the Minister for Social Security has been very clear about why she wants a cap set at £50,000. She said that is already a compromise figure. Well, what we are looking at here is harm and loss, so real harm that has taken place. We are looking at real breaches that have been confirmed and upheld by the Tribunal, not tentative ones, and her position - and I think probably mine as well - is that in an ideal world there would not be any caps. You would do this on a case-by-case basis. The position being put forward by the mover of the proposition, himself both a former Minister for Social Security and Assistant Minister and now an Assistant Minister, I think, for young people. I am not suggesting he is bringing this as a Minister but it is curious that there seems to be clear divisions in the Council of Ministers because I prefer to take my steer from the Minister for Social Security, the Minister for Justice and Home Affairs, whom this also clearly falls in line with who has said very strongly today that we should be rejecting this amendment, and more recently from the Chief Minister who is responsible for setting the overall policy direction. This does talk about the message that we are

sending out, not just to ourselves as an Assembly, but to the wider public and to the wider community about whether we take discrimination and acts of discrimination that have actual harm on people seriously or whether we try to minimise that harm that is taking place. Something curious about this amendment being proposed by Deputy Ferey is that not only does it seek to reduce the maximum amount that can be claimed per infringement from £50,000 to £30,000, so a 40 per cent reduction, but it also has a second part. If you like, this is a double whammy on people who might have faced discrimination and what they can be compensated for because it says that rather than claiming £30,000 a year salary, whichever is the maximum, it says the opposite. It says that it is either £30,000 maximum or a year's salary, whichever is lower. This means that, of course, on the one hand lower earners will be discriminated against in terms of what they could claim. I think if it had been an upper limit that it would be your salary you could claim or a higher amount so a person who may only earn a relatively low amount of, say, £20,000, £25,000 a year will not even be eligible for that £30,000 maximum compensation, even if the loss and the harm to them is quite egregious. The second point is that it discriminates against higher earners, of course, because if somebody is earning £50,000, £75,000 and the loss and the harm that they have had relates to their yearly salary. It might be that they find it difficult to get work initially or they have to leave the Island, all sorts of reasons that mean that they might have had a breakdown because of the way that they have been treated in the workplace and cannot work for a year, they can still only get £30,000 capped even though their salary may well be twice, 3 or 4 times that amount. Even the amendment by its own logic does not really make any sense. It is not about accepting what a policy forum on this particular issue has to say but it is about accepting the fact that they have looked at this in the round. They have made recommendations not based on any political ideology but based on the fact that this seems to be a well-balanced proposal, and that has not happened with the best will in the world with what is being proposed in the amendment here. I think we need to move past a potential desire that some may have come into this debate with saying that on the one hand I am pro-worker, pro-antidiscrimination or I want to send a strong message of being pro-business out there and therefore this is going to protect businesses because it does not do that. When Deputy Scott talks about: "This is not a one size fits all when it comes to compensation", this is exactly what is being proposed here. In fact, both methods, if you like, are proposing a one size fits all. It is just that if the one size that you are proposing is much smaller, it is 40 per cent smaller and it is capped so in fact it does not even reach that £30,000 for many who are lower paid. What that means is that it is much more restrictive, much less flexible than what is being proposed by the Minister for Social Security, what is being supported by the Chief Minister and what is also being supported by the Minister for Justice and Home Affairs. If there is a difference of opinion from other key Ministers, I think before they support or go against the Minister who is in place, they should at least have the regard to put that on record, I would suggest. From what I have heard, the arguments today, there have been some good speeches on both sides but for my part, I am fully supporting the recommendation of the Employment Forum and the Minister for Social Security on this one.

#### **7.4.17 Connétable A.N. Jehan of St. John:**

This morning when I turned on my radio, I heard the report that last year we saw the highest level of cases before a tribunal. How do we solve that? I think we need both the carrot and unfortunately the stick. I will be supporting the Minister and not the amendment. Deputy Curtis spoke earlier this morning about policies and procedures. There is plenty of help available for organisations who do not have policies and procedures in place or indeed for those businesses who need to refresh their policies and procedures, but policies and procedures are not the only thing. You also need to train people how to use those policies and procedures and also raise awareness of employees about those policies and procedures. We heard somebody this morning say they did not need training. I am an old dog, and I always need training, so we are never too old to learn, and I think it is a really important subject. I get told off for holding the door open sometimes but that is the way I was brought up. I do not think it is wrong, but some people get offended by that. We have to learn, and we have got to

keep learning. I think the amendment is well-intentioned, but I do not think that it protects small businesses from going bankrupt. I cannot believe - and perhaps the Attorney General can help me here - I do not believe the Tribunal would make an award that would see a business go out of business because of that award. I wonder if the Attorney General could help with that question?

**The Bailiff:**

Are you able to offer any advice? I am not entirely sure it is a strict legal question but if you are able to assist?

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

As a matter of generality, I think that is correct. There may be an unusual case where the level of conduct is so poor that the Tribunal may think a message needs to be sent and it does not really matter whether the business will survive or not. I trust that assists the Deputy.

**The Connétable of St. John:**

I would ask Members to reflect on Deputy Porée's speech. I thought it was very powerful, and I would urge Members to reject this amendment and to support the proposition.

**7.4.18 Deputy R.S. Kovacs of St. Saviour:**

I also stand today in full support of the Minister's proposition based on the recommendation of the independent Employment Forum rejecting Deputy Ferey's amendment. This amendment risks sending the wrong message, that discrimination does not need to be taken seriously, that the financial cost to employers matters more than the lived consequences for victims. That cannot be the message we send in 2025. The original proposal raising the maximum award for employment-related discrimination from £10,000 to £50,000 or 52 weeks' pay, whichever is greater, is grounded in research, consultation and balance. It reflects the unanimous view of the Employment Forum and a political body with equal representation from employers, employees and independents established under law and trusted by this Assembly for over 2 decades. This is not about punishing businesses. It is about encouraging fairness, accountability and respect in our workplaces. It is about supporting equality, protecting vulnerable groups and making discrimination unacceptable, not just in principle but in practice. Reducing the cap to £30,000, as proposed by Deputy Ferey, misses the point entirely. Worse still, removing the "whichever is greater clause" undermines the accountability of larger, wealthier businesses, those best positioned to absorb the cost of justice. It is a move backwards, one that fails to reflect the seriousness of the harm people can suffer through discrimination. The idea that businesses might stop hiring disabled people or those with differences because of fair compensation rules is not only unfounded, it is harmful. It reinforces damaging stereotypes that people with disabilities are a risk. That is not the kind of Jersey we want to build. I will be blunt. There is zero evidence that current or proposed levels of compensation have created a flood of claims. I have also looked at the numbers. Between 2020 and 2024, only 6 discrimination claims succeeded. Just one hit the current cap. The reality is most victims never make it to tribunal. The current £10,000 limit, picked arbitrarily over a decade ago, acts as a deterrent not to bad employers but to victims. It stops people coming forward and that is unacceptable. Let us not forget that this proposal also supports victims of sexual harassment, disability discrimination, racial injustice and more. These are serious harms, often career ending. A £30,000 cap will not cut it. In fact, as the Jersey Community Relation Trust has said: "The £50,000 cap may still be too low." In the U.K., awards are uncapped and severe breaches come with uplifts of up to 25 per cent for procedural failures. Jersey is behind, not ahead of the curve. Even Guernsey, which rejects Jersey's model, now offers more in serious cases. Why are we treating Jersey employers as somehow uniquely fragile? Ethical businesses already do the right thing. They have nothing to fear. It is also worth noting that citizens of Jersey and Scrutiny both back the Minister's position. They emphasise that compliance with the law, not avoiding accountability, should be the goal. As Citizens Advice said: "Rather than worrying about

legal costs, businesses should embrace this as a chance to strengthen their workplace.” I could not agree more as this is the best way to avoid compensation fee. That is why it is more disappointing to see that this amendment is brought from a former C.E.O. of the Citizens Advice Bureau. Reducing the cap risks undermining public trust in consultation processes. Islanders engaged in good faith with doing this review. Their voices matter. If we reject the Forum’s findings now, why would anyone participate in future consultations? This amendment is not just flawed; it is misguided and damaging. Supporting the original proposition is an opportunity to say clearly: “We value inclusion. We support justice. We believe discrimination has no place in Jersey.” This is our chance to build a stronger, fairer economy where people are protected, employers are supported to do the right thing, and no one feels silenced. Let us back the Forum’s finding. Let us respect the process. Let us stand for equality and let us reject this amendment.

#### **The Bailiff:**

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

#### **7.4.19 Deputy M.R. Ferey of St. Saviour:**

Thanks to all Members who have contributed to the debate. On the whole it has been quite good natured. I will just go through some of the comments that were raised. Earlier on Deputy Coles raised the issue of “per alleged offence”, and I was referring to having had experience in this sphere. When an employer seeks advice on these matters, then at that stage it is an allegation and the way it works in the real world is an employer, very often the first time they know about these cases are when they get notification from the Tribunal. If they are sensible, they seek advice or they seek legal advice and they go to a lawyer and they ask: “What am I looking at here? What is the damage?” Ultimately, of course, that adviser has to give them what the top end could be and could mean for them and could mean for the business and that is why I framed it in those terms because at that stage, when an individual is seeking advice, it is an alleged offence.

[15:15]

Deputy Barbara Ward spoke about the Petty Debts Court which sets the bar, which in my view is quite right. Deputy Catherine Curtis, I believe £30,000 is still a substantial increase. As I said in my speech, an index-linked amount would be £15,000 and I do accept it does need to rise above that sum. Deputy Doublet spoke of wage growth and inflation over 12 years since the law was drafted but £30,000 is still a 200 per cent increase. Wage growth has not increased by 200 per cent in the last 12 years. The Minister for Social Security, I just want to remind her ... firstly, thanks to the Minister for the conversation that we had in the Ministerial office. Although it was difficult for both of us, it is always good to have those conversations and to thrash out the ideas, but I just want to remind her that it is not an attempt to undermine the Employment Forum and their recommendation and also to remind her that the Employment Forum recommendations have been overturned on 2 occasions in the past for different reasons. Deputy Le Hegarat mentioned about sexual harassment and settling claims before the Tribunal. I still think that a rise to £30,000 will still send a powerful message and will change the culture because sexual harassment in any workplace is abhorrent and should not be tolerated by anybody. I want to make that clear. Deputy Renouf spoke about the rising cost for business. Again, when a business seeks advice, they need to know what is the topline of what they are looking at in terms of cost and they factor that into their bottom line. My colleague and party leader, Deputy Bailhache, explained the judicial process very well and he gave a very good account of using the analogy of a police officer; I think sets out the issue very well. Deputy Scott, I could not have put it better myself. Sometimes people get it wrong, and this amendment is about balance and proportionality. Finally, Deputy Porée, the effect on the person. I do understand the effect on the person. I have sat in rooms with people who have been affected by discrimination. I understand the effect it has on them, their family and their colleagues and friends. This is not blind

and deaf to those problems but what this is is a sensible, reasonable amendment and I ask Members to support it, and I call for the appel.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on the amendment brought by Deputy Ferey. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The amendment has been adopted

<b>POUR: 23</b>		<b>CONTRE: 21</b>		<b>ABSTAINED: 0</b>
Connétable of St. Brelade		Connétable of St. Helier		
Connétable of Trinity		Connétable of St. Martin		
Connétable of St. Peter		Connétable of St. John		
Connétable of Grouville		Connétable of St. Clement		
Connétable of St. Ouen		Connétable of St. Mary		
Connétable of St. Saviour		Deputy G.P. Southern		
Deputy C.F. Labey		Deputy M. Tadier		
Deputy S.G. Luce		Deputy L.M.C. Doublet		
Deputy S.M. Ahier		Deputy M.R. Le Hegarat		
Deputy K.L. Moore		Deputy C.S. Alves		
Deputy P.F.C. Ozouf		Deputy L.J. Farnham		
Deputy Sir P.M. Bailhache		Deputy S.Y. Mézec		
Deputy D.J. Warr		Deputy T.A. Coles		
Deputy H.M. Miles		Deputy B.B. de S.V.M. Porée		
Deputy M.R. Scott		Deputy J. Renouf		
Deputy R.E. Binet		Deputy C.D. Curtis		
Deputy M.E. Millar		Deputy L.V. Feltham		
Deputy A. Howell		Deputy H.L. Jeune		
Deputy T.J.A. Binet		Deputy R.S. Kovacs		
Deputy M.R. Ferey		Deputy K.M. Wilson		
Deputy A.F. Curtis		Deputy L.K.F. Stephenson		
Deputy B. Ward				
Deputy M.B. Andrews				

**The Bailiff:**

We now resume debate on Article 8 as now amended. Does any Member wish to speak on Article 8 as amended? Those in favour of adopting Article 8 kindly show. Those against. Do you propose Article 9, the citation provisions, Minister?

**7.5 Deputy L.V. Feltham of St. Helier Central:**

Yes, Sir.

**The Bailiff:**

Is Article 9 seconded? **[Seconded]** Does any Member wish to speak on Article 9? Those in favour of adopting Article 9 kindly show. Those against. Article 9 is adopted in Second Reading. Do you move in Third Reading, Minister?

**7.6 Deputy L.V. Feltham:**

Yes, Sir, and if I may, I would like to say a few words about the 2 further elements of the changes to the employment legislation, both of which are subject to amendment by Ministerial Order. The first relates to the remedy for breaches of contractual rights, for example to a guaranteed bonus payment or notice or holiday pay. The current jurisdictional limit of the Tribunal to compensate such breaches is £10,000 and has been at that level since 2009. The level was set to reflect the then jurisdictional limit of the Petty Debts Court. In 2018, the jurisdictional limit of the Petty Debts Court was increased to £30,000 and I propose that that limit should now also apply to awards by the Employment Tribunal. This, as the Forum points out, will enable the vast majority of awards to be dealt with within the Tribunal's jurisdictions and avoid the need for successful claimants to incur financial costs and delay by having to go to the Petty Debts Court or the Royal Court if their award, or any part of it, exceeds the current £10,000 limit. The second element relates to the recommendations of the Forum in relation to claims for unfair dismissal. The Forum proposes that the scale of compensation should be extended. Currently the scale prescribes a maximum of only 5-plus years' services for an employee to receive the maximum financial award. The scale is based on the number of weeks' pay an employee is entitled to depending on the length of service. I agree with the Forum that 2 further levels should be added to reflect longer employee service. Higher compensation awards will apply to those employees who have completed more than 10 years' service and more than 15 years' service respectively.

**The Bailiff:**

You move to adopt the law in Third Reading.

**Deputy L.V. Feltham:**

Yes, I do, sorry.

**The Bailiff:**

Is the law seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Deputy Tadier, you call for the appel. Does any Member wish to speak?

**7.6.1 Deputy M. Tadier:**

In the Third Reading, I am interested to maybe give some thoughts about the process by which these changes happen or do not happen, and I get the strong feeling that in Jersey we have a way of doing human rights that is very piecemeal. For example, we find ourselves in a strange situation where we have a Children's Rights Commissioner in Jersey. We know that came about in reaction to a specific course of events, which was the historic abuse inquiry and the recommendations that came from that. Yet, there are not just children that live in our community; there are adults. There are lots of people who face discrimination and one of the things that I have suggested that we should have to make sure that when we pass laws like this and consider amendments so that we do not consider things based on emotion or gut feeling - putting the proverbial finger in the air, see which way the wind is blowing - is that we have bodies that are dedicated to this kind of thing. While we do have forums, of course in this case the Employment Forum, we lack that wider consideration and societal debates therefore around issues such as equality and human rights. Where does that come from? It is supported in other places, other countries by well-established equality and human rights commissions that exist, and it is both a body which is able to listen to the public mood and make recommendations on the

basis to those in power and to speak truth to those in power, something which we do not have in Jersey. It has to be said, I think, that often we as politicians - of course, politicians who can come and go - end up listening to the loudest voices. We end up listening to the ones who vote at election times, the ones who know how to get in contact with us, the ones who know our phones numbers and our email addresses, and we do not really have necessarily much contact or knowledge of what is wanted by those who maybe do not have that same level of empowerment that others may have. When it comes to these laws that we pass, which include about levels of compensation for loss and harm, it is with those considerations in mind rather than maybe the objective considerations that might arise from a wiser, profound consideration from a body whose specific purpose is to deal with these questions. I am also not blind or deaf to the fact that we often do not listen to certain voices of people who settle in the Island, and they say, of course, it is a beautiful place to live and even drive. On the way back here from lunch, I had to stop no more than 3 or 4 times behind a car - I was on my scooter - who was letting people out from roads where they did not need to be let out because there was nobody behind us. When the car stopped, we had to stop for about maybe 10 seconds because the traffic on the other side was still coming so nobody was any better off. Everybody was worse off but the intention was at least clear that they felt that they wanted to do something right. The point I would make in that illustration is that good intentions are not always sufficient. Things have to often be done properly, and it is really important that we listen to people saying: "Why is it that things are done like this in Jersey?" and we cannot simply always say that is just the way we do things in Jersey. It has to be light touch. Sometimes there is ultimately a need, if we want to be a well-respected jurisdiction, that we do things properly. So what we have seen today, I think, is in the Third Reading we are passing something which has been amended, which we have to do now, I think many of us half-heartedly because it was not what was set out to be the original intention. It is something unfortunately which the Government I think has been divided on. There has been, of course, a good indication from this Chief Minister and the key mover of the proposition, but she has not been supported more widely by her Ministerial colleagues, many of whom have not even spoken, I do not think, once in this debate to justify the way that they have voted but they have simply gone on being a Government within a Government. I think it will be interesting to see what the message is that this Government would be wanting to send out on the back of that in terms of its commitment to human rights, its commitment to anti-discrimination principles, when in fact what we are doing here I think is very half-hearted, very lukewarm and something which I think is going to be very difficult for some of us to vote for.

#### **7.6.2 Deputy L.J. Farnham:**

Just following on from the previous speaker, I wanted to start by thanking the Minister for Social Security and, indeed, all of the Ministers. I think there is no shame whatsoever in a Government that has been referred to as a truly national Government representing a broad church of political views across the interests of our Island; there is no shame in sometimes the fact that we do not always agree. Different viewpoints contribute to a more comprehensive understanding of the issues and I can say we have had comprehensive and productive discussions, sometimes challenging, around the Council of Ministers table on many occasions, not least this one. I want to thank all Members for conducting a healthy and respectful debate. Of course, constructive disagreement fosters debate, which is essential to our democratic process. Disagreements act as a check on power when politicians challenge each other's ideas. It prevents any single ideology from dominating the agenda. So yes, we recognise there has been disagreement. I know it has been frustrating for some, but again I think it is useful. It has certainly meant we have had an in-depth discussion. I know the outcome is not something that the Minister, myself and some other Ministerial colleagues wanted, but the approval of these regulations now in their final reading mark a significant and welcome step forward and I want to recognise that, the work the Minister has done, and thank the Council of Ministers and the Assembly for a constructive debate.

[15:30]



**The Bailiff:**

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, I close the debate and call upon the Minister to respond.

**7.6.3 Deputy L.V. Feltham:**

I thank the Chief Minister for his support. Just to refer to Deputy Tadier, he will, of course, know that we have a shared manifesto commitment towards the establishment of a human rights commission, so we do have a shared commitment to that. I do want to say I am, of course, disappointed that the Assembly voted and accepted the amendments and did not support the recommendations of the Employment Forum, but I do wish to reaffirm my commitment to beating all forms of discrimination on this Island. **[Approbation]** No matter where we have got to today, I think the debate has been a useful one, not least because it has given the general public a good opportunity to see where Members stand on this particular position. But we are taking a step forward with these regulations and I encourage all Members to vote in favour of them.

**The Bailiff:**

Do you call for the appel?

**Deputy L.V. Feltham:**

Yes, Sir.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on adoption of P.78 as amended in Third Reading. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The law has been adopted in Third Reading:

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy L.M.C. Doublet				

Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

## 8. Evidence-Based Energy Strategy (P.11/2025)

### The Bailiff:

The next item of Public Business is Evidence-Based Energy Strategy lodged by Deputy Jeune. The main responder is the Minister for the Environment. There are 2 amendments, one lodged by Deputy Ozouf and one by the Minister for the Environment. Deputy Jeune, before we start, are you minded to accept either or both of those amendments?

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

I am minded to accept the Minister's amendments but not Deputy Ozouf's.

### The Bailiff:

In which case, do Members agree that we can take this proposition as read with the Minister's amendment? Very well. I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion - (a) to request the Council of Ministers to develop, and before 31st December 2026 start implementing, an evidence-based energy strategy that sets out Jersey's long-term energy requirements and balances the need for affordability, safety, security, a market that delivers competitive outcomes and carbon neutrality of the energy sector in Jersey; and (b) to request the Council of Ministers to bring forward any necessary legislative changes subsequent to the implementation of the energy strategy, for approval by the Assembly before the 31st of December 2027.

**8.1 Deputy H.L. Jeune:**

My proposition is a simple one. I am asking that an evidence-based energy strategy be developed by the end of 2026 and that any necessary legislative changes or policy development follow by the end of 2027. You may ask why this is needed, given existing commitments agreed by the Assembly through the Bridging Island Plan, which committed to exploring Jersey's long-term energy needs, including infrastructure, economic requirements, regulation and land use, to inform the next Island Plan and the Carbon Neutral Roadmap, which outlines strategic policy 2, Island energy markets, which called for an energy strategy with clear and accountable political leadership to be developed by 2024. Both these commitments were agreed by the previous States Assembly, albeit as part of much larger documents that contain a lot of strategic requirements, direction and plans. Many of us were not part of those discussions and decisions and may not have noticed these details. What is a concern is that we have missed the key deadlines set in those documents to deliver such a strategy and review of Jersey's energy needs, so this is the crux of my proposition. It is not duplicating efforts, it is re-establishing accountability and giving this current Assembly the chance to reaffirm political will. I asked questions of the new Council of Ministers when they were appointed about energy leadership and direction. There has been no clear prioritised commitment to finalising an energy strategy. The Environment, Housing and Infrastructure Scrutiny Panel had to amend this Council of Ministers' Common Strategic Policy to ensure that the delivery of the Carbon Neutral Roadmap was part of their priorities, the energy strategy being a key deliverable within it. If we had not done this, we can see with hindsight and with continued emphasis coming from the Council of Ministers themselves that anything not contained within the Common Strategic Policy has been deprioritised and resources reduced substantially. Without the Scrutiny Panel's intervention, focus on energy would have been completely deprioritised under this Council of Ministers. Even in the Cabinet Office's Business Plan for 2025, when it comes to energy policy the focus is on offshore wind and the C. and A.G. (Comptroller and Auditor General) recommendations. There is no mention of focusing resources on developing an overall energy strategy for this year, and I am sceptical that solely focusing on the C. and A.G. recommendations during 2025 is enough to build comprehensive evidence across the supply chain or to consult stakeholders to ensure there is solid ground to deliver an evidence-based strategy by 2026. In the Bridging Island Plan policy area of the Cabinet Office's Business Plan, there is no mention in 2025 of work to be done on strategic proposal 2 on understanding the long-term requirements of Jersey's energy market. Also, in a letter to the Environment, Housing and Infrastructure Scrutiny Panel in January this year, progress of this particular strategic proposal under the Bridging Island Plan was marked as R.A.G. (red, amber, green) status orange, i.e. delayed and not on track, with the current status being focus on offshore wind and for work to be further developed addressing markets and pricing under energy policy work. Great, but then there is no mention in the energy policy work under the Cabinet Office Business Plan to work on this, so therefore where is it? It is hard to keep track with all these different documents and all these different decisions that should be made and then when it comes to the plans they are not there. We even heard from the Minister for Infrastructure that though he told the Assembly in March

2024 that he was undertaking a review of the Jersey Gas Company law around the powers to introduce price regulation, this morning he told the Assembly this work never happened without any real explanation as to why it was deprioritised over a year ago. Though I welcome the Minister for the Environment's support for this proposition, I am disappointed that deadlines have continued to be pushed, including even by the amendment from the Minister, and a piecemeal approach seems to still be at play, where we are told one thing is happening and a few months later or in fact over a year later we are told other priorities have taken over. Therefore, my proposition aims to provide this current Assembly the opportunity to give a firm political steer that developing and delivering an energy strategy is critical and must be prioritised now. Without a clear and current mandate with specific public deadlines that send a clear signal of intent, I am concerned that we risk continuing inaction. This lack of prioritisation and action and missed deadlines has consequences. The 2024 C. and A.G. report on critical infrastructure resilience, focusing on energy, found that Government arrangements to assure the resilience of energy supply in Jersey are weak. Arrangements for ensuring the monitoring, reporting and scrutinising of resilience information by operators and owners of critical infrastructure for energy is not established. Overall, there is a lack of coherent, joined-up approach across government with unclear roles and responsibilities. While the Minister for the Environment says in his comments paper that he views his role as a convener in energy policy, we must ask: is that enough to drive the leadership and co-ordination that the challenge in this area requires? Any current legislative powers are scattered around different Ministers. The C. and A.G. also recommends that in line with the development of a new resilience law, current laws are updated that govern energy provision so that they are aligned, fit for purpose and drive high standards of resilience. But can this effectively be done without understanding what Jersey wants to achieve from its energy system? The Jersey Competition Regulatory Authority's final report on the electricity market published this year in January found that while current outcomes such as price stability, service quality and efficiency compare favourably with other jurisdictions, there are still significant structural challenges that remain. With Jersey Electricity operating as a vertically integrated monopoly, competition with the market is limited. The report recommended clearer tariff information for consumers, improved support for self-generation and regular performance reviews conducted by J.C.R.A. Crucially, it called on Government to refine its energy policy to create a more resilient and competitive market, with a clearer pathway to carbon neutrality, providing certainty needed for both consumers, suppliers and future investors, i.e. their recommendation was also that it is important for an energy strategy. So is that energy necessary? I believe it is. Jersey imports almost all of its energy, with only 3 per cent generated locally. This heavy reliance on external suppliers makes us vulnerable to supply chain disruptions, price volatility and regulatory decisions beyond our control; 57 per cent of our energy still comes from petroleum products. If we are serious about reducing carbon emissions and meeting our commitments under the Carbon Neutral Roadmap, we need a strategy that accelerates our transition to cleaner energy. There are gaps in legislation and oversight leaving consumers exposed. The Consumer Council and the J.C.R.A. have highlighted the lack of regulation in these key areas, putting Islanders at risk of unfair pricing, limited transparency and service unreliability. There is tension between expected growth and demand for electricity driven by the Carbon Neutral Roadmap and concerns about energy security, capacity and supply sufficiency for the Island. Within this, we face a contradictory challenge. How do we encourage Islanders to reduce their overall energy consumption, improve efficiency and shift behaviours while planning for rising demand from sectors like transport and heating? This creates a difficult balancing act, ensuring adequate supply, incentivising cleaner energy use and promoting conservation, all without placing undue cost burdens on consumers or compromising resilience. Energy price rises have contributed to the cost-of-living crisis over recent years. The R.P.I. fuel component rose sharply by 22.7 per cent in 2022, dipped slightly by 2.2 per cent in 2023 but has risen again by 7.8 per cent in 2024. These averages, however, mask large variations between different fuel types and suppliers, with some households and businesses hit harder depending on their energy source. The latest figures will be published later this week, but Island Energy and Jersey Electricity both increased their prices for

2025 by 7.5 per cent. We are also entering a period of rapid technological change. New energy technologies, emerging transition fuels and innovations in storage and smart grid systems are transforming how energy can be generated, distributed and consumed. These developments present a real opportunity to democratise our energy system, giving households, groups of households and businesses greater control and even the potential to produce and store their own energy. But to unlock these benefits we must ensure that the right strategic frameworks and regulatory structures are in place. This is especially important as we develop future Island Plans so that new infrastructure, housing developments and transport systems align with a vision for an energy system that is safe, affordable, secure, fair and decarbonised, while balancing concerns from Islanders around food security, natural environmental impacts and collective infrastructure disinvestment. Without a guiding strategy, we risk missing these opportunities or creating a system that benefits the few rather than the many. Transitioning to a more resilient and sustainable energy system also requires a skilled workforce. Therefore, we must invest in green skills. From renewable energy to energy efficiency and smart technologies, the shift will require a workforce trained to meet new demands. Developing these skills locally ensures that Islanders can access new job opportunities and help build a resilient, self-sufficient energy sector. Though this has been started under the Carbon Neutral Roadmap, it is only small steps and seems to be at the moment as an add-on. Therefore, my hope is that an overall strategy would align completely with workforce planning, education and economic development to make this transition a reality. This proposition is not about fast-tracking regulation or intervention. I have deliberately avoided being prescriptive in the proposition, even if I have touched on some of the elements the strategy needs to tackle within this speech. Instead, this proposition calls for an evidence-based approach, builds around the pillars of affordability, safety, security, competitiveness and decarbonisation, allows for targeted intervention where needed and market-led solutions where appropriate, and includes a reasonable timeframe to consult, draft and refine a strategy. Delay will only increase risk and worsen our strategic position, a timeframe that we have already been delayed on. It is about creating a foundation for this Assembly to steer the Council of Ministers and ensure the next Government is equipped to finalise and implement a clear energy plan. Our goal for Jersey should be to have a resilient, affordable, sustainable and safe energy system that powers our homes and businesses reliably.

[15:45]

This is not just about energy. It is about protecting our economy, securing our environment, safeguarding the well-being of all Islanders, and promoting innovation and competition. While decarbonisation is a key part of this, the strategy is about energy in all forms. Islanders want their energy in whatever form to be safe, affordable and reliable. Let us move beyond fragmented, short-term solutions or deadlines that keep being pushed back. A well-defined energy strategy will provide clarity for consumers, direction for investors and stability for our economy, and it is needed now.

**The Bailiff:**

So you move the proposition?

**Deputy H.L. Jeune:**

Yes, Sir.

**The Bailiff:**

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

## **8.2 Evidence-Based Energy Strategy (P.11/2025): amendment. (P.11/2025 Amd.)**

**The Bailiff:**

There is an amendment lodged by Deputy Ozouf and I ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 2, paragraph (a) - After paragraph (a), insert a new paragraph (b) as follows and redesignate the subsequent paragraph accordingly - “(b) to request the Council of Ministers to include within the development of the Energy Strategy a comprehensive review of Jersey’s fuel storage and distribution infrastructure, ensuring it is aligned with the objectives of affordability, energy security, market competition, and the Island’s transition to net zero, such review to - (1) assess whether the existing lease arrangements and operational structure of Jersey’s primary fuel storage facility support a competitive and non-discriminatory market, ensuring that all fuel suppliers have fair access at reasonable commercial terms; (2) ensure that any renewal or future lease arrangements for fuel storage facilities, including but not limited to the La Collette Fuel Farm, are subject to an open and transparent competitive tendering process; (3) examine opportunities for optimising fuel storage capacity in light of projected reductions in fossil fuel consumption, ensuring right-sized infrastructure that meets the Island’s resilience needs without excessive cost burdens on consumers; (4) explore whether alternative models for fuel storage management, including the States of Jersey either directly or delegated to an appropriate majority or 100 per cent States-owned entity, potential public-private partnerships or other non-States diversified infrastructure, could enhance both security of supply and consumer pricing; and (5) ensure that the forthcoming Energy Strategy explicitly considers all options for the long-term management of fuel storage in Jersey, including a review of alternative models that separate infrastructure management from fuel supply distribution, in line with the Government’s commitment to energy security and resilience.”.

#### **8.2.1 Deputy P.F.C. Ozouf of St. Saviour:**

I should first of all start with the appearance of a conflict of interest in my declarations of interest. I inherited a garage from my late mother in 2002 and there is a tenant, but my arrangements are such that I do not have any contact. They are all dealt with by third parties so I do not influence anything and I have not been asked to do this speech or deal with anybody. I think that Members would understand that I have a long ...

#### **The Bailiff:**

Yes, I do not think there is a difficulty there. Please carry on.

#### **Deputy P.F.C. Ozouf:**

But there is also the perception of a conflict of interest and I wish to make it clear that in my remarks I make that ...

#### **The Bailiff:**

Yes.

#### **Deputy P.F.C. Ozouf:**

I rise with a somewhat heavy heart, having received the comments on that quite a mouthful of an amendment read so eloquently by the Greffier. I wrote it by myself based upon the experience I have had as a Minister serving the Island and with a strong view about the importance of competitive markets and the ever-increasing over years cost of living problem that Islanders have. I have etched on my political grave, now resuscitated, much about the fuel farm. There is a Member that remembers when she was a journalist, that she first met me in 2000 and I had a spreadsheet showing the cost of fuel in Jersey. There was a Senator Norman that brought a proposition to abolish fuel duties, and as a young, fresh member of the Finance and Economics Committee I was delegated the responsibility of ensuring that the F. and E. (Finance and Economics) Committee of the day did not lose those revenues. I had just done a 12-month fraud investigation into a petroleum business so I knew something about it and the fuel duties for others. I had worked out basically that despite the benevolence of States Members many times heard through Budgets of having low duty prices, in fact Islanders were paying 15p to 20p more per litre than they ought to even given Jersey’s size, but the data had never been looked at. I advanced those arguments as a member of the Finance and

Economics Committee and so we are here today in 2025, and it feels like Groundhog Day. But I am going to be true to my original beliefs, my unswerving attention to competition issues and acting in the public interest, not in the short term for popularity reasons but getting long-term value in an important area of Islanders' and businesses' expenses. We all know that the cost of living in Jersey is rising and one of those areas, as the mover of the proposition has rightly said, is the concern of many individuals on the cost of their energy. This amendment deals with the fossil fuel element of it. We have seen over now 3 terms that the fuel farm, which is the gateway into the Island's energy fuel source ... so if you hold the keys for the fuel farm, you hold the ability for being able to influence, should I say ... I have parliamentary privilege. You can influence. You can if you want, and you used to be able to, set the price because there is no anticompetitive behaviour. We have the Competition Law now and many Members like me will share some frustration in the lack of progress on, notwithstanding not having a competition law, the fact that inflation is rising. There is a problem in the fuel market, which is why I bring this amendment. It is not in any sense, as I made very clear ... this is us against the risk of higher prices than they should be. It is us as a States Assembly acting in the public interest, and I do not regard it as them and us in terms of my observations to the Council of Ministers. So Members will remember that I have asked kindly the Chief Minister whether or not his Council were considering issuing directions under the existing clause of the lease that was issued in 2016, and he kindly responded that notwithstanding the Council of Ministers not having used the triggers that were there to protect the public interest, that he had obtained advice information from Rubis, the current operator, who would be entitled to an automatic renewal of the lease. I basically benefited from that and was reassured from that, and I was somewhat disappointed, therefore, to receive, without any consultation, the comments which I doubt ... I know that this morning many Members did not even know they existed. I do not think Members have likely read - and I am not going to go through them - the comments that were issued on my amendment, which was made some time ago. I could have done this as a standalone proposition but I did so because of the Chief Minister's statement that it was until 30th April that the Council of Ministers could have that extension for not having done the lease clauses before. It is so important that there is competition, that there is due process and tendering of anything valuable. Anything that you can print money with because you just can needs to be properly done, as we have seen in the difficult issues to do with our sea contracts in relation to Condor versus DFDS. I went on DFDS at the weekend and was very pleased to speak with a lot of the staff. I have great hopes for that, but sometimes it needs courage to take on vested interests. Vested interests, if they can, they will. Adam Smith said something about that many years ago. People will fix prices if they can, and who makes them can? Well, we can, we the States of Jersey, by directing Ministers to do certain things. My amendment was trying to get effectively the balance of power into the public so that decisions are made in the public interest, and not just about the issues that I was referring to earlier, the economic, the price issues, but also the important environmental issues that are at the heart of probably many of the issues that Deputy Jeune brought in the underlying proposition. Today we need to be not short term, we need to be long sighted. We need to be making decisions, the right decisions today, which we are going to benefit and avoid disbenefit and particularly rising costs in the future. We need right-size storage facilities which respect and uphold ambitions for net zero, avoiding relics of fossil fuel pasts. We need to explore bold models of how we deal with the effects of climate change, and we see the reduction of traditional 100 per cent fossil fuels. We need innovation. The petroleum industry worldwide has innovated somewhat and everywhere else in the world you fill up your petrol car with a product - it says it on the fuel distributor - that says E10. That means that 10 per cent of that fuel is biofuel, 10 per cent. Everywhere in the developed world, from North America to South America, to Asia-Pacific, the whole of the European Union, the United Kingdom, has had an ethanol requirement for the sale of petrol, except Jersey. Well, I say except Jersey; there is one retailer that does do it because they thought it was legal. They thought that was a legal thing. They could not believe the fact that we did not mandate E10. Now, why do Members suddenly take an interest in E10? Well, E10, if you required E10 to be put in cars ... and I know many Members have electric cars. If they are driving a

diesel car it is called B7 - that is 7 per cent of ethanol in diesel - and then at least 7 per cent is going to be biofuels, but not in Jersey. In fact, what we have allowed is we have allowed the incumbent operator to claim on advertising that they are selling proper fuel, and I say to Members are they comfortable hearing today that the cars that they have purchased in the last 10 to 15 years are being fed by fuel that is the wrong fuel that is tested for the performance results. Cars are built to have E5 and E10 and B7, but no, we need a review I was told. I heard on the radio when I was listening to the net zero review we have not mandated it. It does not apparently matter, but these small things would matter to our carbon emissions. If we mandated E10 and B7, just like the rest of the world do, including islands, but no, we need to review whether E10 would work on our roads I was told. That is what I heard in this place and I thought that was bonkers. History, like a stern tutor, reminds us of missteps of the past. In 2014 there was a notice period to tender the fuel farm that was missed, and it chained the States of Jersey, the public of Jersey, to a requirement of a lease for 10 years and risked, so the *Bailiwick Express* reminded me, a £10 million lawsuit because the States had not exercised the right to tender it at that time on the previous terms. Today we tilt on a similar precipice. Trigger clauses meant to protect the public interest lapsed in July 2024. The Chief Minister said he had an extension, but what effectively that means is we have lost the opportunity and now we have to haggle with an incumbent operator from a weakened position that never should have been the case. I ask Members, do they want to see this folly, this expensive folly which hurts every business, every household that buys fuel, do we want to repeat this folly again? Because there is no doubt that we did last time. It was said that the operator needed millions of pounds worth of investment in the fuel farm. Quite right we need a safe, fire-safe fuel farm that is not going to be exposing ourselves to risk, and they are set out in Buncefield regulations. Fire officers will report that despite their requests of the fuel farm operator to comply with necessary safety firefighting equipment they did not do so, so they left it, of course, until the end and said: "We are only going to make this investment if you do it now" but they should have done it last time. Now, I do not know the facts of what the Minister is talking about with millions of pounds worth of investment, but I have heard it before and I am sceptical. It is right to be sceptical because once bitten, twice shy. The objective to tender the fuel farm facility is the reality that the lease says that we need to buy the equipment. That is a costly burden. It is a costly hurdle and that could stifle competition because effectively you have a barrier to entry. It is not just legalese; what I am talking about is a tax. Do not call it a tax but call it a fuel monopoly tax that has cost Islanders hundreds of pounds every year in their rising heating oil bills and their petrol prices that are higher than they otherwise should be. We do not have V.A.T. (value added tax) at 20 per cent in Jersey. We used to have low fuel duties. Why is our fuel ... I filled up my car in the U.K. and the fuel prices in the U.K. were lower than here. Really? You have 5 per cent G.S.T. (goods and services tax); you have 20 per cent. When you look at it there is a problem, but people are comparing apples and ... people do not mind maybe because they do not use vehicles to such an extent in the U.K., but we have a responsibility to do the right thing and make sure that consumers have choice and that they are delivered with an appropriately-priced product.

[16:00]

Many people have not got time. They are too busy worrying about their wage packets and how much money they have to necessarily go to the right filling station, so they trust that the decisions are correct. Are they? Well, history shows that they have not been. It is extraordinary that we have some garages in Jersey that on the fuel pump says it is E10 going in their cars. Well, of course it is E10 everywhere else, but they cannot find a fuel filling nozzle which says E10. So there is consumer misrepresentation. The reason why the operator claims not to sell E10 is because it is going to cost them some money. Well, everywhere else in the world does it; why can we not do it? I do not accept and I do not think any person, any individual with a basis of simple information, would accept the arguments that Jersey cannot do it. It is simply not sustainable and it is not good for the environment. We have been doing this for years, and it is the first time I am addressing the Assembly on this issue. An alternative operator did set up in Jersey and that alternative operator was a really good thing.



They did not use the fuel farm and still do not, and it is quite extraordinary that they use containers to bring in their fuel, which must be far more expensive than bringing in a barge of fuel and putting it in a pipe and storing it in the fuel farm. But they say, and they are on public record, that the cost of investing hundreds of thousands of pounds designed to deliver effectively competition in Jersey, which was closed previously, even the cost of all those containers, was less than the throughput price which the monopoly fuel farm operated, which is supposed to be fair, but it blatantly is not. I have no evidence today, having now asked some of the fuel operators whether they are satisfied with the operating costs per litre, that they are not. That competition proves ... and many Islanders have as a result ... all garages and fuel fell by a significant amount of money, which was great. So, the threat of competition, the actual arrival of competition, means consumers get better deals and they get better deals from a price but also from those issues such as they get ... Islanders might actually want to have biofuels if they cannot afford an electric car, et cetera. There is an undoubted fact that the fuel farm is a natural monopoly. It was permitted to become an actual company-owned monopoly by a decision of the J.C.R.A. to allow ... formerly the fuel farm was owned by Shell Transport and Trading and Esso, and they then sold. I did say when I was the president of Environment and Public Services that as soon as Shell got a new lease, they would sell it. Well, that is exactly what they did, which is why Rubis bought it. We do not know how much, but they obviously paid a lot of money because the value of the right to supply fuel in Jersey is the lease. So, if you have the lease, you have something worth money. As soon as we gave them the lease, they sold it and, therefore, now Rubis has probably paid a lot of money for that and wants a return on it. But 2 wrongs do not make a right, like Condor. Net zero, we are told by the Council of Ministers they are going to issue a new 15-year lease. Is that compliant with a future structure of biofuels, innovative fuels like hydrogen, more electric? I do not think so. It may well want to be quicker than that according to those people who are wanting to get to net zero. I certainly would like to. We need to make it possible. Resilience is important. Supply disruptions or storms would cripple the Island without a robust and competitively managed fuel farm. But locking ourselves into a 15-year deal, as we are told the Council of Ministers is now going to do, tethers us into a fading era, not a vibrant future. I am not going to speak for much longer on this because I do not think that this matter, which is a matter of huge public importance ... which is why I have raised it consistently and persistently, and as I do in my private life - I do the same in my public life - is I support issues of competition because competition drives down the cost of living. That is not just the price, it is the quality of those goods. I have no doubt that this Assembly over decades has made decisions which have not put the public interest in all its respects, safety, environmental and price, at the heart of its decision-making. It is very difficult to comment on a comments paper which has no real detail. I was very grateful to the Minister for Infrastructure, who I hold no criticism to at all. I know he has a difficult job. He has the latest poisoned chalice of the fuel farm problem, and I respectfully want to be with him and to assist him. Those of us who have been in the States and have known that there have been the missteps taken that I spoke of will know that mistakes have been made which have cost us money. My concern is just simply now that accepting a 15-year new lease because the operator wants it is going to simply not do anything for net zero, not do anything for the environment. There is one more thing. The fuel farm creates, together with another hazardous product, a blast zone at La Collette, which means La Collette, the whole of it, cannot be used for public access to any great extent. In other words, there can be no great numbers of public going down to La Collette. I know that the Minister's excellent recycling centre is very well used, hundreds of Islanders use it, but that land is effectively cast in aspic because of the blast zone. The blast zone exists not because of all the fuels that are stored in the fuel farm. If Members can imagine putting a match next to a bucket of diesel and petrol, I think they will know that it does not ignite if you put a match next to diesel, but it does with petrol. So, the actual hazardous material is petroleum. Without that, because avgas is not stored at the fuel farm anymore, it is stored up at the airport, it would not have that blast zone. I did not know that, but somebody like me would investigate why, why, why, and I found it out, and it is true. There is an issue of gas, but we have dealt with that earlier, apparently, they are going to get biogas, so that is fine. But let us deal with

one thing at a time. If there was a possibility of renegotiating a fuel farm that respected resilience and gave the minimum storage requirements, it kept as much heating oil and other things that businesses and consumers want, that cannot transition yet to electrical, hydrogen, or ground-source heat pumps, then you would lift that entire prohibition of La Collette 2. I ask Members to think about the importance of that. What a fantastic opportunity to reuse that land, have bad neighbours taken out of St. Saviour and, looking at the Constable, I can think of a number of bad neighbour properties in St. Saviour; there is lots of possibilities. Land is scarce, we have got lots of it, and we are not using it wisely down at La Collette, and we can if we think. Now, I am not going to get a fair hearing in this debate, because Members have not had the opportunity. This is far too detailed, really. I latched on to Deputy Jeune's proposition because of the deadline. The Deputy kindly indicated that she was doing it, so I put an amendment to her amendment, having moved the debate forward. But I have then waited ... I know I can do a standalone proposition, I have waited until the Council of Ministers commented. I thought they were going to do something, but now I am in total despair. But there may be despair because Ministers have relied upon information that is not entirely complete. They are busy, I am not criticising, but I know that there is a lot of questions that need to be answered, and they are not going to be answered on the floor of this Assembly this afternoon. So I think it is best, having made those opening remarks, hopefully stimulated some Members' interest to know that this is a serious issue with serious consequences, and serious opportunities to do things better. Better for the Island, better for land use, better for the environment, better for prices, better across the board, than simply making the same decision again and rolling over a lease for another 15, not 10 this time, 15 years. I give notice that I would like to withdraw my amendment. I am going to have helpful discussions with the Minister for Infrastructure, who I have only spoken to at lunchtime, because I asked him to. I was going to be asked to attend the Council of Ministers to discuss my amendment, but I did not get that opportunity. So that is why I have made my amendment, I have received the comment, Members know about it, and I think it is best that we do not spend valuable States time on debating an important amendment, but without the full information because I have not got it. Based upon the Minister's comments only issued on Thursday, there has been no working day since then, it has been 2 bank holidays. I thought it was rather strange that it was issued on Thursday afternoon, but I am not a conspiracy theorist, I was told that it was going to happen, so I think I should withdraw my amendment and I will have discussions, and the Members of the Assembly can rest assured that I am not wasting their time. That I will be back if I cannot see a decision made by the Council of Ministers, upon the advice of their officers, which is manifestly and provenly in the public interest, without favouring or criticising any third party, any operator. Businesses are there, I am a free marketeer, they need to work within boundaries that are acceptable and fair, and what we have had in the past is not fair and what the Council of Ministers is saying at the moment is that they are going to continue what I consider to be an unfairness. There is proof of that with J.C.R.A. decisions being quashed in the Royal Court, et cetera. So regulators do not always get it right. I think I should leave it there. I thank Members for their kind attention and listening, and hopefully having read both my amendment, which I mean every word of it, but now is not the right time. The mover of the proposition does not want to accept it, so I am not really going to get it accepted, so I am not going to waste Members' time, I will withdraw it, and I will come back with those same remarks. But I have now said what I have got to say about the generality of the issues, so I hope I will be more succinct when I bring forward a standalone proposition if it is necessary and if the Council of Ministers press ahead. Under Standing Orders, any lease could be called in, and I give notice that that would happen because it would be the dereliction of duty not to do so.

#### **The Bailiff:**

Deputy Ozouf, you are entitled to withdraw your proposition because the debate has not yet opened, therefore that is treated as withdrawn, and we now move to continue for any debate on the main proposition. Does any Member wish to speak on the proposition?

### **8.3 Evidence-Based Energy Strategy (P.11/2025) - resumption**

### **8.3.1 Deputy S.G. Luce of Grouville and St. Martin:**

I am pleased to rise at this time to respond to the chair of my Scrutiny Panel and Members will have read my comments that I published, provided a bit more detail, and to say how I am working on an energy strategy. Members will also be pleased to know that I do not intend to repeat everything in this speech. But I just want to say that the chairman of Scrutiny, Deputy Jeune, and I are pretty much aligned on this matter. I understand the importance of the strategy. I have already built this into my work programme this year, although, of course, as the Deputy has already said, not quite as quickly as she would like and she is entitled to have that view. Not quite as quickly as I would like, but there are other things that need to be done. Energy is a critical resource for our community and economy and we are fortunate to have a variety of energy providers and a very reliable supply chain in that provision. However, the market is not without its challenges, and we have seen volatility in energy prices in the U.K. and elsewhere, although thankfully we have been sheltered here from the worst of it. We know that new technologies are moving forward and we are moving forward towards net zero, which means changes on how we generate and how we use energy. It is important that we approach these challenges in a joined-up manner and with a view to our long-term energy requirements. The energy strategy that the Deputy is pushing forward, making me push forward with, will help us to do that. It is going to cover a number of Ministerial portfolios as well as other organisations outside of Government. As the Minister with responsibility for an energy policy, my role is something of a convening one, bringing the different stakeholders together. It is important that we are going to look at all aspects of the energy landscape. Our approach to net zero is already set out in the Carbon Neutral Roadmap. However, areas such as resilience and affordability, which have already been mentioned, are equally important and we have seen that in the last few years. They will have to be absolutely considered as part of the strategy. I am aware there have been calls for greater regulation of the energy market. While it is not too early to say one way or the other, an energy strategy will approach this question in an objective and evidence-based way. There is plenty of work going on in the energy space, much of which will contribute to the new strategy. We have been taking action to improve our energy resilience by responding to recommendations made last year by the C. and A.G. and referenced by the Deputy in her opening speech. As I said, work continues on delivering the Carbon Neutral Roadmap, including schemes such as low carbon heating incentives and helping Islanders with the transition to low-carbon heating. The plans for offshore wind are also being developed, and I will be bringing those back to the Assembly later this year.

[16:15]

The amended timeline that the Deputy has kindly agreed to that I proposed in my amendment is part, but certainly not wholly, because of the work on offshore wind. The decision on whether we proceed with plans for a wind farm is closely linked to an energy strategy. It therefore makes sense to bring the wind work back to the Assembly first, with the energy strategy following once that important decision has been made one way or the other. That said, there is still other energy strategy-related work underway, and it is happening both this year and next. Members can rest assured that important evidence-gathering work, stakeholder engagement and discussion, and key areas and tasks related to energy are being addressed in parallel to the development of the energy strategy itself. In conclusion, I would just like to say that this work is already part of my plan, and I am very happy to support the Deputy's proposition, albeit amended very slightly by my amendment.

### **8.3.2 Deputy M.R. Scott of St. Brelade:**

I have limited delegated Ministerial authority in the area of sustainable economic development, but as the Minister is not here, I just thought I would at least say my thoughts on this. It is a really on-point proposition, the need for cohesion in this area that has been mentioned, but also the wish to avoid over-regulation. One thing that I have been raising and discussing separately with energy providers, and indeed with the chief economic adviser as a whole, is simply the concept of modelling, because we do not seem to do a lot of that or see a lot of that in terms of assessing our needs. Even

when it comes to policies, simply starting with a needs analysis, a gaps analysis, these are the sort of terms I find myself using these days, and we need to anticipate so much when it comes to our energy strategy because the technology is changing. Demands and what we see in terms of demands on energy, whether it is on the internet and other areas, need to be anticipated too. All of these are really important in terms of developing something that is going to work for the Island so we can be resilient, so that we can support, hopefully, a growing economy while making it as environmentally friendly as we might. I am briefly going to touch on, notwithstanding the fact that Deputy Ozouf withdrew his amendment, the points that he was raising insofar as there is a contract coming up, and there are points that should be considered, and I think that is very much worth mentioning. Some of the things that should be considered in terms of some of its details, obviously the renewal or the new contract is going to be happening before the anticipated date of this strategy, so it does seem that the choice that he took and the work that the Minister for Infrastructure is going to do is the appropriate way to deal with this. So I am very happy to support this proposition.

### **8.3.3 Deputy P.F.C. Ozouf of St. Saviour:**

I was assuming on the matter of such public importance, maybe Members do not think it is important, but I am grateful for the previous speaker having said at least something that was supportive of what I was trying to achieve. I am grateful for that as an Assistant Minister, and I would like to think that the Minister for the Environment was going to do this anyway, but if it is needed, a proposition by the Deputy to put beyond doubt that commitment in writing and to deal with the generality of the issues concerning a fuel strategy. It cannot be the case that we, as the States Assembly, do not raise the issue of gas as an issue for Islanders in terms of their fuel. We are well aware that there was loss of life. I am not going to stray in any way into a court case. However, at the same time, it is worth noting that the gas in the Island's network is propane. It is not natural gas, which is the gas that consumers that would come here from the U.K. are used to, which is natural gas, which means it percolates through the environment. The gas that is through our pipes in Jersey is propane, and it is a gas that lies and sits at the bottom and does not rise and evaporate into the atmosphere. When I asked the Minister for Infrastructure this morning about the claim that I understand the Island energy firm are making that there is a great future for gas in Jersey, I investigated what that great future was. I know that you can get other biofuels, but what Members were told was wrong. There is no chance that the Minister is going to tender his biogas because he is using it. It is called regenerative economics, I think, doughnut economics and all the rest of it. It is good old-fashioned reuse and recycling. He is making some gas and he is using it to power things, which is reducing the cost of operating his infrastructure plant, and the previous Minister will understand that, and all those that have been on public works, and resource recovery was once a word for it. He is resourcing and recovering. So what does that mean? It is said in jest. The Minister and the department is doing good work in Bellozanne and they are recovering that gas and using it for good purposes, cutting costs of fuel that they would have to buy elsewhere. So then what is the future for Jersey Gas? Well, I do not know. I do not know any other Member that knows. I have heard so many stories over so many years that gas, as Members will know, is the most expensive fuel by a country mile. It is the one that is on doorsteps in St. Saviour, where we do have a gas network extending into the Parish and into estates. The people that we would speak to say that they are being crippled by the cost of gas because it is so expensive. When you speak to the people that are using gas, they are often tenants. The reason why they have gas installation in their properties is that Jersey Gas provided the gas central heating system for free for the developers, so they did not have to pay it, and so Jersey Gas then provides you with a free installation of central heating and all the radiators and then it is for the tenant to pay the costs, but then the costs are enormous so tenants are getting worse off. So there are lots of issues in relation to landlords and tenants and it is not just the things that we hear in the States. There is a problem with the cost of different fuels in Jersey, and Jersey gas is the worst and it is also the most dangerous. Whether or not the matters that are before in another place are proven or otherwise, there is no doubt that there is a serious risk when dealing with what is a far more

dangerous material in those gas pipelines than in any other places that have natural gas in their pipeline networks. So I would ask the Council of Ministers in their considerations of the right energy types, I think that it is probably likely, sadly, that the Island is going to be faced, and the Council of Ministers are going to have to be faced with some big decisions about the choices that the Government - we ultimately, because we make some of those decisions as the Assembly - are going to have to make about what fuels are available in Jersey. What is the right mix? Is there a future for some of those fuels? In a net-zero world we would be all electric. So it must be the case that there must be real concern. It will not have escaped Members' notice to see lots of roads being closed here and there, and signs appearing outside properties. There was one up Trinity Hill just 2 weeks ago, another gas leak, because so many houses have no longer been connected to gas because they cut it off. They can afford it. They change to another fuel. If they have got a garden, they can put a central heating oil thing, they will do that, particularly when the cost of heating oil came down because of the competition issues I raised earlier. People can be empowered to make choices if they can. But many of the people that are on gas cannot because they are tenants. So we, as the public, need to make some real consideration for those householders that are really shackled with gas, and it is dangerous. We must not escape the fact that it is dangerous. It is dangerous. We were supposed to have an energy debate when I moved the proposition today, Deputy Jeune and I said we can have a proper debate on energy in one sitting and we were going to have the amendments to the Gas Law debated. They are important amendments, and that is an issue for another day. But it does highlight the real importance, and I do not like being a broken record, but gas is one of those things that I have raised in this Assembly on many occasions and written memorandums as an outgoing Minister, pleading with my successor Minister to take necessary precautions in the public interest to safeguard the ability for Jersey Gas to do a cleanup if necessary. When the Jersey Gas Works site was sold in town, all the money was sent straight off-Island. I am saying that as a matter of public record. People can go to the Greffe and get the accounts of Jersey Gas and read it for themselves. That is what happened. I asked a Minister that went after me to ensure that exercised the public interests that is in the Gas Law. He did not do it. So the money went off-Island, so Jersey Gas has got no money. That is in their accounts. So, basically, it is really important that we take all of these issues in a balanced and environmental safety and a consumer perspective. I hope that now this debate is clearly drawing to a close, that all of these are important issues. It is the detail that sometimes irritates Members and it is the small things that can get into big things and small risks become big problems. That is the issue that we are facing and the Ministers face, I am sorry to say, with gas. They have some tough decisions, some courageous decisions to take, but they have now got to consider the interests of Islanders and not be bamboozled into the commercial interests that are represented by people who make money and sometimes make monopolistic profits out of that because they can. So I say those remarks in congratulating the Deputy for putting, for the avoidance of doubt, that the Council of Ministers is going to do something and wish the Council of Ministers well in doing what the Deputy is asking them to do in all respects for the benefit of Islanders' purses, the environment and their safety.

#### **8.3.4 Deputy J. Renouf of St. Brelade:**

I have got one main point to make, but I would like to say that I want to express appreciation for Deputy Ozouf raising these points and certainly in regard to the fuel farm. It sits uneasily with me that that renewal has happened so much behind closed doors without any real discussion of the implications for it. I hope that there is a chance via possibly a separate proposition or related to an order to properly debate those issues, because it seems to me, from reading the Minister's notes on this, that I cannot see any circumstances in which the Government would have turned down a new lease given the reasoning that they applied. That seemed to me to be very disturbing. But the main point I want to make is just to switch the nature of the debate a little bit really, because we have talked a lot about problems that an energy strategy has to address and the things that have to be resolved within that. But I think we should also talk about opportunity. The point about an energy strategy

for me is that we are, as an Island, pretty fortunate. Yes, we have some weaknesses in terms of our need to import fuels and so on. But we also have some pretty significant advantages, partly which derive from our control over what happens in this territory. But also we do have a terrific opportunity with a wind farm. We are fortunate to have access to an energy resource of the future available at a relatively low price in a way that very few places do. I have said elsewhere that had we discovered oil off Corbière 60 years ago I think there is a reasonable chance we would have been thrilled at that prospect. We would have wanted to leap at the opportunity of exploiting that resource, because oil was the energy source of the time. Now we have a renewable energy source also available to us, and it represents an opportunity, an economic opportunity obviously, but it also is an opportunity in terms of resilience of our economy and resilience of our energy supplies, our energy independence.

[16:30]

It opens up new economic opportunities that multiply from having that resource. So I would like to just switch the attention to thinking about energy strategy in terms of the opportunity it gives us. We have the opportunity through the energy strategy to address issues around, say, fuel poverty by trying to accelerate possibly the insulation of buildings, having a strategy to reduce energy use where we can. We have the opportunity to take a lead, as several people have said, on net zero, which again delivers a whole suite of new economic opportunities which relate to the future of this Island and give us hope for the future, because this is where the world is going and we have the opportunity to seize some of those new options. Yes, there are conflicts and, yes, there are tensions, but that is exactly what the strategy is designed to help resolve, and to do so hopefully in an open and transparent and evidence-based way. So I welcome this proposition. I think it is brought from a good place. It is great to see a Minister and a chair of Scrutiny working together in a positive way, and I very much look forward to seeing the work on this progress, hopefully without any further delays.

**The Bailiff:**

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

**8.3.5 Deputy H.L. Jeune:**

Thank you to all those Members who have contributed to the debate, and I thank the Minister for supporting this proposition. As he knows and has experienced, I will continue to follow up on this work and this area to ensure that this will be the final deadline and it will not get pushed again. He knows how dogged I can be with asking about this, so I will be asking him regularly. Deputy Scott made some very good points, especially around the need for modelling, and this should be part of any evidence-gathering data. It was disappointing for me also that Deputy Ozouf felt he had to withdraw this amendment, meaning we could not hear other Members' responses to what he has raised, including from the Minister, as I think it is relevant, though too prescriptive for this specific proposition. If I was to agree to these amendments, I or we should be just as rigorous in prescribing questions or dictating direction of travel on other elements of the supply chain, and I do not believe that is how a strategy should be developed. However, Deputy Ozouf did raise some very important points and Deputy Renouf raised that again, and I think it would have been very important for us to have heard from other Members and the Minister in this regard, and I hope that Deputy Ozouf brings this in another form for us to have this kind of debate and discussions around the fuel storage and the fuel farm going forward. Deputy Renouf made some excellent points about using this as an opportunity for a strategy and being positive about this, including the future. As I said, we are rapidly changing globally around energy transformation, and Jersey has a real opportunity with being forerunners or at least part of that transition. Also, of course, being better with energy efficiency and reducing fuel poverty is something that I think is really important that the strategy should develop. I do not want to rehash my speech, though I have some very special audience members in the public gallery that I would have liked to have heard my speech at the beginning of this proposition, but I

wanted to emphasise that developing a strategy is important as it will address accumulating issues that we have heard about, such as recent developments in energy affordability or lack of affordability, grid access, storage facilities, safety concerns and market dynamics. This demands a comprehensive understanding before implementing any solutions, so a strategy will help us decide where to regulate and where to let the market work. I am really glad that the Minister has seen that a strategy in this instance is positive. Sometimes we hear in this Assembly that a strategy is not needed, but in this instance I believe that a strategy is needed because we need to know where to regulate and where to let the market work. Without a framework, regulation could happen reactively and not strategically. If we want our energy system to work for everyone, we need a joined-up approach that looks at the entire supply chain at every stage and is guided by the clear analysis around the pillars of affordability, safety, reliability, fairness and our climate commitments. I would like to encourage Members to vote to support this proposition and I call for the appel.

### **The Bailiff:**

The appel is called for and I invite Members to return to their seats. The vote is on Deputy Jeune's proposition, Evidence-Based Energy Strategy, P.11, and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The proposition has been adopted:

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				

Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

## **9. Draft Single-Use Plastics etc. (Restrictions) (Jersey) Amendment No. 2 Law 202-(P.19/2025)**

### **The Bailiff:**

The next item of Public Business is the Draft Single-Use Plastics (Restrictions) (Jersey) Amendment No. 2 Law lodged by the Minister for Infrastructure. The main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the citation.

### **The Deputy Greffier of the States:**

Draft Single-Use Plastics etc. (Restrictions) (Jersey) Amendment No. 2 Law 202-. A law to amend further the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

### **9.1 Connétable A.N. Jehan of St. John (The Minister for Infrastructure):**

I hope that this is one of the most straightforward amendments to legislation that will come before this Assembly. **[Laughter]** I should be careful what I wish for. It is to amend an incorrect reference which has come to light in the Single-Use Plastics Law. The amendment to the 2021 Law, which was adopted by the Assembly in December 2024 and has now received Royal Assent, unfortunately makes an incorrect reference in Article 7 to the Royal Court when this should in fact be a reference to the Magistrate's Court. This amendment makes that correction. It would, of course, have been



preferable if this had been picked up prior to the amendment law being adopted last December. This is an inadvertent mistake that happens, and it falls into that category and I move the principles.

**The Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Those in favour of adopting the principles kindly show. Those against? The principles are adopted. Does the Chair of the Environment, Housing and Infrastructure Scrutiny Panel wish to scrutinise this matter?

**Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair, Environment, Housing and Infrastructure Scrutiny Panel):**

After serious consideration, we have decided not to.

**The Bailiff:**

Okay, right. How do you wish to propose the Articles?

**The Connétable of St. John:**

*En bloc.*

**The Bailiff:**

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

**The Connétable of St. John:**

Yes, please. Can I thank Members for their support? Thank you.

**The Bailiff:**

Are the Articles seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting in Third Reading? The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The law has been adopted in Third Reading:

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				

Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

## **10. Organ Donation Memorial (P.25/2025)**

### **The Bailiff:**

The next item of Public Business is the Organ Donation Memorial lodged by Deputy Stephenson and the main responder is the Minister for Health and Social Services. I ask the Greffier to read the proposition.

### **The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion - to request the Council of Ministers to take the necessary steps to ensure that a public memorial to organ donation is provided as part of the planning commitment to the Acute Hospital at Overdale or any subsequent hospital developments to the Percentage for Art scheme.

### **10.1 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter:**

I am pleased to bring this, what I am also going to call a simple proposition, to the House. It seems to have been a good luck charm for the last 2 speakers, so I am going to say it myself. But hopefully a positive proposition as well, where we can hopefully send a clear message from this Assembly, not only to the families of donors who have already given such a precious gift, but to those who may go on to in the future and really to say how grateful we are to them. I also believe this is an opportunity for our community to keep the conversation around organ donation going, as well as to encourage healthy conversations around death and personal wishes. By way of a bit of background, I have some personal experience. My late Mum was an organ donor 20 or so years ago and that experience for my family, although obviously very difficult and unexpected at the time, it was, to use the word again, a simple decision for us. We were most worried about raising the discussion with my Nan. She was a very religious woman, but she was one of the most vocal supporters of that decision. We knew my Mum's wishes very clearly. She carried an organ donor card. For us, it was simple. I know that that is not the case for everybody. I absolutely acknowledge that it is a very sensitive subject, but that is just some personal experience. That then led me, in my years when I started working as a local journalist, to have a real interest in this area and to start asking some questions around Jersey's experience. It was at the time that this Assembly was also starting to talk about organ donation and former Deputy Roy Le Hérisier was bringing propositions to the Assembly to talk about looking at the way Jersey's policies around organ donation worked. I think Deputy Tadier was also involved as well at the time. Then later, the former Minister for Health and Social Services Andrew Green, was responsible for bringing proposals to this Assembly for an opt-out system for organ donation. That system has now been in place since April 2018 and that law means that consent is implied unless specified otherwise. Just to carry on with the background story so you understand where I am coming from. During that time I, as a journalist, interviewed lots and lots of families with lived experience of organ donation. That included those who had made that difficult decision as they were losing a loved one to donate organs to those who were waiting for transplants themselves to the families of transplant patients and many, many others. The discussion around having a memorial came up a lot. I have continued to talk to many of those people in the years since and still do with some of them, and it continues to be a discussion point. Jersey still does not have a memorial and we do have conversations that it would be good to have one. I would also say that, since those debates in this Assembly, in many ways the conversation locally around organ donation has gone quite quiet and it would be nice to start talking about it again and to have some kind of permanent reminder which can encourage people to think perhaps when they are passing or when they see a statue or a piece of art or whatever it could end up being. Other jurisdictions have memorials around the world particularly in the U.K. There is a U.K. national memorial in Staffordshire and anyone who has had the opportunity to read my report accompanying the proposition will see that there are links there to some of those examples of memorials that exist. They are very varied and they can be anything from a piece of artwork on a wall to a statue to a whole memorial garden in the grounds of a hospital or elsewhere. This proposition is not asking for any details to be agreed. It is not saying where a memorial should be, what it should look like, even how much exactly should be spent on it. It is just asking for this Assembly to agree the principle; the principle that the memorial should be funded and developed as part of the new hospital's commitment to public art under the Percentage for Art planning obligation. So how will it work? The mechanism for such a memorial to be created already exists.

[16:45]

I have engaged with the Minister for Health and Social Services and the hospital team who have confirmed that it would sit nicely within the therapeutic art strategy that they are already developing. That would include public consultation, engagement with those with lived experience, and more. I have reassurances from them that it would all be very sensitively carried out. I know that is something that the Minister is very, very aware of to make sure that that happens. The funding also already exists as part of that work. I am not asking for any new money to be allocated here or, as I say, for a figure to be put on the memorial at this stage. So I just reiterate that I am grateful to the Minister and his team for their engagement and for their positive response. In which case some may ask why should we debate it at all, and I just want to say to that really that it is ... as I outlined at the beginning, it gives us an opportunity to have a positive, healthy conversation around donation and talking about our wishes after death. We also know, particularly when it comes to new hospitals, things do not always necessarily go to plan and we are only a year away from an election. I would like to have a States Assembly decision to back up this principle, which hopefully can transcend Assemblies if it should ever need to. Hopefully it will not be, but just in case. I would also like to thank Deputy Bailhache as well who suggested, when I was developing this proposition, that I add those who donate blood to this proposal as well, and I think that is an extremely good idea. Those who donate blood do make an important contribution in our community and they save lives as well. I would just add of course organ donation does not just apply to those who have died. We do have living donors as well, stem cell donors, people who donate kidneys and all sorts. As of March there were 7 Islanders currently waiting for transplants, that is 7 people in our community who would benefit from donors being found for them, 7 people whose lives are potentially in danger if donors are not found for them. I recognise that organ donation can be a very sensitive subject and I have no doubt that Members recognise that too. Not everyone will agree with donation and not everyone will want to be a donor, and that is absolutely their right. But we also should not be afraid of talking about it and we certainly should not shy away from publicly recognising, in a sensitive and of course appropriate way, those who have given the gift of life to others in this way. I make the proposition.

#### **The Bailiff:**

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

#### **10.1.1 Deputy T. Binet of St. Saviour**

It may be helpful for me to speak at this point. As Members will know, the Council of Ministers and I are very happy to support the Deputy's proposal to take the necessary steps to include a public memorial to organ donation as part of the Percentage for Art scheme at the new hospital. I am sure we all recognise the profound impact of organ and tissue donation in saving and transforming lives, and in Jersey both deceased and living donors along with their families have made extraordinary contributions to the health and well-being of others. So it is certainly right that their kindness should be recognised and remembered. The new hospital scheme has a strong commitment to public arts and work is already underway to develop a therapeutic arts strategy so the timing of this proposal is particularly appropriate. As Deputy Stephenson has already explained, incorporating public memorials to organ donors is a pretty common feature in the development of Percentage for Art schemes within healthcare settings. Given the sensitive nature of organ donation and the fact that it is well recognised, the Council would just like to emphasise the fact that any initiative of this nature must be handled very delicately to ensure it is both impactful and respectful. It is crucial that the memorial does not intrude or distress current patients who may be facing life-changing or life-threatening conditions. So it may be helpful for me to tell Members that we have got great confidence in the programme's art adviser who is going to lead this aspect in the art strategy in collaboration with the new hospital team. This particular arts adviser has successfully integrated organ donation memorials into healthcare arts strategies in the past, including one at Great Ormond Street Hospital. I think this experience will help the memorial to be developed through proper consultation and engagement and then delivered sensitively and appropriately.

### **10.1.2 Deputy M. Tadier of St. Brelade:**

The speaker did reference me as somebody who has shown an interest in organ donation. Really there were others like Deputy Le Hérissier who I think was maybe ahead of his time in the Jersey context for pushing us towards the ultimate opt-out system that we have today. I was looking at a very good quote in fact from, not this current Dean, but a previous one who made the point with Deputy Martin, who was the Assistant Minister for Health and Social Services. He said that: “There were many of us who would love to see an opt-out system on the very sensible grounds of love thy neighbour as when I do not need my kidneys anymore I am not going to need them in heaven either. Somebody else is very welcome to them. Would she accept that from me?” She said: “I thank him for his donation.” I do not think he was quite donating his kidneys at that point but I think the spirit was well intended. I was also quite moved by Deputy Stephenson’s personal story. There is often a personal story behind these areas. I am only going to speak very briefly because I am interested of course in organ donation but I am interested in sculpture, in particular. We do not necessarily have enough of it and there was a time of course in Jersey pre-1990s when there was not a lot of modern sculpture that was being created. There was the establishment of the Public Sculpture Trust. I would like to ask, I do not know if this is something the mover of the proposition could answer, but certainly from a Ministerial point of view I metaphorically figuratively look at the Minister with responsibility for Island identity and I would put the question to any of the Ministers or Assistant Ministers for Sustainable Economic Development because that is where culture lies now, about finding out whether or not the Public Sculpture Trust still exists, whether they could have some input into it. I was also asked a question very recently by some tourists in fact about whether some of the sculpture in Jersey was done by local artists, and I really had to scratch my head because certainly in St. Helier I do not think that is the case. We have got a very good artist in Derek Tristram; timely, in a sense, with the 30th anniversary of when Channiland hit the rocks by Corbière was this week. He is a very well-known sculptor and the sculpture that stands at Corbière is one of his works. So I am not necessarily saying that this should be something which is commissioned from a local artist, but I think expressions of interest should be sought from local sculptors because they do exist over here and it might also be nice for them to have input. But similarly, it should be something that speaks to as wide a variety of people as possible, but primarily those who have donated. I am also minded that now we are all potential donors because if something happens to us our organs can be used if they are in such a state as to be of use to anyone else, hopefully that will be the case. But in the past of course it was an opt-in system and very few people were opting in, and I think we need to give special recognition to those who did make that decision, whether in life or for their organs on their expiry. I too am pleased that blood has been included. I must admit, I am not a blood donor, I do not particularly like needles and I do not particularly like to give blood unless I need it for specific reasons to do with my own health. I have full admiration for those who do but I also cannot help chuckling as soon as I heard blood donation; I am taken back to the blood donor sketch from Tony Hancock when he says: “A pint? That is very nearly an armful, Sir.” So I am mindful that even giving blood - which is so vital for so many people - is still quite a big ask of some of us. Who knows, I may well even get around to that one day.

### **10.1.3 Connétable K.C. Lewis of St. Saviour:**

Yes, this is something I can support and I am also a great supporter of blood donation and organ donation. I cannot donate blood anymore apparently because, being on medication, anyone that has my blood will light up like a Christmas tree. But apparently, being teetotal most of my life, my kidneys are in very good condition so people are more than welcome to have those. Not much else worth salvaging, I dare say. But this is something I can support 100 per cent, thank you.

### **The Bailiff:**

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

#### 10.1.4 Deputy L.K.F. Stephenson:

I am grateful to those Members who have spoken. I would just reiterate once again my thanks to the Minister and his team; it is very nice to have something to so clearly agree on with the Minister for Health and Social Services. Thanks also to Deputy Bailhache, as I said earlier. Those people who I did not say a thank you to in my opening speech, I think I neglected to mention, were also the medics who work in this area because it is certainly not an easy job to do, they are not easy conversations to have with people and they are caring for people in some very serious situations there as well. I know we have a small but very dedicated team who have a specialist interest as well in organ donation and will make it possible, because Jersey is slightly more complex than places on the mainland. I do not like to say that but being on a mainland helps so it is slightly more complicated for Jersey, but they do make it happen. Of course a thank you to all the donors and their families and loved ones who have supported their decisions over the years or will go on to in the future as well. Just to pick up on a couple of Deputy Tadier's points, many of which I agree with. I think we have had discussions now and again similarly. The Public Sculpture Trust is a conversation I tried to start at one point, to find out myself if it still exists. My understanding was something similar was trying to be developed; whether it has got off the ground I am not sure but perhaps that is something that the Deputy and I could follow up with the Minister for Sustainable Economic Development and others to find out as well. I will admit I did briefly consider whether I should include a stipulation that it should be a local artist in the proposition but ultimately decided not to. I know the other area that we have spoken about - the Deputy and I - is that we would like to see more public art recognising women, but also perhaps from female artists as well. So just to conclude finally, I would just say that for anybody inspired today to find out more or to take any kind of action, there are various things that we can do today as a community. We can still register our decisions to donate or to opt-out and you do that by visiting the National Organ Donor website, because Jersey is a part of the national register. We do not like to think of ourselves as part of the U.K., we are not a part of the U.K., but when it comes to the Organ Donor Register we absolutely are. That is where Islanders waiting for transplants would get those transplants from and where anything donated from Jersey would go into that system as well. So you can register; you can also opt-out from there as well. You can talk to your loved ones about your wishes and theirs too, and I think that is something that as a community we are talking a lot more about; we did in a recent debate about end-of- life care and wishes as well. You can also become a living donor and you can join things like the Anthony Nolan register for stem cell donation, and that is a very good way to start that if needed. You can also donate blood. Thank you; I am very grateful to Members for listening and I ask for the appel.

#### The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on Organ Donation Memorial by Deputy Stephenson, and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. The proposition has been adopted:

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				

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

## **11. Increase in Assets and Savings Threshold for the Affordable Housing Gateway (P.26/2025)**

### **The Bailiff:**

the final item of Public Business is Increase in Assets and Savings Threshold for the Affordable Housing Gateway lodged by Deputy Warr. The main respondent is the Minister for Housing. I ask the Greffier to read the proposition.

### **The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion - to request the Minister for Housing to increase the qualification criteria for savings and assets allowable to enter the Affordable Housing Gateway to £200,000 for individuals of pensionable age.

[17:00]

### **11.1 Deputy D.J. Warr of St. Helier South:**

I have read carefully the Minister's report in which he says that my proposition should be rejected by this Assembly. He does, however, agree with its principle and apparently wants to go further. The reason I am pressing on with my proposition is because of the absence of data. I know the Minister has said in the past that he is not a data-driven politician and that he goes by experience rather than data. That is fine in theory, however, when there is more demand for resource than there is supply you need data to inform your decisions, particularly when we are dealing with the provision of homes for Islanders. I have tried very hard in my proposition to use the evidence that is publicly available to inform the numbers to which I refer. I have been very cautious in my approach and see my proposition as action today with a longer-term policy being developed by the Minister when he has the data to inform such policy; dare I say a roadmap. I do not understand what has driven the Minister to make such an extreme move to completely abolish the savings threshold without providing any evidence as to its ramifications. It brought to mind that famous sequence in the movie - and I know I am going to get into trouble here - "The Italian Job" and the complete destruction of the van when ...

### **The Bailiff:**

No, no, no, no, Deputy. **[Laughter]** Not unless you are prepared to edit it significantly.

### **Deputy D.J. Warr:**

I will edit it significantly but I think we get the gist here. "The Italian Job" and the complete destruction of the van when testing the level of explosives needed for the heist. It led to the infamous Michael Caine line: "You're only supposed to blow the doors off." That is the purpose of my proposition. The data informs the next stop. I do not want to blow up the Housing Gateway. The proposition came about because of an encounter with one of my constituents. The more I thought about it the more it became apparent to me that we are forgetting about many of the people who have given their life to this Island but now find themselves just existing despite owning their own home. Frightened to put on the heating, unable to pay for the upkeep of their home, and uncertain as to what the future holds for them; simply existing day to day. Yet the Minister says in his report that these individuals are sheltered from the high cost of housing. I disagree and believe that choosing between heating and eating is unacceptable in our Island. Consider the petition brought recently to the Assembly with 5,000 signatories to exempt social security old age pension income from tax. We, as an Assembly, chose to reject that, but it has left many pensioners feeling incredibly aggrieved. Today we can start to redress the balance. I object to the Minister's line that the proposition presents a false argument as it conflates minimum wage and State pension. The point I make is that for one group of people £466 is considered a living weekly wage, while for another group of people, because of their age apparently, just £286 is sufficient. Are we tolerant of pensioner poverty and age discrimination?



If not we should have a target figure for a living pension which is as important as a living wage. I disagree with the Minister for Housing's approach. There are 5,200 pensioners in relative low income after housing costs. That is a big number, and if we were to allow all of them immediate access to the Housing Gateway it would be overwhelmed. Simply put, we would be giving hope where there is none. This is where the data is so important because the cohort who own their own home and have no mortgage could be around 988 pensioners, still a big number. So which figure do we build policy around; 5,200 or 988? Data, data, data. We do know that Andium Homes' build programme is delivering hundreds of new homes for Islanders, therefore it is reasonable to open access to these homes to a wider cohort of Islanders, but it has to be carefully considered because we cannot help everyone straight away and it is vital that the most vulnerable are the ones that get support first. By increasing the savings threshold from £70,000 presently to initially £200,000, instead of abolishing the threshold completely I have calculated that the interest earned from freeing up a home would close the gap between a living wage and a living pension. It has further benefit, not only are we supporting some pensioners who own their own home out of poverty, we are also potentially freeing up much needed family homes for the next generation. Today I ask the Assembly to support my proposition so that we can make that first tentative and prudent step towards giving greater security to a cohort that feel overlooked. Let the Minister for Housing go away and develop his policy for all the reasons I have given, but most importantly let us do something concrete today; to make a difference to hundreds of Islanders today. I move the proposition.

**The Bailiff:**

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

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

In my response I will try not to be too harsh against the proposer of this proposition. There will be plenty of time for that tomorrow at 5.00 p.m. at the Pomme d'Or at the question time event that I am very much looking forward to sharing a platform with him at to talk about the housing crisis. But it is the case that in both his report and his speech just now the Deputy has made a litany of statements that I believe are either extremely misguided or very seriously misunderstand how the system works and what the implications would be from what he is proposing. But I do agree with a couple of things that he said. In particular he said that it is vital that the vulnerable get help first. I completely agree, which is why we must reject his proposition because it opens the door to doing the opposite and allowing people who have objective housing needs in one sense but hundreds of thousands of pounds in the bank to potentially leapfrog over people on the list who also have those housing needs, but nothing in the bank in order to help themselves. That is the fatal flaw in his proposition. I also agree with him when he says let us do something, and I stand poised to do something, which is that if the Assembly agrees to reject this proposition I have a Ministerial Order waiting for me to sign, which would change the social housing eligibility criteria to abolish entirely the asset limit for applying to be on the Housing Gateway, not setting a new limit of £200,000 exclusively for people of pensionable age but abolish them entirely. Instead say that the level of savings would be a consideration into where an applicant is banded on the Gateway, and if they have over £80,000 of assets that it would be presumed that they would be in band 3 unless upon determination with the Affordable Housing Gateway it was felt that they had needs above and beyond that, that were so significant that they needed to be placed in a more urgent banding. That might be because they have savings that will need to be spent on particular things because of other needs that they may have. That would prevent anyone from being denied access to the Gateway because of their assets of savings, but would provide a much more tailored and bespoke system for those people with substantial assets so that they can be placed in a banding that reflects their need, bearing in mind that some of these people will have very substantial assets, which it is not fair to have them leapfrog over people who are in dire financial need as well. He calls that an extreme move, which I think is ironic because he does say at the end of his report: "We should not be frightened to be bold." But it sounds like he is terrified of such a

prospect and chose to make much of his speech about data. We have to call that what it is. It is ironic because with his proposition he has no data to suggest what that would do, and criticises me on the basis saying that I do not have data. Well, it is impossible to manufacture data for something that you do not know. I do not know how many applications to the Gateway there would be if Deputy Warr's proposition is accepted, and I do not know how many applications to the Gateway there will be if the proposition is rejected and I go ahead with my Ministerial Order. But what I do know is that if there are applications as a result of Deputy Warr's proposition, the rules that would come about as a result of that would allow people with a substantial amount of money, hundreds of thousands of pounds in fact, to leapfrog over people who do not have any money at all, whereas what I am proposing will stop that from happening. It will allow people with a very generous savings and asset threshold of £80,000, which far exceeds many of our neighbours - and, good, it should, we should be generous with those limits - what I am proposing will not deny those people access to the Gateway, they will be able to get on it, they will be able to apply and they will be able to go to the Housing Advice Service and the team at the Gateway and we can look at them and say: "Okay, if you are applying because you would like to be in social housing but it is not a particularly urgent need, that is okay, we can band you in such a way that those that are more vulnerable get the help first." As Deputy Warr said he wanted to see. Or if they have particular needs above and beyond that we can say: "Okay, you should not be denied quick access to housing here, we can open that opportunity up to you where currently it is closed." So I ask Members to reject the proposition from Deputy Warr on the basis that it is flawed. He makes further statements in his report that I do not want to dwell on too much, but we do have to refer to them so that the fact is on the record, but in the very first line of this he says: "Part of the intention of this is to reduce poverty levels in our retired population." It will not reduce poverty by one single case if his proposition is adopted. It just will not. But if I can very briefly just address part of the narrative, which he makes reference to in his report and made reference to in his speech, about the toleration of pensioner poverty. I will take no such accusation because of my long record of supporting pensioners in Jersey, opposing measures that exacerbate pensioner poverty, and supporting what we can do to make life easier for pensioners. I opposed the abolition of the pensioner's enhanced tax allowance. We opposed the abolition of the pensioner's Christmas bonus. We fought and succeeded in saving it and we fought to increase it. We fought to expand the Community Cost Bonus to encapsulate more pensioners into that definition. We introduced the Health Access Scheme providing cheaper access to healthcare for pensioners, and we have a raft of other policies that we fought hard for, succeeding sometimes, not succeeding in others, specifically to alleviate poverty for pensioners. But the comparison between those receiving the State pension and those on the minimum wage is a flawed comparison because those are the support mechanisms that in some instances will be provided in completely different contexts. I will say that it does nothing to advance our dialogue politically on how we reduce poverty in our society by pitting one group of people who are vulnerable to poverty against the needs of another group of people who are vulnerable to poverty. We should treat in-work poverty as seriously as we do pensioner poverty and not use one as a stick to beat the other with.

[17:15]

That is, I think, the case that I would like to make to Members, to reject this proposition because of its flawed nature, because of the unintended consequences that so obviously will happen as a result of it, including the injustices that it will create by allowing people with substantial recourse to finances to get more urgent allocation in housing for those in dire financial need, and instead take the option that I propose, which is removing the barrier of assets entirely for access to the Gateway, but instead regard it as an issue for banding. So that those who would like to go into social housing but do not have a desperate need can have a pathway established for them doing that, but those who do have assets but who have other needs that will complicate things for them, that they can be banded appropriately as well and not be denied access to social housing, as they arbitrarily would be now. I think that that is a much more pragmatic solution, it is better thought out than what the Deputy

proposes, and it will enable what I anticipate to be a relatively small number of people to engage with the Housing Gateway, whereas right now they would not even be able to go through the door the moment it is clear what their assets are. They will instead, because of what I am proposing, get through the door, have a conversation and a pragmatic solution found for them. So I ask Members to reject the proposition and support me in doing something that I think is smarter, more pragmatic, and will help people without those unintended consequences.

**Deputy L.K.F. Stephenson:**

I wonder if I could ask for a point of clarification from the last speaker?

**The Bailiff:**

Do you give way for a point of clarification?

**Deputy S.Y. Mézec:**

Yes.

**Deputy L.K.F. Stephenson:**

Thank you. Did the Minister say he had already made an order, or he would be? Because I think the gov.je website appears to suggest that it has already happened. Will it be happening even if this proposition succeeds or is it only if it is defeated?

**Deputy S.Y. Mézec:**

I thank the Deputy for giving me the opportunity to clarify that, and I apologise that the gun was jumped on that. That was a change of mind that I had during this process. I have not signed a Ministerial Order but I have one ready to draft and if the Assembly does give me the mandate to do that by rejecting this proposition then I would get on with it very quickly.

**Deputy L.K.F. Stephenson:**

Sorry, the last part of the clarification, if the proposition is approved would the order still be signed, because theoretically there could still be people beyond £200,000 who may want to have their name in ...

**Deputy S.Y. Mézec:**

I think I would see them as contradictory. I certainly think I would not be in a position to do that in the short term. I would have to give that much greater thought and would probably want to amend it slightly. As it is framed now I do not think it is consistent to do that if the proposition is accepted. I think I would have to pause that and find a different form of words or actions on it.

**11.1.2 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:**

I am grateful to Deputy Stephenson for raising that point of clarification because I think it has helped to shine the light on what was something of a perplexing speech from the Minister just there. What the Minister is suggesting is that if Deputy Warr's proposition is not agreed today then in fact he will be opening the opportunity of achieving social housing to people of all economic brackets, which is I think something more akin to the system that we see in a city like Vienna where I believe some Ministers have visited over recent years, where we have social housing available to all people. Of course, if it is available it is a good thing but the point that confused particularly about the Deputy's speech was that we currently have a banding system that is extremely clear for people applying for social housing. So if the Assembly does support Deputy Warr's sensible proposition here to introduce a limit of £200,000 worth of savings, then those people will also be considered under the banding system and placed into a tier according to their needs as they are assessed when they go through the Housing Gateway. I believe that Deputy Warr is making a sensible step here. He is acknowledging the importance of saving for our old age. I believe personally that we should all be

encouraged more - by Government incentives perhaps - to save for our old age. It is a responsibility that we all have to our community around us so that we are not unnecessary burdens on future Governments economically if we make poor decisions for ourselves during our earlier years. Increasing this bracket to £200,000 from the current limit I believe sets a different tone to people rather than what they are often told is: "Go away." When people are in need I am aware that they are often told when they seek support and alternative housing they are told: "No, go away, spend your money until you are within the threshold and then we will be able to help you." That does not encourage saving. That does not encourage personal responsibility and it is not the right thing to do. People should, if they are able to, put some money aside in order to do that. I believe that Deputy Warr is doing a sensible thing here in increasing that limit and giving the right message to people of a level of savings that is reasonable in order to access our social housing system. So I will most certainly be supporting Deputy Warr today and, unless of course Members believe that everybody of every income bracket should have the opportunity to benefit from social housing, then I also hope that all of the Assembly will be supporting Deputy Warr.

### **11.1.3 Deputy P.F.C. Ozouf of St. Saviour:**

I rise with a heart brimming with conviction to champion Deputy David Warr's proposition. I think it is a clarion call to weave compassion into the fabric of housing policy. The Deputy's proposal seeks to lift the Affordable Housing Gateway savings and asset threshold for pensioners. It is not a bureaucratic tweak; it is a lifeline, a potentially really useful and valuable lifeline to those silver surfers, they call them. I was 55 recently; does that mean ... no, I do not know. I feel young anyway. But it is so important that there is a recognition; we need to develop almost a bridge to dignity for those Islanders who are ensnared in the paradox of being asset rich and living in penury. With utmost respect I do say that genuinely because it is not a pleasant Assembly when Ministers choose to have a go at their predecessors in the way that sometimes people are. I am going to not be like that, I want to be encouraging. I think Deputy Warr's proposal should have been embraced by the Minister. I think Deputy Warr has brought a really important issue to Members' attention and to simply be subjected to this sort of "them and us" caricature is not really becoming of this Assembly. It is not what we stand for. As I have said before, we are all on the people's side and as a Minister or a Back-Bencher we should be welcoming a Back-Bencher's proposition. I can see the Minister tutting and not liking it but, with the utmost respect the Ministers, while perhaps well-intentioned they do cast a shadow of misapprehension over what is a noble ... and when Deputy Warr asked me about it I thought: "What a brilliant idea." That is exactly the solution to so many St. Saviour residents who are in that situation of being asset rich and cash poor. I say respectfully to the Council of Ministers that their policy is to effectively reduce the private sector rental market. That is the policy, we have heard it in this Assembly. So where are they to go? We have a housing market that is in crisis with no transactions, property is very difficult to sell. I wanted in the Budget to bring a relief on stamp duty, one area where we could incentivise older people to downsize. There is lots of over-occupation - an awful thing to say really - but apparently elderly people are over-occupying their expensive properties. So what do we do? We create incentives, and one thing would be maybe to do with stamp duty. Deputy Warr has come up with another brilliant idea. This is the quandary, and nobody has said this so I might as well talk about the data. All the research that I have seen is that what Andium is doing is building - and we hear it lots of times in this Assembly - lots of flats. Well, I think they are called apartments and they are always luxury if you are selling them. Certainly the quality of Andium's properties is excellent but they have got a lot of apartments in their building programme and that is probably going to be ... I understand that it has taken some time for Andium to find buyers for the Limes development. I have looked on the innovative website that has been created where you can look at Royal Court transactions. You can look at them every week now if you pay a fee. I am not going to give them any advertising but you can look at what the transactions are on the property market a week after. I have looked back and I have seen all the properties and what has been selling and that is very interesting because a lot of them are in St. Saviour and a lot of

them are 3-bedroom houses. Now, I do not think the Minister is creating enough Andium stock in the 3-bedroom houses that is selling, but here we have a solution where there is a good supply - excellent - that Andium are going to have and there is a problem. Deputy Warr has highlighted it, other Members are nodding, the Constables who are close to their parishioners perhaps in a way that Senators might not be when they sit there. They know their Parishes; they know there are lots of elderly people. I can see the Constables nodding and saying: "Yes, I see those parishioners that come in and say they have got a problem with their rates." They are asset rich and they are cash poor. What have we got for them? Well, here is Deputy Warr coming up with a solution, and a jolly good one. He is basically saying that they have an access, he has listened to the Minister, he knows that he is in favour of more social housing, great. We are building lots more social rented units in apartments, that is a good opportunity for a pensioner to release money that may be able to be put in a bank account to deal with the care costs so they can stay in their homes with domiciliary care; knowing of course that long-term care is a great thing but that does not pay all the bills. If you have got some cash then you will be able to get that weekly support or daily support as people evolve in life, but stay in their homes. That is a great thing. What we are doing is we are criticising it. I do not think we should; I think we should recognise that there is a group in society that did get on the home owner ladder many years ago and it is rather unkind really to say that they are rich. They are not rich. They do not think they are rich. You only get something if you sell it, and if you sell something you need something to replace it, and what is best to replace it is with social rented apartments, as Deputy Warr is proposing. I think that to cast any sort of misapprehension over what is a very good suggestion would be wrong. I think Deputy Warr really deserves to be commended for coming up with this. If I may say, Deputy Warr's proposition also is said to conflate the State pension with the minimum wage. It has been branded as almost offensive and a slight on our commitment to quash poverty. The stark truth is that it is clear - and I know Members have probably read this - the Jersey Household Income Distribution Report of 2021 and 2022 showed that 28 per cent of our pensioners are languishing in relatively low income after housing costs. That is 28 per cent of our elderly community that are in low income after housing costs. The figure in the U.K. is 18 per cent, and it is 28 per cent here. So is there a problem that Deputy Warr has put his finger on? Yes, he has, and that is the evidence. If Members want evidence, they want numbers, they want reasons to do something, there it is. So it is not an unknown. It is not that these people do not exist; they exist. They are real and they are the ones that also vote for us, and that is not said for any other reason but they take an interest in this Assembly, and rightly so. This is a real *cri de coeur* from a Deputy and the reality is that a meagre £286 weekly, trail £179 behind the minimum wage, salary of £466 as confirmed from the Minister; well, those are the facts.

[17:30]

The Minister further posits that many pensioners bolstered by private pensions and home ownership enjoy financial resilience unlike wage earners. Well, some bask in security; the asset rich, cash poor clutch to homes that are - as the Deputy says - too costly to maintain, barred from social housing by a £70,000 threshold unchanged. Now the Minister is saying something completely different and I really do not understand what the Minister is saying. The Deputy has brought forward a proposition based on a number which is ... when I did the research on whether or not it was possible, yes, it made sense. Are there people there? Yes, I have seen them on the doorstep as well, they are really alive, as the Constables will know. Are they an unquantifiable number? No, I do not think so; it is possible for some clever stats people to work it out. Anyway, it is possible to set a limit. The Minister could, by policy, set the limit, he could put a cap on the amount that would basically be available and he would have discussions with Andium to make sure that there was an appropriate allocation of those houses that are available. It seems that this is a proposition that is worth adopting and, if necessary, the Minister can take back and improve; not simply ask Members to throw it out. The real reality of these people that we are talking about are that they want a better lifestyle and they cannot have it because they are trapped in a home. It is a big decision to sell that home. They want security and I

think they can get that security with an excellent Andium rental property where they will be well maintained, they will not have all that expectation of capital costs and all the rest of it. It is a really good solution. Also the private sector, if the Minister and the Council of Ministers wants to really do something to create a private sector rental market, because it is currently not working, this is a real opportunity to create that as an incentive, rental properties for more elderly members of society. I think that the reality is that we have not been active enough in recognising that there is this group in society that really has been so far ... and I am sorry but Deputy Warr really has come up with something, he has identified a group of people that we kind of know exist but we have not had a debate about them, and we can do something about it. Andium Homes, who have 300 units by 2026, stands ready I think to embrace the shift to take a reasonable number that he could cap, the Minister can talk to Andium, have an amount, a maximum, it is the Minister's policy after all, he can take this and run with it and improve it. The Minister's gravest charge is to jump the queue; well, he does not need to do that. Deputy Warr's £200,000 threshold targets pensioners with modest assets, often a single home, yield incomes below the gateway of £33,818 capped for a single person. This is not going to be queue jumping. These pensioners - I think there are 988 by Deputy Warr's estimate in his excellent report - would meet the income criteria, ensuring fairness when releasing nearly 1,000 homes. The Minister's own plan to simply abolish the savings cap, while laudable it courts uncertainty with band 3 potentially marooning pensioners on endless waiting lists. I do not think the Minister's response is frankly right. I will repeat that; the banding potentially maroons pensioners on endless waiting lists. I think it is not doing what the proposition is wanting to do and I do not think that is right, but another Minister can say if I am wrong. I am pretty sure I am correct but I stand to be corrected. Deputy Warr, £200,000 is clear, yielding £173 a week at 4.5 per cent interest if they have that, offers certainty, brings incomes up to better levels of income for those people in society, and basically this will help people that are in cash poverty. That is a real issue with Islanders, with inflation having gone up so much. It frees income for essentials that they are going to have in their later life. It also might catalyse a resurgence of interest in private sector rentals, not only Andium. I would like Members, in final, just to picture a St. Saviour pensioner living in their ... I am going to say it is a lady, it is a 3-bedroom house, a relic of happier times, now a millstone around her neck. Her £150,000 equity bars her from the Gateway and yet her pension barely buys her bread. That is a real person; they really exist. Let us think about those real people, that person really exists. I have not taken anybody, I have imagined it, but Members know that example is a real person and they exist. We should do something about it because we can. Deputy Warr offers us a salvation, Andium Homes, dignity, and while a young family claims the lady's old home, and that is a great thing because we are not building enough family homes and those homes would be released into the marketplace. It is a win/win. I cannot see a downside. The Minister has got a problem with not enough family properties in his rental. He is selling off Andium family homes quicker than he is providing new ones as a result of the Bridging Island Plan. Deputy Warr has come up with a real cracker of an idea to increase the supply and incentivise downsizing. Brilliant. What is not to like about it? There is absolute ability to be supportive. Australia has done it; 22,000 freed their homes in 2018. There has also been a scheme in England that has done it. It has worked. It benefits Jersey, good idea, £200,000, and we can slash pension poverty if we do it in this particular area. I urge Members to support the Member's very sensible proposition.

**Deputy M. Tadier of St. Brelade:**

I know we have come to the time, you are about to say that, but I am wondering if I could test the mood and suggest we stay on this evening to finish off.

**The Bailiff:**

Well, I was going to give Members an indication of the facts. So far I have 4 Members indicating a desire to speak, plus of course there will be the response from Deputy Warr. Deputy Renouf, is that your indication of a desire to speak as well?

**Deputy J. Renouf of St. Brelade:**

Yes, it is.

**The Bailiff:**

Deputy Feltham as well. Then I can assume there are at least 6 Members to speak. The Chief Minister as well. So, Deputy Tadier, you are testing the mood as to whether Members wish to stay and finish the business today, or alternatively to come back tomorrow?

**Deputy M. Tadier:**

I would like to suggest that we stay this evening. I will speak but I do not intend to speak for more than 4 or 5 minutes maximum, and if everyone who wants to speak does that we could be finished in a timely manner. I could probably even manage 3½ minutes. [Laughter]

**The Bailiff:**

Are you making the proposition that we stay until we have concluded business, Deputy? Is that proposition seconded? [Seconded] Does any Member wish to speak on the proposition?

**Deputy D.J. Warr:**

There is a meeting at the Pomme d'Or tonight about the Fort, which is a very critical meeting and I am expected to attend it and it started 5 minutes ago. It is really important that I attend that meeting.

**The Bailiff:**

Well, it is a matter for the Assembly of course, Deputy, but you have made your point.

**Deputy K.L. Moore:**

P.P.C. (Privileges and Procedures Committee) have given guidance in the recent past that we should give notice if we are going to carry on into the evening. I have also a meeting that started 5 minutes ago and I am sure other Deputies and Constables have other arrangements because we all arrange our diaries according to the times that are set for our debates. This is a good debate and I think it should carry on tomorrow.

**Deputy J. Renouf:**

I would just echo back to Deputy Tadier what he said at lunch time, which was that we should adjourn because we should not be encouraging Members to hurry up their speeches in order to meet the deadline. I think we should have the debate tomorrow.

**Deputy P.F.C. Ozouf:**

Maybe overnight the Council of Ministers will reconsider their comments and want to support it.

**Connétable K. Shenton-Stone of St. Martin:**

Speaking for myself, I have a meeting I have to attend, which is for the Liberation celebrations, tonight and also, as the chair of P.P.C., it is correct that we did give guidance - which I think was agreed by the whole Assembly - that we should have given due warning if we were going to stay late.

**The Bailiff:**

Very well. The debate has been opened on it, it cannot be withdrawn and needs to be voted upon.

**Deputy M. Tadier:**

Can it not be withdrawn, Sir?

**The Bailiff:**

Well, in theory, once it is proposed and seconded and the debate is open, it can only be withdrawn with the leave of the Assembly of course. I suspect you might get the leave of the Assembly, Deputy, if you want to withdraw.

**Deputy M. Tadier:**

I have listened to what people have said and I think the most persuasive point is that the mover cannot be here, so I do not think we can expect to carry on. There are a number that wish to speak, more than I thought, so let us withdraw and come back tomorrow.

**The Bailiff:**

Is the adjournment proposed? Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:40]

**Appendix One: DRAFT EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202- (P.78/2024) – relevant extracts from the Employment and Discrimination Tribunal guidance:**

**1. Employment and Discrimination Tribunal (Procedure) (Jersey) Order 2016**  
**[\(Employment and Discrimination Tribunal \(Procedure\) \(Jersey\) Order 2016\)](#)**

**2. Overriding Objectives**

- (1) The overriding objective of this Order is to enable the Tribunal to deal with cases fairly and justly, that is to say so far as practicable –
- (a) ensuring that the parties are on an equal footing;
  - (b) dealing with cases in ways that are proportionate to the complexity and importance of the issues;



- (c) avoiding unnecessary formality and seeking flexibility in the proceedings;
- (d) avoiding delay, so far as compatible with proper consideration of the issues; and
- (e) saving expense.

(2) The Tribunal must try to give effect to the overriding objective in interpreting, or exercising any power given to it by this Order.

(3) The parties and their representatives must assist the Tribunal to further the overriding objective and in particular must co-operate generally with each other and with the Tribunal.

## **2. The Employment and Discrimination Tribunal offers the following advice and guidance for claims for acts of discrimination ([Employment and Discrimination Claim guidelines and completing the claim form - Courts.ie](#)): Discrimination**

### **Recommendation**

If a Tribunal finds that unlawful discrimination has been proved, it has the power to recommend that an employer takes steps to reduce the effect of discrimination on you and on any other person such as your colleagues at work.

If the employer fails to comply with the recommendation and the Tribunal also awarded you compensation, that award can be increased. If no compensation was awarded initially, it can be awarded once it is clear that the employer has not complied with the recommendation. Although not binding, failure to comply with the Tribunal's recommendation could be damaging to the employer's reputation and be used in evidence against them in future discrimination claims.

### **Compensation**

In a discrimination case the Tribunal can award compensation for financial loss. This could be loss of wages if you were dismissed for a discriminatory reason or if you should have got a job you applied for but were unsuccessful due to discrimination. However, you are expected to minimise (mitigate) your loss by trying to find another job.

In a discrimination case the Tribunal can also award compensation for injury to feelings. This is a sum of money paid to compensate for the upset and distress caused by discrimination. The amount awarded will vary depending on how badly a person has been affected. Evidence will be needed so the Tribunal can assess this.

A Tribunal can also make a recommendation in a discrimination case and if the employer does not do what is recommended compensation can be given instead.

Overall, the Tribunal award of compensation will be what is considered just and equitable in all the circumstances and will be subject to the relevant statutory maximum caps. If you have made both an unfair dismissal and discrimination claim you will not get 'double' compensation. In other words, if you received the wages you have lost as part of the unfair dismissal compensation you will not be awarded that wage loss again as part of your discrimination compensation.